

**SUMMARY REPORT OF INVESTIGATION**

Date/Time/Location of Incident:	September 1, 2019/12:05am/231 East 75 <sup>th</sup> Street
Date/Time of COPA Notification:	September 9, 2019/5:14pm
Involved Officer #1:	Stanislaw Smalec, Star #16512, Employee ID# [REDACTED] Date of Appointment: February 19, 2013, Police Officer, 6 <sup>th</sup> District, Date of Birth: [REDACTED], 1987, Male, White
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED], 1983, Male, Black
Case Type:	4 <sup>th</sup> Amendment

**I. ALLEGATIONS**

Officer	Allegation	Finding
Officer Smalec	1. It is alleged that on October 8, 2019, you entered Mr. [REDACTED] vehicle without justification.	Unfounded

**II. SUMMARY OF EVIDENCE<sup>1</sup>**

On September 13, 2019, Mr. [REDACTED] filed a complaint with the Civilian Office of Police Accountability (COPA) alleging that as he and his friend were walking towards his vehicle a Chicago Police Officer, identified above, was in the front passenger seat of his vehicle. Mr. [REDACTED] stated the officer gave him two tickets and had his vehicle towed because it was parked in a no tow zone. Mr. [REDACTED] said he was unsure how the officer got into his vehicle because he locked his car after getting out.

COPA reviewed all relevant reports including two traffic citations, an event query, and the vehicle tow report. COPA also reviewed digital evidence provided by the supervisor and Officer Smalec’s Body Worn Camera (BWC) footage.

**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;

---

<sup>1</sup>COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

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 occurred and violated 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 misconduct occurred, 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 AND CONCLUSION

COPA finds the **Allegation** against Officer Smalec UNFOUNDED. A review of the digital evidence clearly shows Officer Smalec was never inside Mr. [REDACTED] vehicle as Mr. [REDACTED] alleged. Prior to approaching the vehicle, Officer Smalec's BWC clearly shows him as a passenger in the tow truck that eventually towed Mr. [REDACTED] vehicle and as a result.

Furthermore, the footage shows Officer Smalec informing Mr. [REDACTED] he is parked in a tow zone to which Mr. [REDACTED] responds, he thought he parked behind the sign. As Officer Smalec continues to write the tickets and record the tow information, his BWC pans towards the tow zone sign which clearly shows Mr. [REDACTED] parked in a prohibited area. Mr. [REDACTED] also acknowledged this point during his COPA interview.

Officer Smalec and the supervisor can also be seen and heard, at separate points, asking how long he has been driving and whether he had anything to drink. On scene, Mr. [REDACTED] never tells the supervisor that Officer Smalec was inside his vehicle. The events Mr. [REDACTED] laid out in his COPA interview are refuted by the officer's BWC. COPA finds there is clear and convincing evidence that Officer Smalec was never inside Mr. [REDACTED] vehicle, as alleged, and as a result COPA finds the allegation unfounded.

Approved:



6-23-2020

---

Angela Hearts-Glass  
*Deputy Chief Administrator – Chief Investigator*

---

Date

**Appendix A**

Assigned Investigative Staff

---

<b>Squad#:</b>	Six
<b>Investigator:</b>	Orlando Ortiz
<b>Supervising Investigator:</b>	Elaine Tarver
<b>Deputy Chief Administrator:</b>	Angela Hearts-Glass