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VIA ELECTRONIC MAIL

November 8, 2019

SYDNEY ROBERTS
CHIEF ADMINISTRATOR
CIVILIAN OFFICE OF POLICE ACCOUNTABILITY
1615 W. CHICAGO AVENUE
CHICAGO, IL 60622

Re: Log #1092623

Dear Chief Administrator Roberts:

Pursuant to §2-56-230(c)(ii) of the Municipal Code of the City of Chicago, the Office of Inspector General, Public Safety Section (OIG) has conducted a preliminary review of the investigation conducted by the Civilian Office of Police Accountability (COPA) in Log #1092623, and recommends that the investigation be reopened.

As of today, the status of Log #1092623 is "Pending Superintendent Review" with respect to one accused officer, and "Pending Implement Action" with respect to the other.

COPA received a complaint from [REDACTED] on February 6, 2019. The allegation listed on the face sheet is that the "Victim [sic] reported being illegally stopped, handcuffed and pulled from his vehicle while it was searched." COPA brought allegations against Chicago Police Department (CPD) Officer Thomas Fennell and Officer Cynthia Cirella for stopping [REDACTED] without justification, which were Not Sustained. COPA brought an additional allegation against Fennell for searching [REDACTED]'s vehicle without justification, which was Exonerated, and one for failing to timely activate his Body Worn Camera (BWC), which was Sustained.¹

¹ On February 24, 2019, COPA obtained a sworn affidavit and consent to record a statement but failed to upload an audio or transcribed copy of [REDACTED]'s audio statement to CLEAR. As such, OIG was unable to hear the allegations as described by [REDACTED] to COPA. COPA did not include any summary of [REDACTED]'s statement in its Summary Report.

The traffic stop of ██████████ occurred at approximately 5:50 pm on February 6, 2019. Fennell and Cirella reported that that they stopped ██████████ for failing to use a turn signal. They also reported that after being pulled over, ██████████ was making movements and reaching into the back of the vehicle as the officers approached. Fennell and Cirella removed both ██████████ and his passenger, ██████████, from the vehicle and placed them in handcuffs. Fennell then searched the vehicle while Cirella ran both occupants' names in LEADS. When no contraband was found and both names came back clear, the officers unhandcuffed both men and returned to the police vehicle.

As part of its review of COPA's investigation in Log #1092623, OIG reviewed the BWC footage of both accused officers. Fennell's BWC footage included the following exchange, after Fennell handcuffed ██████████ and walked him back to the police vehicle to search him:

Fennell: "Where's your license at?" (00:32)

██████████: "I'm not talking." (00:35)

██████████: "I don't consent to the search and seizure of my vehicle."
(00:37)

Fennell: "Cool." (00:39)

██████████: "You pulled me over for no reason." (00:39)

██████████: "What's you name and badge number?" (00:43)

Fennell: "I thought you weren't talking, why don't you exercise that right."
(00:45)

In its Summary Report, COPA describes Fennell's BWC footage, but does not include any mention of this exchange. COPA did not address in any way Fennell's failure to correctly identify himself when requested by a citizen, in apparent violation of Rule 37 of CPD's Rules of Conduct. Fennell never answered ██████████'s request for his information; further, the available BWC forage does not show ██████████ receiving an Investigatory Stop Report receipt

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at the end of the stop, raising the appearance that he was never provided with Fennell's identifying information, despite his having specifically requested it.

Based on OIG [REDACTED]'s preliminary review, and without taking any position on any other aspect of the investigation or its findings, OIG [REDACTED] recommends that COPA reopen Log #1092623 to address the full evidentiary record, and particularly Fennell's apparent violation of Rule 37.

Please contact me with any questions or concerns; I can be reached at (773) [REDACTED] or jlipari@igchicago.org

Sincerely,

[REDACTED]

Joseph Lipari
Deputy Inspector General
Public Safety
Office of Inspector General

cc: Joseph Ferguson, Inspector General, OIG
Deborah Witzburg, Associate General Counsel, OIG
Kevin Connor, General Counsel, COPA
Brandon Crase, Senior Litigation Counsel, COPA
Chief Karen Konow, Bureau of Internal Affairs, CPD