



Log # 2021-0025

2021-FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On January 4, 2021, the Civilian Office of Police Accountability (COPA) received an Initiation Report from the 025th District detailing a walk-in complaint from ██████████ who reported alleged misconduct by three members of the Chicago Police Department (CPD). ██████████ alleged that on January 4, 2021, three Officers later identified as Officer Danilo Loza #16201, Officer Matthew Sanchez #10159, and Officer Christian Szczur #18774 initiated a traffic stop and that Officer Sanchez subsequently conducted unjustified searches inside his vehicle and inside a zipped bag that had been in the back-seat area of the vehicle. Upon review of the evidence, COPA served additional allegations that Officer Loza and Officer Sanchez had failed to activate their Body-Worn Cameras (BWCs) in a timely manner. Following its investigation, COPA exonerated Officer Sanchez for his search-related allegations and reached sustained findings regarding the allegations of late BWC activation for both Officer Loza and Officer Sanchez.

II. SUMMARY OF EVIDENCE²

On January 4, 2021, at approximately 12:11 am, Officers Danilo Loza, Matthew Sanchez, and Christian Szczur (collectively “the Officers”) observed ██████████ committing multiple red-light traffic violations and conducted a stop on his vehicle at approximately 4701 W. North Avenue, Chicago, IL 60651. During the stop, ██████████ freely acknowledged that he had run several red lights because he had observed another vehicle following him and was fearful that he was about to be carjacked.³ Officer Szczur asked ██████████ what was in the bag under his driver’s seat, and ██████████ hesitated before answering that the bag contained money.⁴ When asked if he had any weapons or narcotics in the vehicle, ██████████ answered twice that he had no weapons with him but made no statement about whether or not he had narcotics.⁵ When the Officers ordered ██████████ to exit the vehicle, ██████████ initially refused to comply, insisting that they needed probable cause to issue such an order.⁶ During this period Officer Sanchez observed that ██████████ placed the transmission of his vehicle into “Drive” and alerted the other Officers.⁷ After ██████████ eventually acquiesced and exited the vehicle, he was detained in

¹ Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

² The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including BWC footage, police reports, a civilian interview, and officer interviews.

³ Att. 21, 2:12 – 2:45.

⁴ Att. 21 at 2:45.

⁵ Att. 21 at 2:54.

⁶ Att. 23 at 2:02.

⁷ Att. 22 at 2:16.

handcuffs.⁸ Officer Sanchez then moved around to the passenger side of the vehicle and conducted a brief search of the front-seat and back-seat areas of [REDACTED] vehicle.⁹ During the search, Officer Sanchez also opened a zipped black bag which had been located on the floorboard of the back-seat area behind the driver's seat.¹⁰ As no contraband was discovered in the bag or within plain view inside the vehicle interior, [REDACTED] was released.¹¹ Officer Loza completed an Investigatory Stop Report documenting the traffic stop and vehicle search.¹² No tickets were issued even though [REDACTED] had admitted to committing traffic violations.

III. ALLEGATIONS

Officer Matthew Sanchez:

1. It is alleged by [REDACTED] that on or about January 4, 2021, at approximately 12:11 AM, at or near 4651 W. North Avenue, Chicago, IL 60651, Officer Matthew Sanchez #10159 committed misconduct through the following acts or omissions, by:

- Searching inside the vehicle operated by [REDACTED] without justification.

- Exonerated.

- Searching inside a zipped bag located in the interior of the vehicle operated by [REDACTED] without justification.

- Exonerated.

2. It is alleged that on or about January 4, 2021, at approximately 12:11 AM, at or near 4651 W. North Avenue, Chicago, IL 60651, Officer Matthew Sanchez #10159 committed misconduct through the following acts or omissions, by:

- Failing to activate his Body-Worn Camera in a timely manner.

- Sustained.

Officer Danilo Loza:

1. It is alleged that on or about January 4, 2021, at approximately 12:11 AM, at or near 4651 W. North Avenue, Officer Danilo Loza #16201 committed misconduct through the following acts or omissions, by:

- Failing to activate his Body-Worn Camera in a timely manner.

- Sustained.

IV. CREDIBILITY ASSESSMENT

⁸ Att. 22 at 4:07.

⁹ Att. 22 at 4:26.

¹⁰ Att. 22 at 5:05.

¹¹ Att. 22 at 6:15.

¹² Att. 17.

This investigation did not reveal any evidence that caused COPA to doubt the credibility of any of the individuals who provided statements.

V. ANALYSIS¹³

a. Searches conducted by Officer Sanchez

COPA found that Allegation #1 against Officer Sanchez, that of searching inside the vehicle operated by ██████████ without justification, and of searching inside a zipped bag located in the interior of the vehicle operated by ██████████ also without justification, was **exonerated**. Warrantless searches of citizens and their property have been strictly limited by the Fourth Amendment of the United States Constitution and the Illinois Constitution, which established “the right of individuals to be free from unreasonable searches and seizures.”¹⁴ However, under current law, police officers have been permitted to conduct impromptu searches of individuals under specific circumstances, such as when the officers have a reasonable suspicion that a subject may be armed and are able to articulate the basis for that suspicion.¹⁵ Additionally, the law has permitted police officers to conduct a limited search of an individual’s vehicle during a traffic stop provided that they have a reasonable articulable suspicion that a weapon is located there.¹⁶

During his recorded interview, Officer Sanchez stated that his search of ██████████ vehicle had been an “investigatory search” based upon reasonable articulable suspicion, which allowed him to search for weapons in the interior area of the vehicle specifically within the arms-reach of an occupant sitting in the driver’s position.¹⁷ He explained that the reasonable articulable suspicion had been based upon the irate demeanor ██████████ presented to the Officers, and especially upon the fact that ██████████ had at one point shifted his vehicle’s transmission from “Park” to “Drive,” which Officer Sanchez said led him to believe ██████████ might have weapons or contraband in the vehicle and was preparing to flee before they were discovered.¹⁸ With regard to the specific search of the zipped bag in the rear-seat area of the vehicle, Officer Sanchez explained that he had opened and searched inside it because the size and location of the bag within the vehicle indicated to him that it was a place where a weapon could be stored.¹⁹

Officer Szczur’s BWC shows that the early verbal interaction that had occurred between Officer Szczur and ██████████ lent support to the view that sufficient reasonable articulable suspicion had been established prior to Officer Sanchez’ searches. In particular, the fact that ██████████ initially attempted to avoid answering Officer Szczur’s repeated questions about the contents of the bag that was visible behind the driver’s seat would likely have aroused the suspicion of any reasonable police officer. After this, ██████████ twice failed to answer Officer Szczur’s direct questions about whether there were narcotics present in the vehicle. ██████████ reluctance

¹³ For a definition of COPA’s findings and standards of proof, *see* Appendix B.

¹⁴ *People v. Colyar*, 2013 IL 111835, ¶ 31 (citing U.S. Const., amend. IV; Ill. Const. 1970, art. I, § 6).

¹⁵ *Arizona v. Johnson*, 555 U.S. 323 (2009).

¹⁶ *Michigan v. Long*, 463 U.S. 1032 (1983).

¹⁷ Att. 28, 9:07—9:58.

¹⁸ Att. 28, 11:34—12:05.

¹⁹ Att. 28, 10:26.

to provide forthright answers to these questions seemed, in COPA's view, to indicate that ██████ was possibly engaging in deceptive behavior which would warrant further investigation to ensure the Officers' safety.²⁰ Officer Sanchez did not mention this aspect of ██████ behavior during his interview, possibly because he did not remember it and his own BWC had not been recording at the time, but the significance of this interaction played a role in COPA's interpretation of the incident.

b. Officer Sanchez' and Officer Loza's failures to active BWCs in a timely manner

COPA found that Allegation #2 against Officer Sanchez and Allegation #1 against Officer Loza, each of which were for failure to activate a Body-Worn Camera in a timely manner, were both **sustained**. All CPD members equipped with BWCs will "activate the system to event mode at the beginning of an incident and will record the entire incident for all law-enforcement-related activities."²¹ The video obtained from Officer Szczur's BWC demonstrated that this traffic stop was initiated several minutes before Officer Sanchez and Officer Loza activated their own BWCs. Officer Sanchez acknowledged that his device should have been turned on earlier and stated that he believed his late activation was due to a malfunction.²² Officer Loza likewise agreed that his BWC usage in this incident had been against policy and admitted that he had made a mistake in not making sure it was turned on sooner.²³

VI. DISCIPLINARY RECOMMENDATION

a. Officer Matthew Sanchez

i. Complimentary and Disciplinary History²⁴

Officer Sanchez' Complimentary History includes 110 achievements, including one Superintendent's Honorable Mention, one Unit Meritorious Performance Award, one Life Saving Award and 90 Honorable Mentions. His recent Disciplinary History includes an October 2021 Reprimand for an Operations Violation (Reports Fail to Submit), and a Violation Noted for a Civil Rights Violation (Improper Search Vehicle).

ii. Recommended Discipline

COPA has found that Officer Sanchez violated Rules 2, 3, 5, and 6 by failing to activate his BWC in a timely manner. During his recorded interview, Officer Sanchez admitted that he should have activated his BWC as soon as he arrived on the scene of this traffic stop and explained his late activation as a possible result of a camera malfunction. COPA found that Officer Sanchez'

²⁰ Att. 21 at 2:54.

²¹ S03-14 (III)(A)(2), Body Worn Cameras (effective April 30, 2018 – present).

²² Att. 28, 13:18.

²³ Att. 27, 8:35.

²⁴ Att. 30.

inattention to his recording equipment was contrary to CPD policy and therefore recommends a Violation Noted.

b. Officer Danilo Loza

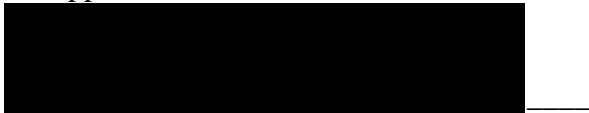
i. Complimentary and Disciplinary History²⁵

Officer Loza's Complimentary History includes 128 Achievements, including one Superintendent's Honorable Mention, one Unit Meritorious Performance Award, one Life Saving Award, and 107 Honorable Mentions. His recent Disciplinary History includes an October 2021 Reprimand for an Operations Violation (Reports Fail to Submit) and a November 2022 Reprimand for a Court Appearance Violation.

ii. Recommended Discipline

As was the case with Officer Sanchez, who committed the same infraction, COPA has found that Officer Loza violated Rules 2, 3, 5, and 6 by failing to activate his BWC in a timely manner. Officer Loza freely admitted during his interview that his late activation resulted from an error on his part. While this frank admission of personal fault accrued to the Officer's credit, nevertheless COPA recommends a Violation Noted.

Approved:



Sharday Jackson
Deputy Chief Administrator – Chief Investigator

May 26, 2023

Date

²⁵ Att. 29.

Appendix ACase Details

Date/Time/Location of Incident:	January 4, 2021 / 12:11 am / 4701 W. North Avenue, Chicago, IL 60651
Date/Time of COPA Notification:	January 4, 2021 / exact time unavailable
Involved Officer #1:	Matthew E. Sanchez / Star #10159 / Employee ID # [REDACTED] / Date of Appointment: April 28, 2014 / Unit of Assignment: 189 / Male / Hispanic
Involved Officer #2:	Danilo M. Loza / Star #16201 / Employee ID # [REDACTED] / Date of Appointment: August 25, 2014 / Unit of Assignment: 015
Involved Individual #1:	[REDACTED] / Male / Black

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.

Applicable Policies and Laws

- S03-14 (III)(A)(2), Body Worn Cameras (effective April 30, 2018 – present).

Appendix B

Definition of COPA’s Findings and Standards of Proof

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

1. Sustained – where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained – where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded – where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated – where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that a proposition is proved.²⁶ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense. Clear and convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”²⁷

²⁶ See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it is found to be more probably true than not).

²⁷ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C

Transparency and Publication Categories

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation