

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

**I. EXECUTIVE SUMMARY**

Date of Incident:	April 3, 2014
Time of Incident:	approximately 9:15 p.m.
Location of Incident:	████████████████████
Date of COPA Notification:	November 6, 2014
Time of COPA Notification:	approximately 7:22 a.m.

On April 3, 2014, at approximately 9:15 p.m., Officer Sean Campbell (“Officer Campbell”) and Sergeant Steven Sautkus<sup>2</sup> (“Sgt. Sautkus”) conducted a traffic stop of a car in the vicinity of ██████████, where ██████████ (██████████ was the driver and ██████████ (██████████ was the front passenger. The stop resulted in the arrest of both ██████████ and ██████████.

On October 14, 2014, ██████████ filed a civil complaint, where he alleged he was falsely arrested, his phone was confiscated and never returned, and Officer Campbell dragged him out of the vehicle and slammed his head against the car. The Independent Police Review Authority (“IPRA”) initiated an investigation into this complaint on November 6, 2014 after receiving an Initiation Report, dated November 5, 2014, of a civil suit filed by ██████████. The Civilian Office of Police Accountability (“COPA”) completed a thorough investigation of the allegations. A detailed analysis of COPA’s findings is discussed below.

**II. INVOLVED PARTIES**

Involved Officer #1:	Sean Campbell, star #5673, employee ID# ██████████, Date of Appointment: April 13, 1998, PO, Unit #008, DOB: ██████████, 1973, Male, White
Involved Officer #2:	Steven J. Sautkus, star #1381, employee ID # ██████████, Date of Appointment: June 21, 1999, Sergeant, Unit #010, DOB: ██████████, 1975, Male, White
Subject #1:	██████████ DOB: ██████████, 1995, Male, White Hispanic
Subject #2:	██████████ DOB: ██████████ 1995, Male, White Hispanic

<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.

<sup>2</sup> Officer Steven Sautkus was promoted to Sergeant since this investigation began and will be referred to as Sergeant throughout this report.

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer Sean Campbell	It is alleged that on April 3, 2014, at approximately 9:15 p.m., while in the vicinity of [REDACTED], accused Officer Sean Campbell:	
	1. used excessive force in removing [REDACTED] from the vehicle;	Not Sustained
	2. used excessive force in causing [REDACTED] head to make contact with the car;	Not Sustained
	3. unlawfully arrested [REDACTED]	Exonerated
	4. failed to inventory or return [REDACTED] phone; and	Exonerated
	5. failed to complete a Tactical Response Report.	Not Sustained
Sergeant Steven J. Sautkus	It is alleged that on April 3, 2014, at approximately 9:15 p.m., while in the vicinity of [REDACTED], accused Sergeant Steven Sautkus:	
	1. unlawfully arrested [REDACTED] and	Exonerated
	2. failed to inventory or return [REDACTED] phone.	Exonerated

**IV. APPLICABLE RULES AND LAWS**

Rules

1. Rule 6: Prohibits disobedience of an order or directive, whether written or oral.
2. Rule 8: Prohibits disrespect to or maltreatment of any person, while on or off duty.
3. Rule 9: Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

General Orders

1. General Order G03-02, "Use of Force Guidelines," Effective October 1, 2002 through October 15, 2017
2. General Order, G03-02-01, "The Use of Force Model," Effective May 16, 2012 through October 15, 2017

3. General Order G03-02-02, "Force Options,"  
Effective May 16, 2012 through March 10, 2015
  4. General Order G03-02-05, "Incidents Requiring the Completion of a Tactical Response Report," Effective October 1, 2002 through October 30, 2014
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#### Special Orders

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1. Special Order S06-01-03, "Arrestees' Property Inventory Procedures,"  
Effective June 7, 2002 through April 30, 2014
  2. Special Order S06-01-12, "Inventory of Arrestee's Personal Property,"  
Effective September 8, 2011 through April 30, 2014
  3. Special Order S07-01, "Inventory System for Property Taken into Custody,"  
Effective January 30, 2012 through April 30, 2014
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#### Federal Laws

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1. United States Constitution, Amendment IV: Prohibits search and seizure without probable cause.

## V. INVESTIGATION<sup>3</sup>

### A. Interviews

#### 1. Civilian Statements

In his **complaint** filed under 14C [REDACTED], on October 13, 2014, [REDACTED] through his attorneys, alleged that on April 3, 2014, at approximately 9:15 p.m., [REDACTED] was a passenger in a Latino friend's<sup>5</sup> vehicle, who lived in Garfield Ridge, when officers pulled the car over. Officer Campbell dragged [REDACTED] out of the car without reason or explanation, grabbed [REDACTED] by his hair and slammed his face into the car, and caused [REDACTED] to suffer damages. Officer Campbell handcuffed, searched and placed [REDACTED] into the back of the squad car, where he was transported to the Eighth District police station.

[REDACTED] further alleged officers falsely claimed to have found two small pills on his person causing [REDACTED] to be charged with felony possession of a controlled substance. [REDACTED] reported that, on April 22, 2014, after hearing testimony from one of the officers, a judge found there was no probable cause to arrest [REDACTED] and charges were dismissed. Additionally, [REDACTED] alleged officers confiscated his iPhone and did not inventory or return the phone.<sup>6</sup>

In his **complaint**, filed under 14C [REDACTED], on July 14, 2014, against Officers Sean Campbell, Emily Campbell, Michael Campbell, Sergeant Steven Sautkus, and Unidentified Chicago Police Officers, [REDACTED] [REDACTED] stated, on April 3, 2014, at approximately 9:15 p.m., [REDACTED] was driving in Garfield Ridge, on his way to drop off a friend<sup>8</sup> at home, when Sergeant Sautkus and Officer Sean Campbell pulled him over. Sgt. Sautkus and

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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> COPA, after multiple attempts, was unable to reach [REDACTED] for an interview.

<sup>5</sup> Now known as [REDACTED]

<sup>6</sup> Attachment 5. *See* Attachment 21.

<sup>7</sup> COPA, after multiple attempts, was unable to interview [REDACTED]

<sup>8</sup> According to CPD Reports, [REDACTED] was [REDACTED] passenger. *See* Attachments 6, 7, 14.

Officer Campbell, immediately and without reason or explanation, dragged [REDACTED] and [REDACTED] out of the vehicle, handcuffed and searched them, and searched [REDACTED] vehicle. [REDACTED] did not have anything illegal on his person or in his vehicle. Sgt. Sautkus and Officer Campbell found a small amount of marijuana on [REDACTED] alleged Sgt. Sautkus and Officer Campbell falsely claimed they found marijuana in [REDACTED] vehicle and charged [REDACTED] with possession. [REDACTED] further alleged Sgt. Sautkus and Officer Campbell confiscated his iPhone but did not inventory or return it to him.<sup>9</sup>

## 2. Police Statements

In his **interview with COPA** on May 9, 2018, **Officer Sean Campbell, #5673**, stated that, on April 3, 2014, he was in uniform and part of a rapid response car, responding to in-progress calls, with his partner Sergeant Sautkus. Officer Campbell, after reviewing the Arrest Report for [REDACTED] stated that he performed a traffic stop for not using his turn signal 100 feet before a turn and not having a mirror. Officer Campbell approached the vehicle on the passenger side, while Sgt. Sautkus approached the driver side. Officer Campbell observed [REDACTED] in the driver seat, [REDACTED] in the passenger seat, and smelled a strong odor of cannabis coming from the vehicle. Officer Campbell watched both individuals for any movement. Officer Campbell could not recall whether he or Sgt. Sautkus had any conversation with the individuals.

[REDACTED] exited the vehicle because officers were arresting [REDACTED] and impounding the vehicle, as was standard procedure. Officer Campbell believed [REDACTED] walked out of the vehicle without assistance. Officer Campbell did not recall ordering [REDACTED] out of the vehicle but assumed he did not because it was not written in his report. Officer Campbell stated, as [REDACTED] exited the vehicle, he observed a mason jar full of cannabis on top of the front passenger seat. Officer Campbell placed [REDACTED] under arrest for possession of cannabis because he was sitting next to or on top of the jar.<sup>10</sup> Officer Campbell placed handcuffs on [REDACTED] when he was outside of the car, where [REDACTED] was facing the side of the vehicle.

Officer Campbell denied grabbing [REDACTED] denied causing [REDACTED] head to hit the vehicle and denied that [REDACTED] head hit the vehicle. Officer Campbell stated that he only put his hands on [REDACTED] when he placed [REDACTED] in handcuffs. Officer Campbell did not recall whether he searched [REDACTED] but stated that it is normal procedure to perform a custodial search.

At the police station, Officer Campbell stated that Sgt. Sautkus performed a secondary search on [REDACTED] and recovered two pills, Xanax. Officer Campbell did not recall where in the processing area this took place, nor could he recall where he was at the time. Officer Campbell did not recall whether [REDACTED] had a cell phone, but stated that if he recovered a cell phone he would inventory the phone under personal property. Then, he would take it to the desk sergeant and get a receipt. The property would be placed in a bin near the desk sergeant and the receipt is put into the prisoner's property bag. Officer Campbell stated that he has no further contact with the inventoried personal property. After the individual is released, the individual has thirty (30) days to retrieve their property or it will be destroyed, which is written on the receipt.

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<sup>9</sup> Attachment 42.

<sup>10</sup> Officer Campbell stated [REDACTED] had constructive possession. Attachment 55.

Officer Campbell stated that he did not fill out a Tactical Response Report (TRR) for this incident because there was no need. Officer Campbell explained that, according to his paperwork, he did not have to use any type of control hold and ██████ did not resist.<sup>11</sup>

In his **interview with COPA** on May 16, 2018, **Sergeant Steven Sautkus, #1381**, stated that, on April 3, 2014, he was working, in uniform, on patrol with his partner, Officer Sean Campbell when ██████ was pulled over for a traffic stop. Sgt. Sautkus did not recall details of this incident and referred to the arrest report. Sgt. Sautkus remembered previous contact with ██████ approximately two to three traffic stops, and indicated ██████ was open about using marijuana. Sgt. Sautkus remembered observing marijuana in a clear mason-like jar near ██████ in the vehicle and recovering loose pills from ██████ pocket at the police station.

Sgt. Sautkus did not recall any issues placing ██████ or ██████ into custody. Sgt. Sautkus did not recall Officer Campbell using any physical force against ██████ and indicated that had force been used, such as emergency handcuffing, a Tactical Response Report (“TRR”) would have been completed. Sgt. Sautkus did not believe a TRR was completed for this incident and did not find a TRR for this incident. In reviewing documents for the interview, Sgt. Sautkus saw a phone was recovered and inventoried for ██████ but the phone was destroyed because ██████ did not pick it up. Sgt. Sautkus believed he completed the inventory of ██████ items, ██████ would have been given a receipt in his property bag, he would take the property to the Desk Sergeant, and Sgt. Sautkus did not have any further contact with the property.<sup>12</sup>

### **B. Digital Evidence**

According to Assignment and Attendance records, Sergeant Sautkus and Officer Campbell were assigned police vehicle #7190 on April 3, 2014.<sup>13</sup> However, the vehicle was junked on December 16, 2014, and no **in-car video** was found.<sup>14</sup>

### **C. Physical Evidence**

**Chicago Police Department Property Inventory Reports** for RD #HX210028 documented the evidence recovered and inventoried, on April 3, 2014, in connection with this incident, including: a clear glass mason jar,<sup>15</sup> a bundle of green leafy substance, suspect cannabis,<sup>16</sup> a black cell phone<sup>17</sup> and two pills, suspect Xanax,<sup>18</sup> were recovered from ██████. Personal property, including a black cell phone, under Inventory No. ██████, was destroyed.<sup>19,20</sup>

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<sup>11</sup> Attachment 55.

<sup>12</sup> Attachments 60, 61.

<sup>13</sup> Attachment 37.

<sup>14</sup> Attachment 44.

<sup>15</sup> Attachment 13.

<sup>16</sup> Attachment 9.

<sup>17</sup> Attachment 12

<sup>18</sup> Attachment 10.

<sup>19</sup> Attachment 49.

<sup>20</sup> Attachments 9-13, 16-18, 49, 50.

#### D. Documentary Evidence

According to **Department Reports** documented under RD #HX210028, on April 3, 2014, Sergeant Sautkus and Officer Campbell observed a vehicle commit a traffic violation by failing to signal 100 feet from turn and driving vehicle in an unsafe condition. Officers curbed and approached the vehicle. On approach, officers smelled a strong odor of cannabis coming from inside the vehicle. After the driver, now known as ██████████ was unable to produce his driver's license, officers asked ██████████ if he had anything illegal on his person. ██████████ replied, "I have a blunt under my seat," which Officer Campbell recovered. Officers placed ██████████ into custody, and asked the front passenger, now known as ██████████ to exit the vehicle. After ██████████ exited the vehicle, officers observed, in plain view, a clear glass mason jar containing a green leafy substance, suspect cannabis, on the seat where ██████████ was sitting. ██████████ was placed into custody. ██████████ and ██████████ were transported to the Eighth District police station. While at the station, Sergeant Sautkus recovered two green tinted rectangular pills, suspect Xanax, from ██████████ front right jacket pocket. ██████████ was charged with one count misdemeanor possession and one count felony possession. ██████████ was charged with one count misdemeanor possession and three traffic violations.<sup>21</sup>

### VI. ANALYSIS

#### A. Officer Sean Campbell

##### 1. Allegation 1: Used excessive force in removing ██████████ from the vehicle

COPA's finding is **Not Sustained** for the allegation that Officer Campbell used excessive force in removing ██████████ from the vehicle. An officer will use the reasonable force necessary, based on the totality of the circumstances, to ensure control of an individual. An officer must escalate or de-escalate the amount of force which is reasonably necessary to overcome the subject's resistance and to gain control over the subject.<sup>22</sup> ██████████ in his civil complaint, stated Officer Campbell dragged him out of the car without reason or explanation. ██████████ in his civil complaint, stated Sgt. Sautkus and Officer Campbell dragged he and ██████████ out of the vehicle. Officer Campbell, in his interview with COPA, believed ██████████ exited the vehicle without assistance because ██████████ was being arrested and his car impounded. Department Reports indicated ██████████ was placed into custody and, then, ██████████ was asked to exit the vehicle. Department Reports do not indicate who spoke to ██████████ There are no witness statements or video to corroborate the incident as described by ██████████ or Officer Campbell. Therefore, there is insufficient evidence to determine, by a preponderance of the evidence, that Officer Campbell used excessive force in removing ██████████ from the vehicle, and this allegation is **Not Sustained**.

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<sup>21</sup> Attachments 6,7, 14.

<sup>22</sup> General Order G03-02-01.

## 2. Allegation 2: Used excessive force in causing [REDACTED] head to make contact with the car

COPA's finding is **Not Sustained** for the allegation that Officer Campbell used excessive force in causing [REDACTED] head to make contact with the car. As stated above, an officer will use the reasonable force necessary, based on the totality of the circumstances, to ensure control of an individual.<sup>23</sup> In his complaint, [REDACTED] stated Officer Campbell grabbed him by his hair and slammed his face into the car causing him to suffer damages. Officer Campbell, in his interview with COPA, denied this allegation. Officer Campbell explained, according to his paperwork, he did not have to use any type of force on [REDACTED] and [REDACTED] did not resist. Officer Campbell indicated the only physical contact he had with [REDACTED] was placing him into handcuffs. There are no witness statements or video to corroborate the incident as described by [REDACTED] or Officer Campbell. Therefore, there is insufficient evidence to determine, by a preponderance of the evidence, that Officer Campbell used excessive force in causing [REDACTED] head to make contact with the car, and this allegation is **Not Sustained**.

## 3. Allegation 3: Unlawfully arrested [REDACTED]

COPA's finding is **Exonerated** for the allegation that Officer Campbell unlawfully arrested [REDACTED]. A peace officer may arrest a person when she has reasonable grounds to believe that the person has committed an offense.<sup>24</sup> In his complaint, [REDACTED] stated officers falsely claimed to have found two small pills on him. [REDACTED] did not mention the charge for possession of cannabis in his complaint. Officer Campbell and Sgt. Sautkus stated they observed a clear jar of cannabis under [REDACTED] immediate control. Additionally, according to the officers, Sgt. Sautkus performed a custodial search at the station and recovered Xanax pills from [REDACTED]. According to department records, [REDACTED] was arrested for possession of cannabis and possession of a controlled substance without a prescription. Items were inventoried related to both charges.

Based on the foregoing, a preponderance of the evidence establishes Officer Campbell lawfully arrested [REDACTED] and this allegation is **Exonerated**.

## 4. Allegation 4: Failed to inventory or return [REDACTED] phone

COPA's finding is **Exonerated** for the allegation that Officer Campbell failed to inventory or return [REDACTED] phone. An arresting officer will collect an individual's personal property, enter it into the system, secure it in a sealed package, and turn over custody of the property to the desk sergeant.<sup>25</sup> The Department shall dispose of seized property, which is not retained for investigatory or evidentiary purposes, that is not claimed by the owner within 30 days from the date of seizure.<sup>26</sup> In his complaint, [REDACTED] alleged officers confiscated and failed to return his iPhone. According to Department Inventory records, Officer Campbell and Sgt. Sautkus recovered a cell phone from [REDACTED] inventoried the phone, and after 30 days, the phone was destroyed.

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<sup>23</sup> General Order G03-02-01.

<sup>24</sup> 725 ILCS 5/107-2(1)(c).

<sup>25</sup> Special Order S07-01 II.A.

<sup>26</sup> Chicago Municipal Code 2-84-160(c)(1).

Based on the foregoing, a preponderance of the evidence establishes Officer Campbell lawfully confiscated and inventoried [REDACTED] cell phone. The evidence establishes that [REDACTED] failed to claim the cell phone after his release. Therefore, this allegation is **Exonerated**.

**5. Allegation 5: Failed to complete a Tactical Response Report.**

COPA’s finding is **Not Sustained** for the allegation that Officer Campbell failed to complete a Tactical Response Report (“TRR”). An officer will complete a TRR to document incidents where an individual, defined as a passive resistor or cooperative subject, is injured or alleges injury due to the officer’s use of force option.<sup>27</sup> In his complaint, [REDACTED] stated Officer Campbell dragged him out of the vehicle without reason, grabbed him by the hair and slammed his face into the car, and caused him to suffer damages. Officer Campbell stated, according to his paperwork, he did not have to use any type of force on [REDACTED] did not resist, and he did not fill out a TRR because there was no need. There are no witness statements or video to corroborate the incident as described by [REDACTED] or Officer Campbell. There are no Department reports indicating [REDACTED] was injured or provided medical attention. Therefore, there is insufficient evidence to determine, by a preponderance of the evidence, that Officer Campbell was required and failed to complete a TRR. Accordingly, this allegation is **Not Sustained**.

**B. Officer Sean Campbell**

**1. Allegation 1: Unlawfully arrested [REDACTED]**

COPA’s finding is **Exonerated** for the allegation that Sgt. Sautkus unlawfully arrested [REDACTED]. As discussed above, a preponderance of the evidence establishes Sgt. Sautkus lawfully arrested [REDACTED] and this allegation is **Exonerated**.

**2. Allegation 2: Failed to inventory or return [REDACTED] phone**

COPA’s finding is **Exonerated** for the allegation that Sgt. Sautkus failed to inventory or return [REDACTED] phone. As discussed above, a preponderance of the evidence establishes Sgt. Sautkus did confiscate [REDACTED] cell phone, Sgt. Sautkus did inventory the cell phone, and [REDACTED] failed to claim the cell phone. Therefore, this allegation is **Exonerated**.

**VII. CONCLUSION**

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

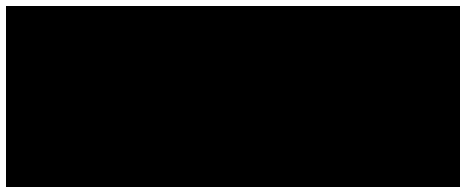
Officer	Allegation	Finding
Officer Sean Campbell	It is alleged that on April 3, 2014, at approximately 9:15 p.m., while in the vicinity of [REDACTED], accused Officer Sean Campbell:  1. used excessive force in removing [REDACTED] from the vehicle;	Not Sustained

<sup>27</sup> General Order G03-02-05 II.A.3.



	<ol style="list-style-type: none"> <li>2. used excessive force in causing [REDACTED] head to make contact with the car;</li> <li>3. unlawfully arrested [REDACTED]</li> <li>4. failed to inventory or return [REDACTED] phone; and</li> <li>5. failed to complete a Tactical Response Report.</li> </ol>	<p>Not Sustained</p> <p>Exonerated</p> <p>Exonerated</p> <p>Not Sustained</p>
<p>Sergeant Steven J. Sautkus</p>	<p>It is alleged that on April 3, 2014, at approximately 9:15 p.m., while in the vicinity of [REDACTED], accused Sergeant Steven Sautkus:</p> <ol style="list-style-type: none"> <li>1. unlawfully arrested [REDACTED] and</li> <li>2. failed to inventory or return [REDACTED] phone.</li> </ol>	<p>Exonerated</p> <p>Exonerated</p>

Approved:



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 Andrea Kersten  
 Deputy Chief Administrator – Chief Investigator

February 24, 2019  
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 Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	Six
<b>Investigator:</b>	Elizabeth Brett
<b>Supervising Investigator:</b>	Elaine Tarver
<b>Deputy Chief Administrator:</b>	Andrea Kersten