



Lori E. Lightfoot  
Mayor

Department of Police · City of Chicago  
3510 South Michigan Avenue · Chicago, Illinois 60653

Charlie Beck  
Interim Superintendent of Police

9 December 2019

Sydney Roberts  
Chief Administrator  
Civilian Office of Police Accountability  
1615 West Chicago Avenue, 4<sup>th</sup> Floor  
Chicago, Illinois 60622

**Re: Log # 1092444**

**Non-Concurrence with COPA's penalty recommendations for:  
Police Officer Joseph S. Biszewski #12014 and  
Police Officer Zachary G. Gammonley #15808**

Dear Chief Administrator:

In reviewing the above mentioned Log Investigation:

COPA's investigation sustained one allegation against both accused officers:

Allegation #4: It is alleged that the accused failed to document the field interview.

In recommending discipline, COPA incorrectly reported the officers had no complimentary history.<sup>1</sup> COPA recommended a five (5) day suspension for each officer.

The Department acknowledges that the officers failed to document an investigatory stop and the allegation has been properly sustained. The Department agrees with COPA that there were mitigating factors in this situation because the officers did not know if it was proper procedure to document an investigatory stop when the person's identity was uncertain; and, when the person fled and escaped from the stop.

The Department does not concur with COPA's penalty recommendation for a five (5) day suspension and believes a Violation Noted is more appropriate and more consistent with penalties other officers have received for failure to document an investigatory stop.<sup>2</sup>

Pursuant to MCC 2-57-060(b), the undersigned provides comment when there is a disagreement to a finding and penalty.

<sup>1</sup> COPA Summary Report pg. 5

<sup>2</sup> COPA Investigations for ISR violations where a Violation Noted was recommended: Log #1090919, 1092248, 1085066, and 1089206 (19-RR-07/08).



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## **Officers' History**

Officer Biszewski has been a Chicago Police Officer for four (4) years. Officer Biszewski has received eighty-five (85) awards, including one (1) Unit Meritorious Performance Award, one (1) Problem Solving Award, one (1) Department Commendations, and seventy-six (76) Honorable Mentions.

Officer Biszewski has had no sustained complaints in his career.

Officer Gammonley has been a Chicago Police Officer for four (4) years. Officer Gammonley has received eighty-six (86) awards, including one (1) Unit Meritorious Performance Award, one (1) Problem Solving Award, one (1) Department Commendations, seventy-six (76) Honorable Mentions, and one (1) Complimentary Letter.

Officer Gammonley has had no sustained complaints in his career.

## **Case Summary**

On 28 December 2018, the accused officers stopped [REDACTED] while Mr. [REDACTED] and a friend were sitting in Mr. [REDACTED] vehicle parked at 331 W. 106<sup>th</sup> Place. The officers noticed the odor of cannabis coming from the vehicle as they were driving past on patrol. The officers stopped and approached Mr. [REDACTED]. Mr. [REDACTED] refused to provide identification and requested a sergeant. At the officers' request, Sergeant Padilla responded and asked Mr. [REDACTED] for his driver's license and insurance. Mr. [REDACTED] provided identification and an expired rental agreement. The sergeant told Mr. [REDACTED] to exit the vehicle. Mr. [REDACTED] put the vehicle into drive, drove over a curb, and fled the scene. The officers did not pursue Mr. [REDACTED] because by the time they entered their vehicles, Mr. [REDACTED] had escaped.

The officers and sergeant later discovered that Mr. [REDACTED] had an active warrant for fleeing and eluding the police.

On 23 January 2019, Mr. [REDACTED] went to COPA, made a complaint that he was stopped illegally, provided an affidavit, and gave an audio recorded statement. During the course of COPA's investigation, the officers admitted they did not complete an Investigatory Stop Report.



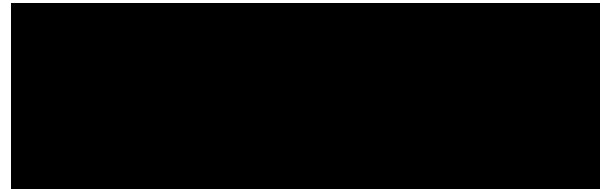
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### **Superintendent's Professional Opinion**

The Department agrees with COPA's conclusion that the officers were involved in an unusual situation; however, the situation did not relieve the officers of their duty to document the stop. The Department believes a more appropriate discipline recommendation would be a Violation Noted. This recommendation is consistent with discipline imposed for other officers who failed to complete an Investigatory Stop Report.



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