

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	June 30, 2018
Time of Incident:	12:17 am
Location of Incident:	150 W. 63 <sup>rd</sup> Street, Chicago, IL 60621
Date of COPA Notification:	July 2, 2018
Time of COPA Notification:	2:03 pm

On June 30, 2018, [REDACTED] came to COPA and registered this complaint on behalf of an unknown black female, now identified as [REDACTED]. [REDACTED] observed a white officer, now identified as Officer Andrew Gorlewski (passenger), in a police SUV conducting a street stop of [REDACTED]. [REDACTED] was sitting on the CTA bench with other individuals when [REDACTED] observed Officer Gorlewski being rude and unprofessional as he stopped and detained [REDACTED]. Officer Gorlewski grabbed [REDACTED] bag, searched it, and then threw the bag out of the police vehicle window onto the ground. [REDACTED] stated Officer Gorlewski was unprofessional and abusive towards [REDACTED]. [REDACTED] never talked to [REDACTED] or the officer, but recorded part of the incident with his cell phone. [REDACTED] was not arrested.

**II. INVOLVED PARTIES**

Involved Officer #1:	Officer Andre Gorlewski Star #7804 Date of Appointment: October 30, 1999 Unit: 002 Date of Birth: [REDACTED] 1980 Male / White
Involved Officer #2:	Officer Johnny Brown Star #11990 Date of Appointment: October 31, 2005 Unit: 002 Date of Birth: [REDACTED], 1977 Male / Bi-Racial
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED], 1993 Male / Black
Involved Individual #2:	[REDACTED] Date of Birth: Unknown Female / Black

**III. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding / Recommendation</b>
Officer Andrew Gorlewski	1. Stopped ██████████ without justification, in violation of Rules 1 and 6. 2. Detained ██████████ without justification, in violation of Rules 1 and 6. 3. Took ██████████ bag without justification, in violation of Rules 1 and 6. 4. Searched ██████████ bag without justification, in violation of Rule 1 and Rule 6. 5. Was rude and unprofessional when he threw ██████████ bag out of the squad car window and onto the ground, in violation of Rules 2. 6. Failed to document his contact with ██████████ ██████████ in violation of Rule 6.	Exonerated  Exonerated  Sustained / 15 days  Sustained / 15 days  Sustained / 5 days  Sustained / 3 days
Officer Johnny Brown	1. Stopped ██████████ without justification, in violation of Rules 1 and 6. 2. Detained ██████████ without justification, in violation of Rules 1 and 6. 3. Failed to document his contact with ██████████ ██████████ in violation of Rule 6	Exonerated  Exonerated  Unfounded

**IV. APPLICABLE RULES AND LAWS**

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Rules
1. Rule 1: Violation of any law or ordinance. 2. Rule 2: Prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goal or brings discredit upon the Department. 3. Rule 6: Prohibits disobedience of an order or directive, whether written or oral.
General Orders

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1.GO 06-01-09: Conducting Strip Searches, effective December 8, 2017.

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Special Orders

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1.SO 04-13-09: Investigator Stop System, effective July 10, 2017.

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Federal Laws

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1.United States Constitution, Amendment IV

## V. INVESTIGATION<sup>1</sup>

### a. Interviews

In a statement to COPA<sup>2</sup> on July 11, 2018, ██████ stated he got off the Red line CTA train and walked to 63<sup>rd</sup> and Wentworth to take the CTA bus home. As he approached the corner, he observed a white officer in uniform, now identified as Officer Andrew Gorlewski, yelling back and forth with a black female, now identified as ██████ did not know ██████ or Officer Gorlewski, who was in a marked police SUV. ██████ observed ██████ walk over to the passenger's side of the vehicle and yell at Officer Gorlewski, who exited the squad car and took a bag from ██████. Officer Gorlewski entered the police vehicle and appeared to search the bag. Officer Gorlewski then threw ██████ bag out of the vehicle's window and onto the ground for no apparent reason. ██████ stated that he took his cell phone out and began recording after Officer Gorlewski took ██████ bag and as he threw it out of the window. ██████ stated that he did not record any further to avoid being seen. ██████ left shortly thereafter. ██████ did not speak to ██████ or Officer Gorlewski. ██████ indicated that there were two other individuals by the bus stop. ██████ saw a second officer, who he described as black or Hispanic, sitting in the driver's side seat of the police SUV. The second officer, now identified as Officer Johnny Brown, did not have any verbal or physical contact with ██████.

In a statement to COPA<sup>3</sup> on August 20, 2018, **Officer Johnny Brown** stated that, on the date of the incident, he and Officer Gorlewski were assigned to the Saturation Team<sup>4</sup> and deployed to the south side area of Chicago. While patrolling, they saw a black female, now identified as ██████ drinking beer while seated at the CTA bus stop. They approached ██████ who became belligerent and began using profanities when she was told that she was getting a citation. Officer Gorlewski asked ██████ for her identification, and she refused, causing them to exchange words. Officer Gorlewski exited the police vehicle because ██████ refused to give her identification. Officer Brown related that Officer Gorlewski somehow obtained ██████ identification and gave it to Officer Brown to run her name on the PDT. Officer Brown did not know how Officer Gorlewski obtained the identification card of ██████ and did not recall seeing Officer Gorlewski take a bag from ██████ or search it.

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<sup>1</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>2</sup> Att. 8.

<sup>3</sup> Atts. 36, 44.

<sup>4</sup> A Saturation Team involves a group of officers assigned to specific communities and areas in the city to target and reduce increasing crime activities.

Officer Brown did not have any verbal or physical contact with [REDACTED] or anyone else at the bus stop. Officer Brown described [REDACTED] as belligerent, verbally abusive, and highly intoxicated. Officer Brown could not recall what else, if anything, happened with Officer Gorlewski and [REDACTED]. Officer Gorlewski issued [REDACTED] an ANOV<sup>5</sup> citation for drinking in the public way.

In a statement to COPA<sup>6</sup> on August 27, 2018 **Officer Andrew Gorlewski** stated he was working with Officer Brown, and while patrolling, they saw a black female, now identified as [REDACTED] drinking in the public way. They drove the police SUV towards her location near the CTA stop at the corner and by the Shell gas station. [REDACTED] approached Officer Gorlewski and directed profanities at him when he asked her for her identification card. Officer Gorlewski asked [REDACTED] for her identification card again, and [REDACTED] refused to give it to him. [REDACTED] continued being loud and called Officer Gorlewski a “motherfucker.” Officer Gorlewski admitted that he then exited the police SUV, took [REDACTED] purse from her, and searched the purse for her identification card and weapons. No weapons were located, but he did locate her identification card and issued [REDACTED] an ANOV citation for drinking in the public way. Officer Gorlewski admitted that he did not obtain permission from [REDACTED] to take or search her purse. Officer Gorlewski admitted that in the past during a street stop if a female person is detained for an arrestable offense and they refuse to provide him with their identification card, he will search their purse for weapons and identification card with or without consent. Officer Gorlewski also admitted that he purposely threw [REDACTED] purse out of the police vehicle window because [REDACTED] “got under his skin.” Officer Gorlewski admitted that he was rude and unprofessional toward [REDACTED] because of her initial demeanor toward him, but that she did not pose a danger to him and she was not patted down. No other person was stopped, patted down, or given any citations. Officer Gorlewski stated that he handled the street stop of [REDACTED] and that Officer Brown did not engage in any verbal or physical contact with [REDACTED].

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

The **Cell phone video**<sup>7</sup> footage recorded by [REDACTED] depicts Officer Gorlewski sitting in the passenger side of the police SUV. The video footage depicts Officer Gorlewski throwing [REDACTED] bag out of the police vehicle’s window.

**POD Camera footage**<sup>8</sup> depicts [REDACTED] sitting at the CTA bus stop with two additional individuals. The footage depicts a police SUV pass by the group. The police vehicle enters the gas station and stops next to CTA bench where [REDACTED] and the other individuals are located. A white male (Officer Gorlewski) appears to be talking to [REDACTED] when he opens the car door almost striking [REDACTED]. [REDACTED] exits the police SUV, grabs and snatches [REDACTED] bag or purse from her. Officer Gorlewski re-enters the SUV and searches [REDACTED] bag. The Pod footage depicts an object being thrown out of the window of the police vehicle. The driver of the police vehicle, now identified as Officer Brown, does not engage in any contact with [REDACTED] and does not exit the squad car.

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<sup>5</sup> ANOV is the Administrative Notification Ordinance Violation.

<sup>6</sup> Atts. 36, 44.

<sup>7</sup> Att. 17.

<sup>8</sup> Att. 18.

### c. Documentary Evidence

COPA made numerous attempts to contact and interview ██████████ but all attempts via personal visits, a canvass of location and letters were met with negative results. ██████████ was not located, and no interview was obtained.

**GPS Reports<sup>10</sup> from Beat 4117A** detailed that the Officers Gorlewski and Brown stopped at 158 W. 63<sup>rd</sup> Street for approximately four and a half minutes.

An **Administrative Notification Ordinance Violation (ANOV)<sup>11</sup>** completed by Officer Gorlewski detailed the street stop of ██████████ for drinking in a public way at the location of incident.

The **PDT<sup>12</sup> messages** and a **LEAD** search from Beat 4117A detailed that a name check was done on ██████████ by Officer Gorlewski.

## VI. ANALYSIS

COPA recommends a finding of **EXONERATED** for Allegations #1 and #2 against Officers Gorlewski and Brown, that the officers stopped and detained ██████████ without justification. Officers are permitted to stop and detain subjects for a reasonable amount of time if the officer reasonably infers, from all the circumstances known to the officer, that the subject is about to commit, is committing, or has committed a criminal offense<sup>13</sup> or if they have probable cause that a person has committed a crime.<sup>14</sup> Officers Gorlewski and Brown stated they stopped ██████████ for drinking in the public way and Officers Gorlewski issued ██████████ an ANOV citation for this offense. COPA made several attempts to contact and interview ██████████ and to locate additional witnesses, but all attempts were met with negative results. The officers' accounts are supported by the ANOV citation they issued to ██████████ and COPA find's the officers' accounts credible on this issue.<sup>15</sup>

COPA recommends a finding of **SUSTAINED** for Allegations #3 and #4 against Officer Gorlewski that he seized and searched ██████████ bag from her without justification. ██████████ an independent witness with no-preexisting relationship with ██████████ observed Officer Gorlewski grab and take ██████████ bag. The POD video depicts Officer Gorlewski grabbing ██████████ bag and entering the squad car with the bag and searching it. Officer Gorlewski admitted in his statement that he took ██████████ bag without permission when she refused to provide him with her identification card and searched it for the identification card. Officer Gorlewski stated that he seized and searched ██████████ bag because he observed her committing an arrestable offense, drinking on the public way, and ██████████ refused to provide him her identification card.

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<sup>9</sup> Atts. 19 - 21, 45.

<sup>10</sup> Att. 13.

<sup>11</sup> Att. 42.

<sup>12</sup> Att. 16

<sup>13</sup> See Special Order S04-13-09 and *Terry v. Ohio*, 932 U.S. 1 (1986)

<sup>14</sup> "Probable cause to arrest exists when the totality of the facts and circumstances known to a police officer would lead a person of reasonable caution to believe that the person apprehended has committed a crime, and its existence depends on the totality of the circumstances at the time of the arrest." *People v. D.W. (In re D.W.)*, 341 Ill. App. 3d 517, 526 (1st Dist. 2003).

<sup>15</sup> ██████████ did not address whether he observed ██████████ drinking. The available video footage is inconclusive.

The Supreme Court set the bounds of searches incident to arrest in *Chimel v. California* 395 U.S. 752, 754 (1969). *Chimel* set forth the general rule that arresting officers, in order to prevent the arrestee from obtaining a weapon or destroying evidence, could search both “the person arrested” and “the area within his immediate control.” *Id.* at 763. In *United States v. Robinson*, the Court held that the mere fact of a lawful arrest justifies a search of the arrestee and area within his immediate control; probable cause that weapons or evidence will be found is not required. 414 U.S. 218, 235 (1973). However, Officer Gorlewski did not place [REDACTED] under arrest, either before or after the search, and therefore the search incident to arrest exception to the warrant requirement is inapplicable.<sup>16</sup> See *People v. Tyler*, 210 Ill. App. 3d 833, 840 (1991) (a search did not constitute a lawful search incident to arrest when the defendant was not arrested on the date of the search); see also *Knowles v. Iowa*, 525 U.S. 113 (1998).

Officer Gorlewski did not have any other valid basis to seize and search [REDACTED] purse. Officers are not permitted to conduct a limited search for weapons during every valid investigatory stop. *People v. Sorenson*, 196 Ill. 2d 425, 433 (2001). “The officer may subject the person to a limited search for weapons . . . only if the officer reasonably believes that the person is armed and dangerous.” *Id.* (citation omitted). An officer’s subjective belief is not determinative but is probative in determining the validity of the frisk. *Id.* Officer Gorlewski specifically noted that he did not pat-down [REDACTED] because she did not pose a danger to him. Officer Gorlewski provided no basis for his belief that [REDACTED] possessed a weapon. Moreover, Special Order S04-13-09 specifically limits officers to conducting a protective pat-down of the outer layer of a person’s clothing.

COPA recommends a finding of **SUSTAINED** for Allegation #5, that Officer Gorlewski was rude and unprofessional when he threw [REDACTED] bag out of the squad car window onto the ground. Officer Gorlewski admitted he lost his patience and threw [REDACTED] bag out the window. Officer Gorlewski’s behavior was clearly rude and unprofessional and brought discredit to the Department.

COPA recommends a finding of **SUSTAINED** for Allegation #6, that Officer Gorlewski failed to document his contact with [REDACTED]. An ANOV was completed by Officer Gorlewski. However, Officer Gorlewski was also required to fill out the Investigatory Stop Report and provide [REDACTED] an Investigatory Stop Receipt based on his search of [REDACTED] purse. See Special Order S04-13-09(VIII)(3), (4)(b).

COPA recommends a finding of **UNFOUNDED** for Allegation #3 that Officer Brown failed to document his contact with [REDACTED]. An ANOV was completed by Officer Gorlewski by documenting the street stop. Further, Officer Gorlewski stated that he had the contact with [REDACTED] and that Officer Brown did not interact or have any verbal contact with [REDACTED] but rather remained in the squad car during the street stop.

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<sup>16</sup> Had Officer Gorlewski arrested [REDACTED] his seizure and search of [REDACTED] purse would have been lawful. COPA recognizes that Officer Gorlewski likely wanted to avoid arresting [REDACTED] for a minor infraction, but that cannot justify his seizure and search of [REDACTED] purse.

**VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**

**a. Officer Andrew Gorlewski**

**i. Complimentary and Disciplinary History**

- 1. **Complimentary:** None
- 2. **Disciplinary:** None

**ii. Recommended Penalty, by Allegation**

- 1. **Allegation No. 3:** 15 days
- 2. **Allegation No. 4:** 15 days
- 3. **Allegation No. 5:** 5 days
- 4. **Allegation No. 6:** 3 days

**iii. Received re-training or supplemental training in the laws and General Orders governing search and seizure.**

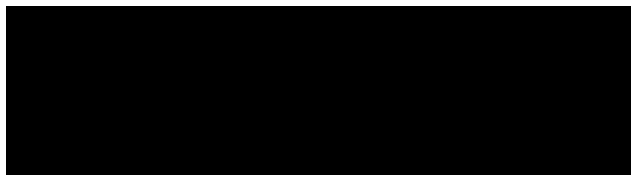
**VIII. CONCLUSION**

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

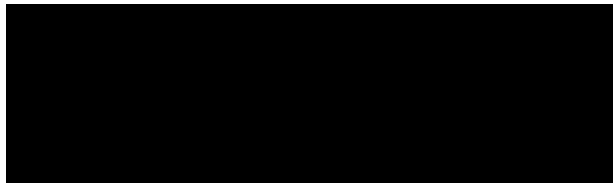
Officer	Allegation	Finding / Recommendation
Officer Andrew Gorlewski	1. Stopped [REDACTED] without justification, in violation of Rules 1 and 6.	Exonerated
	2. Detained [REDACTED] without justification, in violation of Rules 1 and 6.	Exonerated
	3. Took [REDACTED] bag without justification, in violation of Rules 1 and 6.	Sustained / 15 days
	4. Searched [REDACTED] bag without justification, in violation of Rules 1 and 6	Sustained / 15 days
	5. Was rude and unprofessional when he threw [REDACTED] bag out of the squad car window onto the ground, in violation of Rules 2.	Sustained / 5 days
	6. Failed to document his contact with [REDACTED] in violation of Rule 6.	Sustained / 3 days

Officer Johnny Brown	1. Stopped [REDACTED] without justification, in violation of Rules 1 and 6.  2. Detained [REDACTED] without justification, in violation of Rules 1 and 6.  3. Failed to document his contact with [REDACTED] in violation of Rule 6.	Exonerated  Exonerated  Unfounded
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Approved:



Angela Hearts-Glass, Chief Investigator  
February 24, 2019



Sydney R. Roberts, Chief Administrator  
February 24, 2019

**Appendix A**

Assigned Investigative Staff

<b>Squad#:</b>  <b>Investigator:</b>  <b>Supervising Investigator:</b>  <b>Deputy Chief Administrator:</b>	9  Maira Webb  Sharday Jackson  Angela Hearts-Glass
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