

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date / Time of Incident:	May 29, 2019, approximately 11:30 a.m.
Location of Incident:	5000 W. Division Street, Chicago, Illinois
Date / Time of COPA Notification:	May 30, 2019, approximately 1:08 p.m.

██████████ (██████████) alleged that he was detained without lawful justification by individuals whom he believed to be on-duty plain-clothed CPD officers. COPA has determined there is insufficient evidence sustain ██████████ allegations.

II. INVOLVED PARTIES

Involved Officer #1:	Angelily Lopez, Star #1468, Employee ID# ██████████; Date of Appointment: January 3, 2005, Rank: Sergeant; Unit of Assignment:025, DOB: ██████████, 1973, M/S
Involved Officer #2:	Unidentified CPD Officer
Involved Individual #1:	██████████ DOB: ██████████, 1997, M/B

III. ALLEGATIONS

Officer	Allegation	Finding
Sgt. Lopez	On May 29, 2019, at approximately 11:30 a.m., at or near 5000 W. Division Street, Chicago, Illinois, Sergeant Angelily Lopez committed misconduct through the following acts or omissions: 1. Detained ██████████ without justification in violation of; and/or	NOT SUSTAINED
	2. Failed to prepare an investigatory stop report after conducting an investigatory stop of ██████████	NOT SUSTAINED

IV. APPLICABLE RULES AND LAWS

Rules
1. Rule 1, CPD Rules of Conduct (prohibiting the violation of any law or ordinance)
2. Rule 6, CPD Rules of Conduct (prohibiting disobedience of an order or directive)
3. Rule 8, CPD Rules of Conduct (prohibiting disrespect to or maltreatment of any person)

Special Orders

1. Special Order S04-13-09 *Investigatory Stop System* (effective July 10, 2017)
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Federal Laws

1. Fourth Amendment, U. S. Constitution

V. INVESTIGATION¹**a. Interviews**

██████████

██████████ gave a recorded interview on May 30, 2019.² The following is a summary of ██████████ interview.

██████████ told investigators that on May 29, 2019, at approximately 11:30 a.m., ██████████ was walking near the intersection of West Division Street and North Lavergne Avenue in Chicago. A dark-colored SUV believed by ██████████ to be a CPD vehicle then pulled up along-side ██████████. The SUV was occupied by two plain-clothed adult males believed by ██████████ to be CPD officers, one of whom stated to ██████████ words to the effect of “what are doing on this side of the park?” ██████████ responded by stating words to the effect that he was free to walk wherever he pleased. The SUV then stopped, and the vehicle’s occupants then exited. One of the occupants stood approximately 5’9”, weighed approximately 210 pounds, had short gray hair, and was wearing a vest displaying the name “Lopez” and a star number of 1464 or 1468. (For ease of reference, COPA will refer to that person as “Lopez” for the remainder of this paragraph.) Lopez then said words to the effect of, “I’m going to teach something about borrowing freedom,” and “I’m going to teach you something about the color of the law,” and he ordered ██████████ to place his hands the vehicle. ██████████ complied, and he argued with Lopez about whether Lopez had the right to detain him. During that argument, Lopez said words to the effect that “he was old school.” ██████████ was not handcuffed, patted down, or otherwise searched. He was not asked for identification, he was given no reason for his detention, and he was provided with no documentation. After approximately two to three minutes, Lopez told ██████████ that he was free to go, and ██████████ then departed on foot.

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Attachment #3 is A/V recording of that interview.

Sgt. Angeilly Lopez (“Sgt. Lopez”)

Sgt. Angeilly Lopez gave an audio recorded statement on August 12, 2019.³ The following is a summary of Sgt. Lopez’s Statement.

Sgt. Lopez denied knowing ██████████ and stated that he had no recollection of having any familiarity with anyone by the name of ██████████. In order to prepare for giving his statement, Sgt. Lopez reviewed evidence.com materials, attendance records, and certain arrest reports. Sgt. Lopez recalled being involved in two events on the date of the alleged incident, both of which took place near the intersection of North Lockwood Avenue and West Crystal Street. The first such event involved a narcotics hot spot dispersal, after which Sgt. Lopez returned to the 025th District Station. The second such event was a follow-up to the earlier narcotics hot spot dispersal, and that event involved multiple arrests. Sgt. Lopez rode to that second event from the 025th District Station with CPD Officers David Laskus and Daniel Lazzara.⁴ OEMC event numbers were obtained for each of the two events. Sgt. Lopez acknowledged that attendance records showed that no CPD vehicle was assigned to him on the date in question. Sgt. Lopez believed that he rode to the second event in CPD Vehicle #4641. Sgt. Lopez did not recognize Vehicle #4667 as a 025th District vehicle. Sgt. Lopez was familiar with a brown or burgundy colored SUV assigned to the 025th District tactical unit, and he has driven it. Sgt. Lopez was unable to say, one way or the other, concerning whether he drove that vehicle on the date in question. On the date of the alleged incident, Sgt. Lopez was wearing plain clothes with a vest indicating his name and star number. Sgt. Lopez had no idea why someone would say that a CPD officer fitting Sgt. Lopez’s description had stopped him on May 29, 2019 at or near the intersection of West Division Street and North Lavergne Avenue. Sgt. Lopez acknowledged that a stop involving a short-term detention of an individual would have necessitated the preparation of an Investigatory Stop Report. Sgt. Lopez is not aware of an Investigatory Stop Report documenting a May 29, 2019 stop of ██████████. The area around LaFollette Park is frequented by various gangs. Sgt. Lopez is not familiar with the words, “what are you doing on this side of the park,” and he has never said words to that effect in connection with stopping any person in or near LaFollette Park. Sgt. Lopez is not familiar with any gang boundaries that were in place around LaFollette Park on May 29, 2019. Sgt. Lopez has no recollection of ever saying words to the effect of “you’re borrowing freedom.” Sgt. Lopez described himself as Hispanic, with light-colored hair, standing about 5’8” to 5’9,” weighing approximately 185 lbs., and not wearing eyeglasses.

b. Documentary Evidence*Investigative Stop Report*

COPA searched for an Investigatory Stop Report documenting the incident described by ██████████ or a similar incident occurring at or near the intersection of West Division Street and North

³ Attachment #9 is recording of that interview.

⁴ Officer Laskus also gave an Audio Recorded Statement to COPA. Attachment #11 is a recording of that statement, which was given on August 28, 2019, and which COPA has deemed to be essentially cumulative of other information uncovered during the course of this investigation.

Lavergne Avenue at or about the time described by ██████ COPA found no evidence showing that any such report had been submitted.⁵

POD Footage

COPA searched for Police Observation Device Footage depicting the incident described by ██████ or a similar incident occurring at or near 5000 W. Division Street and was informed that no such footage was available.⁶

Body Worn Camera Footage (“BWC”)

COPA searched for BWC footage depicting the incident described by ██████ or a similar incident occurring at or near the intersection of West Division Street and North Lavergne Avenue at or about the time described by ██████ COPA’s search revealed that Sgt. Lopez uploaded one and only one BWC recording made on May 29, 2019, which Sgt. Lopez made starting at approximately 1:38 p.m.⁷ COPA’s search also revealed that Officer Laskus made a BWC recording on May 29, 2019, beginning at approximately 12:16 p.m. and lasting approximately four minutes in length.⁸ That recording depicts Officers Laskus and Lazzara conducting a traffic stop having no apparent connection to ██████ and it shows that Sgt. Lopez was not with Officers Laskus and Lazzara at the time.

Attendance and Assignment Records (“A&As”)

COPA obtained A&As for Unit 025 for May 29, 2019, which shows, among other things, that Sgt. Lopez’s assigned beat for the day was “Relief.”⁹ That record does not show a vehicle assignment for Sgt. Lopez.¹⁰ The record also shows that Officers Laskus and Lazzara were assigned to Beat 2562E and to CPD Vehicle #4641.¹¹

Supervisor’s Management Log (“SML”)

COPA obtained a SML prepared by Sgt. Lopez, which purports to reflect certain activity occurring under Sgt. Lopez’s supervision on May 29, 2019.¹² That Log makes no reference to any event similar to that described by ██████ Among other things, the Log reports that Sgt. Lopez was assigned to Beat 2562 and to CPD Vehicle #4637. Like the A & A described above, the Log also shows that Officers Laskus and Lazzara were assigned to Beat 2562E. However, unlike the A&A, the Log shows that Officers Laskus and Lazzara were assigned CPD Vehicle #4701.

⁵ See Attachment #12. A CPD directive in effect would have required the submission of such a report if a detention such as the one described by ██████ had in fact occurred. See Special Order S04-13-09 *Investigatory Stop System* (effective July 10, 2017), at Sections II.A and III.C thereof.

⁶ See Attachment #12.

⁷ See *id.*

⁸ Attachment #13 comprises a copy of that footage.

⁹ See Attachment #14, p. 1 of 6.

¹⁰ See *id.*

¹¹ See *id.*, p. 3 of 6.

¹² Attachment #15 is an image of that document.

Original Incident Case Report (“OICR”)

COPA obtained an OIRC, prepared by Officer Laskus, which describes activity occurring on May 29, 2019, at or near the intersection of North Lockwood Avenue and Crystal Street similarly to the description of that activity given by Sgt. Lopez during his Audio Recorded Statement.¹³ Among other things, that report documents a narcotics-related hotspot dispersal purportedly conducted by Sgt. Lopez at 12:01 p.m., as well as arrest activity reported to have occurred at 1:36 p.m.

OEMC Event Query Report

COPA obtained an OEMC Event Query Report which documents the occurrence of hotspot activity conducted by Beat 2562 at or near the intersection of North Lockwood Avenue and Crystal Street at approximately 12:01 p.m. on May 29, 2019.¹⁴

GPS Data

COPA accessed and reviewed certain **GPS** data showing the positions of certain CPD vehicles at various times on May 29, 2019.¹⁵ Among other things, that data shows the positions of CPD Vehicle #4667 from 12:02 p.m. to 12:07 p.m. that day, as set out in Figure 1 below.¹⁶

	Vehicle	Time	Position	Speed
A	4667	12:02 p.m.	5231 W. Crystal St. (near the intersection of North Lockwood Avenue and West Crystal Street)	11
B	4667	12:03 p.m.	5139 W. Division St.	17
C	4667	12:04 p.m.	5037 W. Division St.	17
D	4667	12:05 p.m.	4959 W. Crystal St.	2
E	4667	12:07 p.m.	1233 N. Lavergne Ave.	0

Figure 1

¹³ Attachment #16 is an image of that document.

¹⁴ Attachment #17 is an image of that document.

¹⁵ That data may be found within Attachments ## 18 – 22.

¹⁶ See Attachment #20, p. 13. The data also shows that no other GPS-equipped CPD Vehicle came to a stop within 1,000 feet of 5000 W. Division Street between the hours of 11:00 a.m. and 1:00 p.m. except for CPD Vehicle #4641, which was positioned at or near 5037-41 W. Division Street from approximately 12:08 p.m. to 12:19 p.m. See Attachments ## 18 and 19; Attachment #20, at pp. 5 and 6. Part of that activity is depicted in BWC footage described above (Attachment #13) which shows Officers Laskus and Lazzara conducting a traffic stop having no apparent connection to ██████████ and which shows that Sgt. Lopez was not with Officers Laskus and Lazzara at the time. The data also shows that Vehicle #4241 was positioned at the 025th District Station for several minutes starting at 1:26 p.m. on May 29, 2019, and that, from there the vehicle then relocated to 1225 N. Lockwood Avenue, where it was positioned from 1:36 p.m. to 1:52 p.m. See Attachment #21, pp. 1 - 3. This is consistent with Sgt. Lopez’s stated recollection that he rode in Vehicle #4241 with Officers Laskus and Lazzara from the 025th District Station to the intersection of North Lockwood Avenue and West Crystal Street that day in follow-up to an earlier narcotics-related hotspot dispersal at that location. That data also indicates that CPD Vehicle #4637 was not in the vicinity of 5000 W. Division St. at any time from 9:15 a.m. to 1:15 p.m. on May 29, 2019. See Attachment #22.

Satellite Imagery permits the plotting of that location data, for illustrative purposes only:

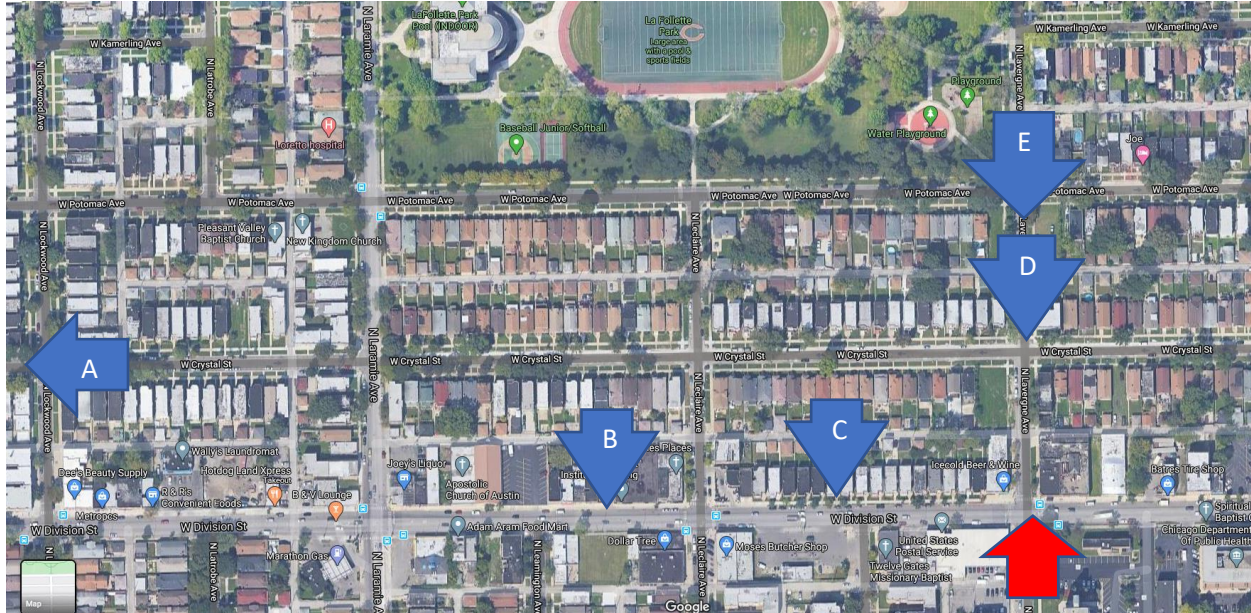


Figure 2

The red arrow depicted in Figure 2 above points to the intersection of West Division Street and North Lavergne Avenue. The blue arrows depict the route of travel of CPD Vehicle #4667 from 12:02 p.m. to 12:07 p.m. on May 29, 2019.

VI. STANDARD OF REVIEW

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

- (1) Sustained - if it is determined the allegation is supported by a preponderance of the evidence;
- (2) Not Sustained - if it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
- (3) Unfounded - if it is determined by clear and convincing evidence that an allegation is false or not factual; or
- (4) Exonerated - if 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 a quantum of evidence indicating that it is more likely than not that a proposition is true. *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). If the evidence gathered in an investigation establishes that it is likely that misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is 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.”

See *e.g.*, *People v. Coan*, 2016 IL App (2d) 151036, ¶28 (2016). It is a higher standard than the preponderance of the evidence standard, but it is a lower standard than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense.

VII. ANALYSIS

COPA has determined there is insufficient evidence to prove the allegations by a preponderance of the evidence.

Despite its efforts, COPA has located no video depicting any incident similar to the one described by ██████ in his COPA interview. Nor has COPA located any report documenting the occurrence of any such incident. COPA has therefore endeavored to pinpoint Sgt. Lopez’s locations at various times during the course of his duties on May 29, 2019, in order to determine whether Sgt. Lopez could have been involved in an incident similar to the one described by ██████

Through analysis of GPS data and other evidence, COPA has concluded that on May 29, 2019, at about 12:01 p.m., Sgt. Lopez was likely operating (or riding as a passenger in) CPD Vehicle # 4667 when he ordered a narcotics-related dispersal near the intersection of North Lockwood Avenue and West Crystal Street. COPA has similarly concluded that Sgt. Lopez was likely operating (or riding as a passenger in) CPD Vehicle # 4667 when it left that location and travelled to 1233 N. Laverne Ave., arriving at that position at approximately 12:07 p.m. These conclusions lead COPA to the further conclusion that Sgt. Lopez could indeed have been involved in an incident near the location described by ██████ during his COPA interview, although, if so, such an incident would have had to have occurred slightly more than a half-an-hour later than ██████ has claimed.

██████’s apparent identification of Sgt. Lopez convinces COPA that it’s plausible ██████ had some kind of encounter with Sgt. Lopez. As described by ██████ such an encounter would have constituted an unreasonable seizure prohibited by the Fourth Amendment. In addition, as described by ██████ and as COPA has noted above, such an encounter would have also necessitated the preparation of an Investigatory Stop Report in accordance with an applicable CPD directive. As such, ██████’s complaint implicates Rules 1, 6, and 8 of the CPD Rules of Conduct, which respectively prohibit violations of the law, violations of CPD directives, and maltreatment.

However, COPA has determined that there is nothing in the parties’ respective accounts or in any of the other evidence that COPA has analyzed that would permit COPA to conclude that ██████’s account is likely more credible than is Sgt. Lopez’s or to concluded by a preponderance what occurred during any such encounter.

For the above reasons, COPA finds that ██████’s complaint and the allegations at issue are NOT SUSTAINED.

VIII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Sgt. Lopez	<p>On May 29, 2019, at approximately 11:30 a.m., at or near 5000 W. Division Street, Chicago, Illinois, Sergeant Angeilly Lopez committed misconduct through the following acts or omissions:</p> <ol style="list-style-type: none"> 1. Detained [REDACTED] without justification in violation; and/or 2. Failed to prepare an investigatory stop report after conducting an investigatory stop of [REDACTED] 	<p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p>

Approved:

[REDACTED]

June 29, 2020

 Andrea Kersten
 Deputy Chief Administrator – Chief Investigator

 Date

Appendix A

Assigned Investigative Staff

Squad#:	Three
Investigator:	Tighe
Supervising Investigator:	Haynam
Deputy Chief Administrator:	Kersten