

**SUMMARY REPORT OF INVESTIGATION**

Date/Time/Location of Incident:	February 16, 2019/ 10:00 AM/ 155 W Hermitage Ave
Date/Time of COPA Notification:	February 26, 2019/ 2:30 PM
Involved Officer #1:	Juan Gonzalez, #202363 <sup>1</sup> ; Employee # [REDACTED]; Date of Appointment: December 13, 1999; Detective; Unit of Assignment: 610; DOB: [REDACTED], 1975; Male Hispanic
Involved Officer #2:	Kevin White, #11628, Employee # [REDACTED]; Date of Appointment July 27, 2018; Police Officer; Unit of Assignment: 005; DOB: [REDACTED], 1995; Male White
Involved Officer #3:	Nicholas Mrozek, #13165, Employee # [REDACTED]; Date of Appointment: July 27, 2018; Police Officer; Unit of Assignment: 011; DOB: [REDACTED] 1994; Male White
Involved Individual #1:	[REDACTED], 1991; Male Black
Case Type:	Unlawful detention

**I. ALLEGATIONS**

Officer	Allegation	Finding
Detective Juan Gonzalez	1. It is alleged that on February 16, 2019, at approximately 10:00 AM, at or near 155 W. Hermitage Avenue, Detective Gonzalez committed misconduct through the following acts or omissions, by detaining [REDACTED] without justification.	Exonerated
	2. Arresting [REDACTED] without justification.	Exonerated
	3. Failing to complete an Investigatory Stop Report after detaining [REDACTED] in violation of Special Order 04-13-09.	Unfounded
Officer Kevin White	1. It is alleged that on February 16, 2019, at approximately 10:00 AM, at or near 155 W.	Exonerated

<sup>1</sup> Detective Gonzalez was promoted from a Field Training Police Officer to a Detective in July 2019

<p>Officer Nicholas Mrozek</p>	<p>Hermitage Avenue, Officer White committed misconduct through the following acts or omissions, by detaining ██████████ without justification.</p>	
	<p>2. Arresting ██████████ without justification.</p>	<p>Exonerated</p>
	<p>3. Failing to complete an Investigatory Stop Report after detaining ██████████ in violation of Special Order 04-13-09.</p>	<p>Unfounded</p>
	<p>1. It is alleged that on February 16, 2019, at approximately 10:00 AM, at or near 155 W. Hermitage Avenue, Officer Mrozek committed misconduct through the following acts or omissions, by detaining ██████████ without justification.</p>	<p>Exonerated</p>
	<p>2. Arresting ██████████ without justification.</p>	<p>Exonerated</p>
	<p>3. Failing to complete an Investigatory Stop Report after detaining ██████████ in violation of Special Order 04-13-09.</p>	<p>Unfounded</p>

**II. SUMMARY OF EVIDENCE**

On February 26, 2019 ██████████ registered a complaint via telephone with COPA and alleged that on February 16, 2019, Detective Gonzalez, Officers White and Mrozek detained and arrested ██████████ without justification. During the course of the investigation, COPA alleged that Detective Gonzalez, Officers White and Mrozek failed to complete an Investigatory Stop Report after detaining ██████████

During his interview with COPA on March 7, 2019 ██████████ stated that while seated inside his parked vehicle Detective Gonzalez, Officer White, and Officer Mrozek approached his vehicle and ordered him to step out of his vehicle. ██████████ complied and was informed that that he was being arrested based on an investigative alert regarding an incident involving Officer Frederick Collins. ██████████ claimed that the allegations that Officer Frederick Collins made against him regarding the investigative alert were false.

COPA reviewed an arrest report, case reports, OEMC event queries, and the body worn camera footage of Detective Gonzalez, Officer White, and Officer Mrozek.

Based Department reports and statements of Detective Gonzalez, Officer White and Officer Mrozek, had knowledge of the Investigative Alert with probable cause to arrest regarding ██████████

prior to having contact with ██████████. During the course of their duty, Detective Gonzalez, Officers White and Mrozek observed ██████████ seated on the driver's side of a vehicle. The officers approached the vehicle and directed ██████████ to exit the vehicle. Detective Gonzalez verified ██████████ identity and placed ██████████ into custody. ██████████ was transported to the 012th District Station for processing without incident.

### III. LEGAL STANDARD

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 the conduct reviewed complied with Department policy. *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 has found to be more probably true than not). 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. *See e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). 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." *Id.* at ¶ 28.

### IV. ANALYSIS

COPA finds that **Allegations #1 and 2** against **Detective Gonzalez, Officers White and Mrozek** be **Exonerated**. ██████████ alleged that Detective Gonzalez, Officers White and Mrozek detained and arrested him without justification. According to Department reports, there was an active investigative alert with probable cause to arrest for ██████████ in effect on February 16, 2019.<sup>2</sup> Detective Gonzalez, Officer White, and Officer Mrozek had knowledge of the investigative alert

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<sup>2</sup> COPA is aware of the decision issued in *People v. Bass*, 2019 IL App (1<sup>st</sup>) 160640, which held CPD's investigative alert with probable cause to arrest practice to be unconstitutional, as it circumvents the warrant process. This decision was issued on July 25, 2019. However, this incident predates that decision and therefore our analysis will be limited to the CPD directives and procedures that were in effect in February 2019.

and reviewed the information prior to having contact with [REDACTED] Further, the officers followed the departments well established directives on use of the investigative alert system. At the time of this arrest, the officers had probable cause to arrest, therefore the allegations are exonerated.

COPA finds that **Allegation #3** against **Detective Gonzalez, Officers White and Mrozek** be **Unfounded**. COPA alleged that Detective Gonzalez, Officers White and Mrozek failed to complete an investigatory stop report. In their statements to COPA Detective Gonzalez, Officers White and Mrozek denied conducting an investigatory stop with [REDACTED] The accused officers stated that they had knowledge of the investigative alert with probable cause to arrest for [REDACTED] prior to having contact with [REDACTED] The accused officers added that they approached [REDACTED] with the intent to arrest him for the investigative alert. Based on the available evidence Detective Gonzalez, Officers White and Mrozek did not fail to complete an investigative report as it was not required.

Approved:

[REDACTED]

May 27, 2020

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Andrea Kersten  
*Deputy Chief Administrator – Chief Investigator*

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Date

**Appendix A**

Assigned Investigative Staff

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<b>Squad#:</b>	4
<b>Investigator:</b>	Lakeisha Davis
<b>Supervising Investigator:</b>	James Murphy-Aguilu
<b>Deputy Chief Administrator:</b>	Andrea Kersten