

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	July 24, 2018
Time of Incident:	8:40 pm
Location of Incident:	██████████, Chicago, IL 60644.
Date of COPA Notification:	July 25, 2018
Time of COPA Notification:	3:21 pm

On July 24, 2018, at or around 8:30 pm, Chicago Police Department (CPD) members, Officers Juan Perez, Matthew Sanchez, Danilo Loza, Christian Szczur, and Pierre Tyler (collectively “the Officers”), were patrolling the area of ██████████ for gang disturbances, weapon violations, and/or narcotic sales. As Officers Juan Perez and Matthew Sanchez drove southbound on Latrobe Ave. they observed a group of male individuals drinking in the middle of the street. The Officers also observed one of the individuals, ██████████, with a suspected firearm in one of his jean pockets. After making this observation, the Officers regrouped at another location to determine the best course of action to approach these individuals. This eventually led to an investigatory stop that involved the group of individuals. However, ██████████ fled into the residence of ██████████ prior to the Officers making contact him.

Officers Perez and Sanchez pursued ██████████ towards the residence but discovered the security door was closed and secure. Officer Perez attempted to open the door but was unsuccessful. Officer Sanchez was able to force the door open but discovered the entry door was also locked and secured. After Officer Sanchez closed the security door, he, and the Officers, contacted the remained of the individuals in the street.

Following thew incident, ██████████ alleged to COPA that Officer Sanchez damaged the security door at her residence at ██████████.

II. INVOLVED PARTIES

Involved Member #1:	Officer Juan Perez / Star #19056 / Employee ID# ██████████ / DOA: November 24, 2014 / Unit: 015 / Male / Hispanic.
Involved Member #2:	Officer Matthew Sanchez / Star #10159 / Employee ID# ██████████ / DOA: April 28, 2014 / Unit: 189/193 / Male / Hispanic.
Involved Member #3:	Officer Danilo Loza / Star #16201 / Employee ID# ██████████ / DOA: August 25, 2014 / Unit: 015 / Male / Hispanic.

Involved Member #4: Officer Christian Szczur / Star #18774 / Employee ID# [REDACTED] / DOA: February 2, 2015 / Unit: 015 / Male / White.

Involved Member #5: Officer Pierre Tyler / Star #10228 / Employee ID# [REDACTED] / DOA: April 25, 2016 / Unit: 015 / Male / Black.

Involved Individual #1: [REDACTED] / Female / Black.

Involved Individual #2: [REDACTED] / Male / Black.

Involved Individual #3: [REDACTED] / Male / Black.

III. ALLEGATIONS¹

Member	Allegation	Finding
Officers Perez, Sanchez, Loza, Szczur, and Tyler	1. Failed to comply with S04-13-09 by not completing an Investigatory Stop Report.	Sustained.
Officers Perez, Sanchez	2. Pointing your firearm at or in the direction of [REDACTED], without justification.	Not Sustained.
	3. Failed to comply with Special Order S03-10 by not requesting a supervisor to the scene.	Not Sustained.
Officer Perez	4. Failed to comply with G08-01-02 by observing misconduct and not immediately notifying a supervisory member.	Not Sustained.
Officer Sanchez	4. Damaging the front security door, without justification.	Not Sustained.
Officer Tyler	2. Failed to follow Special Order 03-14 by not having his body worn camera activated and recordings during this entire encounter.	Sustained.

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¹ For purposes of this report, the allegations were renumbered. The numbering in this report reflects the numbering in CLEAR.

IV. INVESTIGATION²

a. Interviews

██████████³ stated that on the night of this incident she was in bed when her husband, name not provided, told her that the police were outside. ██████████ checked her home's security cameras and saw several plainclothes police officers, to include Officers Juan Perez, Matthew Sanchez, Danilo Loza, Christian Szczur, and Pierre Tyler, (collectively "the Officers") outside across the street from her home. The Officers appeared to be detaining several young men, including her son, ██████████, and ██████████.

██████████ exited the residence and observed the Officers searching the young men and asking for their identification. Several other neighbors were also outside yelling and cursing at the Officers. ██████████ stated that when the Officers finished searching and running the names of the males, ██████████ was issued a citation for drinking alcohol on the public way.

██████████ stated that later when she watched the recording from her home's security cameras, she saw her sons, ██████████ hanging out across the street from their home with several of the young men. ██████████ walked away and entered their home through the front entrance.⁴ A few moments later Officer Sanchez ran to the front door and pulled the outer security door open. ██████████ stated that Officer Sanchez damaged the outer security door to the point it would no longer lock. Finally, ██████████ provided a copy of the surveillance footage from the residence.⁵

In a statement to COPA on January 20, 2021, **Officer Juan Perez**⁷ stated that on the night of this incident he was working with Officers Sanchez, Loza, Tyler, and Szczur. Officer Perez stated that he was the passenger in the vehicle driven by Officer Sanchez. As the vehicle travelled slowly on Latrobe Ave., the Officers observed a group of individuals, that appeared to be drinking alcohol, standing near the street. Officer Perez stated that as they drove past the males, he observed ██████████ with what appeared to be a large L-shaped bulge protruding from his front jeans pocket, which Officer Perez believed was concealed a handgun.⁹ Officer Perez alerted the other Officers and the Officers devised a plan to approach ██████████ with the intention of investigating the possibility he was armed. Officer Sanchez performed a U-turn and approached the group from the opposite direction.

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ Atts. 5 (audio) and 46 (transcript).

⁴ ██████████ explained that the surveillance footage showed ██████████ had entered the residence prior to the Officers exiting their vehicle. Att. 46, pg. 12, lns. 15 and 16.

⁵ Upon review of the footage, COPA discovered that the footage stopped on five occasions and appeared to be missing portions of the incident. ██████████ informed COPA that she did not edit or in any other way alter the footage. *See* Atts. 21 (audio) and 48 (transcript).

⁷ Atts. 32 (audio) and 33 (transcript).

⁹ Att. 33, pgs. 15, lns. 20 to 24; pg. 16, lns. 1 to 5.

As the vehicle reapproached the males, Officer Perez observed [REDACTED] look in their direction, immediately walk across the street and enter [REDACTED] residence. [REDACTED] entered the home before the Officers were able to approach or speak to him. Officers Perez and Sanchez approached the front door of the residence [REDACTED] entered. Officer Perez attempted to pull the outer locked security door open but that he was unsuccessful. Officer Perez relayed that Officer Sanchez was able to open the security door, but the residence was still secure.

After determining the residence was secure, Officer Perez and the Officers returned the males, detained and searched them. Officer Perez stated that at least one of the men was issued a citation for drinking alcohol on the public way. Officer Perez stated that [REDACTED] never came out of the residence and he had no interaction with him.

Officer Perez denied that he pointed a gun at [REDACTED], explaining that [REDACTED] entered the residence before Officer Perez was able to maneuver around the police vehicle to approach him.¹⁰ Officer Perez stated that he never witnessed Officer Sanchez damage the outer security door of the residence that [REDACTED] entered.¹¹ Officer Perez added that never witnessed any of the Officers commit any misconduct and that no one ever alleged that the door had been damaged.¹² Officer Perez explained due to the lack of an alleged complaint and or a specific request, there was no need to request a police supervisor. Officer Perez explained his failure to complete Investigatory Stop Reports was an oversight on his part.¹³

In a statement to COPA on January 14, 2021, **Officer Matthew Sanchez**¹⁴ relayed essentially the same information as Officer Perez. Officer Sanchez added that it was possible that he briefly pointed his firearm at [REDACTED] and explained that he believed [REDACTED] was armed with a firearm due to him seeing the L-shaped bulge in his pants pocket.¹⁵ Officer Sanchez stated that although he attempted to open the outer security door to the residence [REDACTED] entered, the door was not damaged.¹⁶ Officer Sanchez explained that he attempted to open the door fearing that [REDACTED] possibly presented a danger to the occupants of the residence. Officer Sanchez stated that had he damaged the door he would have immediately notified a supervisor.¹⁷ Officer Sanchez stated that he did not recall if he completed Investigatory Stop Reports.¹⁸

In a statement to COPA on January 14, 2021, **Officer Danilo Loza**¹⁹ related essentially the same information as Officers Perez and Sanchez. Officer Loza added that he and the other Officers were unable to apprehend [REDACTED] because [REDACTED] managed to flee into a residence across the street from where they initially saw him. Officer Loza stated that while speaking to the other men in the group, [REDACTED] admitted to drinking alcohol on the public way. Officer Loza stated

¹⁰ Att. 33, pg. 48, Ins. 15 to 18.

¹¹ Att. 33, pg. 51, Ins. 6 to 24, pg. 52, Ins. 1 to 4.

¹² Att. 33, pg. 51, Ins. 6 to 24, pg. 52, Ins. 1 to 4.

¹³ Att. 33, pg. 40, Ins 23 and 24; pg. 41, Ins. 1 to 9.

¹⁴ Atts. 35 (audio) and 36 (transcript).

¹⁵ Att. 36, pg. 21, Ins. 14 to 24, pg. 22. Ins. 11.

¹⁶ Att. 36, pg. 24, Ins. 15 and 16.

¹⁷ Att. 36, pg. 54, Ins. 17 to 24.

¹⁸ Att. 36, pg. 35, Ins. 2 to 13.

¹⁹ Atts. 38 (audio) and 39 (transcript).

that he issued [REDACTED] a citation for drinking alcohol on the public way.²¹ Officer Loza did not know why Investigatory Stop Reports were not completed regarding this incident.²²

In a statement to COPA on January 20, 2021, **Officer Christian Szczur**²³ related essentially the same information as the other Officers. Officer Szczur stated that when [REDACTED] ran into the residence the Officers believed to be [REDACTED] was armed with a handgun. Officers Szczur and Tyler ran to the residence's backyard intending to prevent [REDACTED] from possibly escaping from the back door. Officer Szczur stated that he believed that [REDACTED] possibly committed a home invasion by running into home. Officer Szczur admitted he failed to complete Investigatory Stop Reports, in part due to him not actually detaining any person.²⁴

In a statement to COPA on February 2, 2021, **Officer Pierre Tyler**²⁵ related essentially the same information as the other Officers. Officer Tyler admitted that he did not complete Investigatory Stop Reports.²⁶ Officer Tyler also admitted that he failed to activate his body-worn camera.²⁷

b. Digital Evidence

The recordings from the Officers **Body-Worn Cameras**²⁸ (BWC) showed Officers Perez and Sanchez approach the group of males in their vehicle and directing each other's attention to the right front pocket of a person not visible on camera, [REDACTED]. As the Officers approached the males they alerted each other that [REDACTED] was walking away. The Officer exited the vehicle and chased [REDACTED]. Officer Perez attempt to open the security door by turning the doorknob but was not successful.³⁰ Officer Sanchez approached and attempted to turn the same doorknob and then grabbed the vertical metal frame of the door and pulled it twice.³¹ Officer Sanchez was successful in opening the outer security door, but the entry door was closed and locked.³² Officer Sanchez, closed the security door, which latched and remained closed.³³ Simultaneously, Officer Loza and Officer Szczur ran to the rear yard of the same home.

After determining they could not gain access to the building, the Officers approached the group of men standing across the street near a car parked parallel to the curb. The Officers asked for their identification while handcuffing them. One of the men, [REDACTED], informed the Officers

²¹ Att. 39, pg. 14, ln. 14.

²² Att. 39, pg. 22, ln. 24, pg. 23, lns. 1 to 4.

²³ Atts. 41 (audio) and 42 (transcript).

²⁴ Att. 42, pg. 20, lns. 15 to 24, pg. 21, ln. 1.

²⁵ Atts. 44 (audio) and 45 (transcript).

²⁶ Att. 45, pg. 33, lns. 18 to 24, pg. 34, lns. 1 and 2.

²⁷ Att. 45, pg. 34, lns. 3 to 7.

²⁸ Atts. 25 to 28.

³⁰ Att. 26 at 01:25.

³¹ Att. 27 at 00:59.

³² As this is occurring a voice, from across the street, is heard remarking that the is "my house." Att. 26 at 01:39; Att. 27 at 01:07.

³³ As the door is closed a sound consistent with a door latch engaging is heard. Att. 27 at 01:15.

that he was drinking on the street. Officer Loza completed a citation for drinking on the public way and issued it to [REDACTED].³⁴

The recordings from the BWCs assigned to Officers Perez and Sanchez did not capture either of them pointing their firearms at [REDACTED]. However, Officer Perez' BWC captured his firearm out of the holster as he pursued [REDACTED], but it is unclear if he actually pointed it at any person.³⁵ Additionally, Officer Sanchez' BWC captured his shadow which appeared to show him briefly point his firearm with his arm extended forward in the direction of the residence [REDACTED] fled to, but it did not show who or what he was possibly pointing towards.³⁶

c. Documentary Evidence

The **Administrative Notice of Ordinance Violation**³⁸ issued to [REDACTED] detailed that he freely admitted to drinking alcohol out of a Remy Bottle on the public way.

V. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined, by a preponderance of the evidence, that the allegation in fact occurred;⁴⁰
2. Unfounded - where it is determined, by clear and convincing evidence, that an allegation is not supported by the facts;⁴¹
3. Exonerated - where it is determined, by clear and convincing evidence, that the conduct described in the allegation occurred, but it is lawful and proper; or
4. Not Sustained - where there is insufficient evidence to sustain, unfound or exonerate the allegations.

³⁴ As this is occurring a plastic cup containing a brown liquid consistent with alcohol is observed on the hood a parked vehicle next to where the males were all being detained. Att. 25 from 01:51 to end; Att. 26 from 02:18 to end; Att. 27 from 01:57 to end; Att. 28 from 00:40 to end.

³⁵ Att. 26 at 01:18.

³⁶ Att. 27 at 00:44.

³⁸ Att. 24.

⁴⁰ **Preponderance of evidence** is described as evidence indicating that it is more likely than not that the conduct occurred and violated Department policy. If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005).

⁴¹ **Clear and convincing evidence** is described a more that preponderance of the evidence but lower than beyond-a-reasonable doubt required to convict a person of a criminal offense. Clear and Convincing is described as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable" there was no misconduct. *See People v. Coan*, 2016 IL App (2d) 151036 (2016).

VI. ANALYSIS AND CONCLUSION

a. Investigatory Stop Report

COPA finds that Allegation #1 against the Officers, that they failed to complete Investigatory Stop Reports, is **sustained**. Department members who complete an investigatory stop are required to complete an Investigatory Stop Report that details “[a]ll of the factors that support” the detention of the subject.⁴² However, if the member completes a detention based on probable cause and there is any other Department report that details the probable cause for the stop, the member is not required to complete an Investigatory Stop Report.⁴³ Here, it is undisputed that the Officers detained [REDACTED] and his companions while investigating their possible consumption of alcohol on the public way. As such, the Officers were required to complete Investigatory Stop Reports for all the males, excluding [REDACTED], but failed to do so. This failure violated CPD policy and Rules 2, 3, 6 and 10.⁴⁴

b. Firearm Pointing

COPA finds that Allegation #2 against Officer Perez and Sanchez, that they improperly pointed their firearms at [REDACTED], is **not sustained**. While there is evidence that Officers Perez and Sanchez had unholstered their firearms as they approached and pursued [REDACTED], there is no evidence that confirms or refutes if Officers Perez and Sanchez in fact pointed their firearms at [REDACTED]. Additionally, since [REDACTED] was not clearly depicted in the footage, was not apprehended, and no firearm was recovered, COPA is unable to determine if the Officers could have reasonably observed a firearm on [REDACTED] person. It is for these reasons this allegation is **not sustained**.

c. Damage to Security Door and Failure to Report

COPA finds that Allegation #4 against Officer Sanchez, that he improperly damaged the door to [REDACTED] residence, is **not sustained**. Here, COPA was unable to locate sufficient evidence to corroborate or refute the allegation that Officer Sanchez damage the security door, other than [REDACTED] and Officers Perez and Sanchez’ statements. While the BWC footage did capture Officer Sanchez pulling the security door open once the door was closed a sound consistent with it latching is heard and the door does not reopen on its own. It is for these reasons this allegation is **not sustained**.

COPA finds that Allegation #3 against Officers Perez and Sanchez, that they failed to request a supervisor to the scene, and Allegation # 4 against Officer Perez, that he failed to immediately report observed misconduct, are **not sustained**. Since COPA was unable to determine if Officer Sanchez’ action in fact caused damage to the door, COPA is unable to assess whether Officer Perez and/or Sanchez had an obligation to notify supervisory CPD members about the damage. It is for these reasons this allegation is **not sustained**.

⁴² S04-13-09 VIII (A)(1), Investigatory Stop System (effective July 10, 2017 to current).

⁴³ S04-13-09 VII (B)(1)(a), Investigatory Stop System (effective July 10, 2017 to current).

⁴⁴ [REDACTED] was never detained and therefore there was no obligation for an Investigatory Stop Report to be completed.

d. Body Worn Camera

COPA finds that Allegation # 2 against Officer Tyler, that he failed to activate his BWC, is **sustained**. Department Members are required to activate BWC “at the beginning of” or “as soon as practical” for “all law-enforcement-related activities.”⁴⁵ Here, it is indisputable that Officer Tyler was engaged in law-enforcement-related activities, specifically an investigatory stop and foot pursuit, when he failed to activate his BWC. Officer Tyler’s failure violated CPD policy and Rules 2, 3, 6 and 10.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Juan Perez

i. Complimentary and Disciplinary History

Officer Perez has received 87 various awards and has received one reprimand in 2018 for failing to complete an Investigatory Stop Report in the last five years.⁴⁶

ii. Recommended Penalty

COPA has found that Officer Perez failed to document the detention of several individuals in an Investigatory Stop Report. This failure limited COPA’s ability to identify all the involved individuals and obtain their accounts of the events. The inability of COPA to identify and seek statements from all the involved individuals negatively impacted COPA’s investigation and likely resulted in COPA being unable to determine findings in allegations. It is for these reasons, combined with Officer Perez’ history, that COPA recommends **15-day suspension**.

b. Officer Matthew Sanchez

i. Complimentary and Disciplinary History

Officer Sanchez has received 110 various awards and has received one reprimand in 2018 for failing to complete an Investigatory Stop Report and failing to active his BWC in the last five years.⁴⁷

ii. Recommended Penalty

⁴⁵ “Law-enforcement-related activities include but are not limited to:” “calls for service; investigatory stops; traffic stops; traffic control; foot and vehicle pursuits; arrest; use of force incidents; seizure of evidence; interrogations; searches, including searches of people, items, vehicle, buildings, and places; statements made by individuals in the course of an investigation; requests for consent to search; emergency driving situations; emergency vehicle responses where fleeing suspects or vehicle may be captured on video leaving the crime scene; high-risk situations; any encounter with the police that becomes adversarial after the initial contact; arrestee transports; any other instance when enforcing the law.” S03-14 III(A)(2)(a-r), Body Worn Cameras (effective April 30, 2018 to current).

⁴⁶ Att. 51, pg. 2.

⁴⁷ Att. 52, pg. 2.

COPA has found that Officer Sanchez failed to document the detention of several individuals in an Investigatory Stop Report. This failure limited COPA's ability to identify all the involved individuals and obtain their accounts of the events. The inability of COPA to identify and seek statements from all the involved individuals negatively impacted COPA's investigation and likely resulted in COPA being unable to determine findings in allegations. It is for these reasons, combined with Officer Sanchez' history, that COPA recommends **15-day suspension**.

c. Officer Danilo Loza

i. Complimentary and Disciplinary History

Officer Loza has received 123 various awards and has received two reprimands in 2018, on two different occasions, for failing to complete an Investigator Stop Report and failing to activate his BWC in the last five years.⁴⁸

ii. Recommended Penalty

COPA has found that Officer Loza failed to document the detention of several individuals in an Investigatory Stop Report. This failure limited COPA's ability to identify all the involved individuals and obtain their accounts of the events. The inability of COPA to identify and seek statements from all the involved individuals negatively impacted COPA's investigation and likely resulted in COPA being unable to determine findings in allegations. It is for these reasons, combined with Officer Loza's history, that COPA recommends **20-day suspension**.

d. Officer Christian Szczur

i. Complimentary and Disciplinary History

Officer Szczur has received 123 various awards and has received two SPARs in 2022, one for a preventable accident and one for missing court; and two reprimands in 2018, on two separate occasions, for failing to complete an Investigatory Stop Report and failing to activate his BWC in the last five years.⁴⁹

ii. Recommended Penalty

COPA has found that Officer Szczur failed to document the detention of several individuals in an Investigatory Stop Report. This failure limited COPA's ability to identify all the involved individuals and obtain their accounts of the events. The inability of COPA to identify and seek statements from all the involved individuals negatively impacted COPA's investigation and likely resulted in COPA being unable to determine findings in allegations. It is for these reasons, combined with Officer Szczur's history, that COPA recommends **20-day suspension**.

e. Officer Pierre Tyler

i. Complimentary and Disciplinary History

⁴⁸ Att. 50, pg. 2.

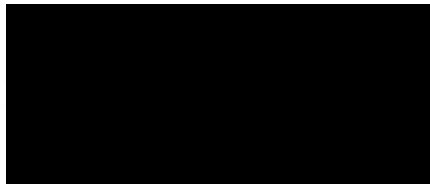
⁴⁹ Att. 53, pg. 2.

Officer Tyler has received 87 various awards and has received one day suspension in 2021 for a preventable accident in the last five years.⁵⁰

ii. **Recommended Penalty**

COPA has found that Officer Tyler failed to document the detention of several individuals in an Investigatory Stop Report and to activate his BWC. These failures limited COPA’s ability to identify all the involved individuals and obtain their accounts of the events. The inability of COPA to identify and seek statements from all the involved individuals negatively impacted COPA’s investigation and likely resulted in COPA being unable to determine findings in allegations. It is for these reasons, combined with Officer Tyler’s history, that COPA recommends **10-day suspension**.

Approved:



Matthew Haynam
Deputy Chief Administrator

10/26/2022

Date

⁵⁰ Att. 54, pg. 2.