

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	November 27, 2020
Time of Incident:	9:42 p.m.
Location of Incident:	3045 West 63 rd Street, Chicago, Illinois, 60629
Date of COPA Notification:	December 1, 2020
Time of COPA Notification:	2:56 p.m.

This incident occurred on November 27, 2020, when [REDACTED] Complainant, alleged that he was improperly detained by Chicago Police Department (CPD) officers. At the time, [REDACTED] was sitting in his vehicle near 3045 West 63rd Street when CPD officers pulled up on the scene, approached him, and asked him where the gun was located. The officers then aggressively pulled [REDACTED] from his vehicle, handcuffed him, and placed him in a police vehicle. [REDACTED] was not arrested but was released a short time later. Body Worn Camera (BWC) of the incident shows that [REDACTED] did not receive an investigatory stop receipt, nor was an Investigatory Stop Report (ISR) properly completed for the event.

II. INVOLVED PARTIES

Involved Officer #1:	Jose P. Hernandez, Star #13909, Employee ID# [REDACTED], Date of Appointment: February 29, 2016, Rank: Police Officer, Unit of Assignment: 006 – Detailed to 716 (CST), DOB: [REDACTED] 1992, Gender: Male, Race: Hispanic
Involved Officer #2:	Constantino J. Martinez, Star #12428, Employee ID# [REDACTED], Date of Appointment: April 6, 2015, Rank: Police Officer, Unit of Assignment: 002 – Detailed to 189 NVD, DOB: [REDACTED], 1992, Gender: Male, Race: Hispanic
Involved Officer #3	Tim T. Tully, Star #4684, Employee ID# [REDACTED], Date of Appointment: November 27, 2018, Rank: Police Officer, Unit of Assignment: 009, DOB: [REDACTED], 1996, Gender: Male, Race: White
Involved Officer #4	Cory Junious, Star #1835, Employee ID# [REDACTED], Date of Appointment: December 5, 2005, Rank: Sergeant, Unit of Assignment: 004 – Detailed to 716 (CST). DOB: [REDACTED] [REDACTED] 1980, Gender: Male, Race: Black

Involved Individual #1 | ██████████ DOB: ██████████, 1978, Gender: Male,
 Race: Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Hernandez	1. It is alleged by ██████████ that on or about November 27, 2020, at approximately 9:42 p.m., at or near 3045 West 63 rd Street, Chicago, Illinois, 60629, that Officer Jose P. Hernandez, Star #13909, illegally detained ██████████ without justification.	Sustained
	2. It is alleged by ██████████ that on or about November 27, 2020, at approximately 9:42 p.m., at or near 3045 West 63 rd Street, Chicago, Illinois, 60629, that Officer Jose P. Hernandez, Star #13909, forcibly removed him from his vehicle, without justification.	Sustained
	3. It is alleged by ██████████ that on or about November 27, 2020, at approximately 9:42 p.m., at or near 3045 West 63 rd Street, Chicago, Illinois, 60629, that Officer Jose P. Hernandez, Star #13909, searched ██████████ vehicle, without, justification.	Sustained
	4. It is alleged by COPA that on or about November 27, 2020, at approximately 9:42 p.m., at or near 3045 West 63 rd Street, Chicago, Illinois, 60629, that Officer Jose P. Hernandez, Star #13909, failed to properly document the detention of ██████████ by preparing an Investigatory Stop Report, without justification.	Sustained
	5. It is alleged by COPA that on or about November 27, 2020, at approximately 9:42 p.m., at or near 3045 West 63 rd Street, Chicago, Illinois, 60629, that Officer Jose P. Hernandez, Star #13909, failed to provide an Investigatory Stop Receipt to ██████████ without justification.	Exonerated
	6. It is alleged by COPA that on or about November 27, 2020, at approximately 9:42 p.m., at or near 3045 West 63 rd Street, Chicago, Illinois, 60629, that Officer Jose P. Hernandez, Star #13909, failed to deescalate the encounter with ██████████ in violation of General Order G03-02.	Sustained

	<p>7. It is alleged by COPA that on or about November 27, 2020, at approximately 9:42 p.m., at or near 3045 West 63rd Street, Chicago, Illinois, 60629, that Officer Jose P. Hernandez, Star #13909, failed to timely activate his BWC in violation of Special Order S03-14.</p>	<p>Sustained</p>
<p>Officer Martinez</p>	<p>1. It is alleged by [REDACTED] that on or about November 27, 2020, at approximately 9:42 p.m., at or near 3045 West 63rd Street, Chicago, Illinois, 60629, that Officer Constantino J. Martinez, Star #12428, illegally detained [REDACTED] without justification.</p> <p>2. It is alleged by [REDACTED] that on or about November 27, 2020, at approximately 9:42 p.m., at or near 3045 West 63rd Street, Chicago, Illinois, 60629, that Officer Constantino J. Martinez, Star #12428, forcibly removed him from his vehicle, without justification.</p> <p>3. It is alleged by [REDACTED] that on or about November 27, 2020, at approximately 9:42 p.m., at or near 3045 West 63rd Street, Chicago, Illinois, 60629, that Officer Constantino J. Martinez, Star #12428, searched [REDACTED] vehicle, without justification.</p> <p>4. It is alleged by COPA that on or about November 27, 2020, at approximately 9:42 p.m., at or near 3045 West 63rd Street, Chicago, Illinois, 60629, that Officer Constantino J. Martinez, Star #12428, failed to properly document the detention of [REDACTED] by preparing an Investigatory Stop Report, without justification.</p> <p>5. It is alleged by COPA that on or about November 27, 2020, at approximately 9:42 p.m., at or near 3045 West 63rd Street, Chicago, Illinois, 60629, that Officer Constantino J. Martinez, Star #12428, failed to provide an Investigatory Stop Receipt to [REDACTED] without justification.</p> <p>6. It is alleged by COPA that on or about November 27, 2020, at approximately 9:42 p.m., at or near 3045 West 63rd Street, Chicago, Illinois, 60629, that Officer Constantino J. Martinez, Star #12428, failed to deescalate the encounter with [REDACTED] in violation of General Order G03-02.</p>	<p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Exonerated</p> <p>Sustained</p>

	<p>7. It is alleged by COPA that on or about November 27, 2020, at approximately 9:42 p.m., at or near 3045 West 63rd Street, Chicago, Illinois, 60629, that Officer Constantino J. Martinez, Star #12428, failed to timely activate his BWC in violation of Special Order S03-14.</p>	<p>Sustained</p>
<p>Officer Tully</p>	<p>1. It is alleged by ██████████ that on or about November 27, 2020, at approximately 9:42 p.m., at or near 3045 West 63rd Street, Chicago, Illinois, 60629, that Officer Tim T. Tully, Star #4684, illegally detained ██████████ without justification.</p> <p>2. It is alleged by ██████████ that on or about November 27, 2020, at approximately 9:42 p.m., at or near 3045 West 63rd Street, Chicago, Illinois, 60629, that Officer Tim T. Tully, Star #4684, failed to properly document the detention of ██████████ by preparing an Investigatory Stop Report, without justification.</p> <p>3. It is alleged by ██████████ that on or about November 27, 2020, at approximately 9:42 p.m., at or near 3045 West 63rd Street, Chicago, Illinois, 60629, that Officer Tim T. Tully, Star #4684, failed to provide an Investigatory Stop Receipt to ██████████ without justification.</p>	<p>Sustained</p> <p>Exonerated</p> <p>Exonerated</p>
<p>Sergeant (Sgt.) Junious</p>	<p>1. It is alleged by COPA that Sergeant Cory D. Junious, Star #1835, relative to the detention of ██████████ on or about November 27, 2020, at approximately 9:42 p.m., at or near 3045 West 63rd Street, Chicago, Illinois, 60629, failed to comply with Special Order 04-13-09, Section VIII, Item C(1)(a), in that he failed to approve or reject all submitted Investigatory Stop Reports by the end of the tour of duty for the reporting officers.</p> <p>2. It is alleged by COPA that Sergeant Cory D. Junious, Star #1835, relative to the detention of ██████████ on or about November 27, 2020, at approximately 9:42 p.m., at or near 3045 West 63rd Street, Chicago, Illinois, 60629, failed to comply with Special Order 04-13-09, Section VIII, Item C(1)(b), in that he failed to review and ensure that the Investigatory Stop Report was properly completed and conformed to Department policy.</p>	<p>Sustained</p> <p>Sustained</p>

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Any action which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 2. Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
 3. Rule 5: Failure to perform any duty.
 4. Rule 6: Disobedience of an order or directive, written or oral.
 5. Rule 8: Disrespect or maltreatment of any person, while on or off duty.
 6. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
 7. Rule 10: Inattention to duty.
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General Orders

1. G03-02, Use of Force
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Special Orders

1. Special Order S03-14, Body Worn Cameras
 2. Special Order SO4-13-09, Investigatory Stop System
-

Federal Laws

1. 4th Amendment to U.S. Constitution

V. INVESTIGATION¹

a. Interviews

██████████

On December 3, 2020,² COPA investigators interviewed ██████████ relative to the incident which occurred on November 27, 2020, at approximately 9:42 p.m., at or near 3045 West 63rd Street. ██████████ stated he was inside of the apartment building located at that address for 1-2 hours before the incident. His vehicle, which he described as a Chevrolet Trailblazer truck, white in color, was parked outside of the address. His view of the driver's side to the vehicle was obstructed.

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 #2

█████ exited the apartment building and came around his vehicle, at which point he noticed a woman who appeared to be looking inside of his vehicle from the driver's side. He described the woman as White or White-Hispanic, 5'0, wearing a blue and red jacket and looking like a "crackhead." He had never seen the woman before and believed the woman was acting as an informant for the police. He told her to get away from the vehicle and she walked away and said nothing.

█████ was with █████ who lived at the above address; however, █████ would not provide her last name.³ █████ then got into his vehicle and observed the woman leaning into traffic and motioning with her hands to someone. A black unmarked Ford Explorer police vehicle then pulled up alongside him while he was seated in his vehicle. Three officers in uniform hopped out. One officer was white and the other two officers were Hispanic. Mr. █████ was able to read the names of the Hispanic officers on their respective uniforms as Martinez and Hernandez. He did not obtain the name of the white officer. One of the officers asked him where the gun was. He replied, "What the fuck are you talking about?" All of the officers were talking about a gun and telling him to get out of the vehicle. Officer Hernandez said, "Show me your hands." █████ had one hand in his hoodie and his other hand was on the steering wheel. He replied, "Calm down. I'm not moving until you calm down." His phone was in his hand inside of his hoodie. He reached his hand up and his phone popped out. The officers flinched.

The vehicle's front driver's side window was down at that time. The officers tried to reach through the window and pulled at the door, which was unlocked. They then pulled him out of the vehicle. █████ his passenger, exited the vehicle and began videotaping the incident on her cell phone. █████ was then walked to the police vehicle and placed in the backseat. The officers did not search him and did not recover anything from him.

█████ said that the officers searched his vehicle and removed a utility tool from the driver's side door. The driver's side door was open and the officers were outside the vehicle, looking into it with flashlights. He did not observe them go into the vehicle. The hatchet-like object that Officer Martinez removed from the vehicle was removed from inside of the driver's side door. The object was enclosed in a black pouch and not in plain view. This object was eventually returned to █████ when he was released without being arrested.

█████ stated that, initially, Officer Martinez and Officer Hernandez were in his face yelling about a gun.⁴ This resulted in a loud argument with all parties yelling back-and-forth. The officers continued to yell at him while he was asking them why they had stopped him. Relative to pulling his cell phone out of his hoodie, █████ stated he did it at the instruction of one of the officers. Regarding the unidentified woman (above) who was wandering in and out of the scene, the officers did not talk or confer with her. She was told to get out of the street. █████ license plate was not queried by the three officers; however, a second vehicle arrived on the scene and █████ did not know if the officers in that vehicle queried his license plate. █████ was not searched. Nothing was taken from him. The officers asked for his driver's license but he never provided it to them. He also refused to provide his name.

³ This person has been identified as █████ who provided a 3rd party video of the incident to COPA. See Attachment #25.

⁴ Attachment #2 at 15:13

Finally, ██████ stated that he is a convicted felon, a business owner, and community activist. He believed his reputation was damaged as a result of being pulled from his vehicle by police officers, in public, when he did not violate any laws. He was not injured during the incident but the next day his right forearm was sore. He did not seek medical treatment. ██████ initially asked for a stop report but when the officer asked for his name, he refused to provide it and declined to receive a report.

Officer Tim Tully

On June 29, 2021,⁵ COPA investigators interviewed Officer Tim Tully. Officer Tully provided COPA with an Investigatory Stop Report (ISR) for “John Doe” relevant to this incident.⁶ He then stated that he was on duty with two other officers, Officers Jose Hernandez and Constantino Martinez. Officer Martinez was driving, Officer Hernandez was in the front passenger seat, and he was the third man in the vehicle and was seated in the backseat. One of the officers in the front seat relayed information to the other officers indicating that he had observed a person possibly having a gun.⁷ The officers then stopped their vehicle and all of them exited. Officer Hernandez approached the driver’s side of a parked vehicle and opened the driver’s side door. The person inside of the vehicle, later identified as ██████ was asked if he had anything. ██████ made furtive movements downward with his left-hand and pulled out a cell phone. Officers Martinez and Hernandez subsequently removed ██████ from the vehicle. ██████ was handcuffed and placed in the rear seat of the police vehicle. Officer Tully assisted in the handcuffing. Officers Martinez and Hernandez then talked with ██████ while Officer Tully maintained crowd control.

While ██████ was secured in the police vehicle, Officer Tully, with his flashlight, walked over to ██████ vehicle and conducted a plain view search of the vehicle from the outside by shining his flashlight into the vehicle’s interior. The vehicle’s front passenger door remained open. Tully did not enter the vehicle and search it. ██████ complained to the officers that he was being illegally detained and said he did not possess a firearm. Officer Martinez explained to ██████ why the stop had occurred, and that he had observed ██████ holding his waistband and noticed a bulge in ██████ pants.

Relative to BWC usage, Officer Tully said that he had initiated his BWC while still in the police vehicle when he realized that the officers were going to approach ██████ Officer Tully related that one of the other officers said something to effect of, “What’s he holding, is that a gun?” Officer Tully personally did not see the alleged bulge in ██████ pants but relied on the information that was relayed to him. He also stated that the other two officers should have activated their BWCs when he did.

Relative to the unidentified woman who was walking in and out of the scene, Officer Tully stated that he did not know who she was, and he did not recall having had any contact with her prior to the incident. He did not know if the woman provided any information about ██████ to the other officers prior to the event.

⁵ Attachments #43 (Part I) and 44 (Part II)

⁶ Attachment #36

⁷ Attachment #43 at 8:58

Relative to the “John Doe” ISR that was prepared in this incident, Officer Tully stated that [REDACTED] did not provide his name to the officers and, as a result, a “John Doe” ISR was prepared. He did not recall running [REDACTED] license plate for registration information, and said that it was possible the officers had forgotten to do so. Officer Tully stated he did not prepare the ISR, and his name does not appear on the document. He acknowledged he did not initially see [REDACTED] walking at a fast pace and holding his waistband where a bulge was apparent. He did, however, see [REDACTED] remove a cell phone from his person after his car door was opened. Officer Tully did not know if [REDACTED] cell phone caused the bulge in [REDACTED] pants, nor did he recall if a bulge remained in [REDACTED] pants after the cell phone was removed. [REDACTED] refused to receive a report, which Officer Tully interpreted to mean an ISR receipt. Officer Tully did not enter [REDACTED] vehicle to conduct a search. He only stood outside of the vehicle, shining his flashlight into the vehicle. [REDACTED] was subsequently released without being arrested.

Officer Jose Hernandez

On June 29, 2021,⁸ COPA investigators interviewed Officer Jose Hernandez relative to this incident. Officer Hernandez stated that he was on patrol, travelling eastbound on 63rd Street in a high crime area. He was in the front passenger seat of the police vehicle, accompanied by Officer Martinez who was driving, and Officer Tully who was in the backseat. Officer Hernandez observed an individual, whom he later learned was [REDACTED] walking on the sidewalk and holding his waistband on the left side. He observed a bulge in [REDACTED] waist area and believed it was large object, though he could not see the outline of the object. [REDACTED] looked back at the officers, who were approximately 10 feet away, then quickly entered a vehicle and closed the door.

The officers approached the vehicle and activated their emergency lights. Officer Hernandez approached the driver’s side door and asked [REDACTED] to roll down the window or open the door. He could not see where [REDACTED] hands were located. Officer Hernandez then asked [REDACTED] to step out of the vehicle but [REDACTED] refused. Officer Hernandez opened the door, asked [REDACTED] if he had a firearm, and told him not to move.⁹ He tried to conduct a protective patdown of [REDACTED] but [REDACTED] was agitated and confrontational. With his left-hand, [REDACTED] pulled out an object from his clothing and pointed it at the head of Officer Hernandez, who, at the time, did not know what the object was. Officer Hernandez grabbed [REDACTED] hand and determined that the object was a cell phone. He asked [REDACTED] to step out of the vehicle and then grabbed him by the arm, at which point [REDACTED] was placed in handcuffs. A pat down was conducted and no firearm was found. [REDACTED] was then placed in the police vehicle, where [REDACTED] and the officers became involved in a protracted argument. [REDACTED] also refused to provide his name to the officers. Officer Hernandez did not recall running [REDACTED] license plate and had no explanation for not running the license plate to possibly determine [REDACTED] identity. Eventually, the officers released [REDACTED]

⁸ Attachment #42

⁹ Attachment #42 at 11:37

Officer Hernandez prepared an Investigatory Stop Report (ISR) for the incident with the name listed as “John Doe” because ██████ would not provide his name.¹⁰ Officer Martinez’s name is also listed on the report, but Officer Tully’s name is not, as there are only two spaces for names.

Officer Hernandez summarized the factors he used in his reasonable suspicion analysis to stop and detain ██████ as follows: (1) They were in a high crime area; (2) ██████ was walking fast on the sidewalk; (3) ██████ was holding his waist area where a large bulge was observed; (4) and ██████ looked back in the officers’ direction and then quickly entered a parked vehicle. Officer Hernandez believed ██████ had a firearm,¹¹ though he acknowledged he knew the object was a cell phone before he pulled ██████ from the vehicle.

Relative to initiating his BWC, Officer Hernandez stated that he did not activate it in the police vehicle, as Officer Tully had, because he was focused on ██████. Instead, he activated his BWC when he was already at ██████ vehicle.

Relative to removing ██████ from his vehicle, Officer Hernandez denied using excessive force. He described his actions as escorting ██████ from his vehicle. He did admit that his hands were on ██████ with one hand on ██████ left wrist, but ██████ was complying. Officer Hernandez denied forcibly pulling ██████ out of the vehicle.

Relative to deescalating the encounter with ██████ which included a protracted and loud argument, Officer Hernandez stated that the situation required de-escalation techniques, which he had been taught at the police academy. He said that his police presence in uniform is one technique he utilized. Handcuffing ██████ was another technique he used. He and ██████ were arguing loudly back-and-forth, but he did not describe it as yelling. He stated that he was calmly trying to talk to ██████ but ██████ continued to argue.

Relative to searching ██████ vehicle, he recalled opening the door after ██████ had refused to do so. He escorted ██████ out of the vehicle and had his hands on ██████ for officer safety. The officers took the cell phone away from ██████ and Officer Hernandez conducted a patdown. No firearm was found from the patdown and ██████ person was not searched. Officers Tully and Martinez, using flashlights, looked into the passenger area of ██████ vehicle, as the door remained open. Officer Hernandez remained with ██████ who was handcuffed and seated in the police vehicle.

Officer Constantino Martinez

On July 7, 2021,¹² COPA investigators interviewed Officer Constantino Martinez relative to this incident. Officer Martinez stated he was on duty with his two partners, Officers Tully and Hernandez. They were on patrol in a high crime area and driving westbound on 63rd Street when they observed an individual, later identified as ██████ walking fast on a sidewalk, holding a bulge in his waistband, and quickly entering a parked vehicle after looking back at the officers. Officer Martinez did not recall if he or Officer Hernandez initially spotted ██████ nonetheless,

¹⁰ Attachment #36

¹¹ Attachment #42 at 25:44

¹² Attachment #46

██████████ who was seated in a parked vehicle, was approached for a field interview because the officers suspected that ██████████ had a gun in his possession.

Officer Martinez did not run the registration for ██████████ vehicle; however, he did obtain an Event Number for the incident.¹³ The Event Number did not list ██████████ name, nor the license plate from his vehicle. Officer Martinez explained that many times running the license plate does not identify the person detained. Because ██████████ would not provide his name to the officers, the ISR listed “John Doe” as the individual detained. Officer Martinez identified his name on the ISR as the Second Reporting Officer. He did not the author the report but reviewed it for accuracy. Officer Martinez believed that he initially observed ██████████ walking at a fast pace and holding his waist, where he observed a large bulge. He believed it was a firearm; however, Officer Martinez confirmed that the ISR only references a bulge, not a bulge resembling a firearm.

Officer Martinez stated that, after ██████████ looked back the officers and quickly entered his vehicle, the officers approached for a field interview. Officer Hernandez eventually opened the driver’s side door of ██████████ vehicle, and Officer Martinez may have assisted. Officer Martinez did not recall if he inquired about ██████████ having a gun, nor did he recall if he saw ██████████ make a furtive movement toward his waist. ██████████ removed an object, which the officers believed was a firearm, and quickly pointed it at Officer Hernandez. The object was determined to be a black cell phone. Officer Martinez did not know if the cell phone was causing the bulge in ██████████ pants. One of the officers took custody of the cell phone. The officers then guided ██████████ from the vehicle and ██████████ complied. ██████████ was placed in handcuffs and patted down. Officer Martinez denied forcibly removing ██████████ from his vehicle. He did not recall if the bulge was still in ██████████ waistband at that point. He does not know if a bulge remained after the patdown.

Officer Martinez stated that Officer Hernandez prepared and submitted the “John Doe” ISR. The date of the incident was November 27, 2020; however, the ISR was not submitted until December 1, 2020.¹⁴ Officer Martinez’s explanation for to why the ISR was submitted late was that they were busy. He confirmed that the ISR should have been submitted at the end of their tour of duty on November 27, 2020.

Relative to whether ██████████ vehicle was searched, Officer Martinez confirmed that there was no mention of a search in the relevant police report. Officer Martinez acknowledged he removed a hatchet-type tool from the side panel of the driver’s side door, but he considered this a protective pat down of the vehicle, not a search. He said the item was a potential weapon and was in plain view. It eventually was returned to ██████████ upon his release. Officer Martinez did not enter ██████████ vehicle, nor did he search the interior of ██████████ vehicle.

Relative to not activating his BWC promptly, Officer Martinez agreed that he did not timely activate his BWC because he was the driver of the vehicle and was focused on ██████████ movements. He activated his BWC after he approached ██████████ vehicle.

Sgt. Cory Junious

¹³ Attachment #39

¹⁴ See Attachment #36

On September 9, 2021, COPA investigators interviewed Sgt. Cory Junious relative to this incident.¹⁵ Sgt. Junious was the approving supervisor for the Investigatory Stop Report (ISR) that Officer Hernandez submitted on December 1, 2020.¹⁶ Sgt. Junious described it as a John Doe ISR because the officers were unable to determine the identity of the individual they had stopped. He further stated that John Doe ISRs are common and he had seen them before. This stop involved an individual who was removed from a vehicle; however, in the narrative of the report, there is a reference to a vehicle but the vehicle is not described, nor is a license plate listed. Relative to the OEMC report for this incident,¹⁷ Sgt. Junious acknowledged that the report contains no information relative to the vehicle and he did not know if the officers queried the vehicle through OEMC. Nonetheless, Sgt. Junious approved this report on December 2, 2020, approximately five days after it was supposed to have been submitted. His justification for doing so stemmed from the fact that the reporting officers were reassigned to his unit on November 29, 2020. Other than that, he could not provide a reason as to why he approved an ISR that was incomplete and submitted five days late.

b. Digital Evidence

Body Worn Camera (BWC) Footage

Officer Tully's BWC is initiated in the police vehicle.¹⁸ He is seated in the backseat. Officer Hernandez is seated in the front passenger seat and Officer Martinez is the driver. The vehicle stops and all three officers exit. Officer Hernandez is then observed opening the driver's side door of a white SUV. An unknown woman wearing a blue jacket and red pants is observed walking in the middle of the street and into oncoming traffic. She is walking away from where Officer Hernandez is standing. When the audio begins, Officer Hernandez can be seen and heard talking loudly with ██████████ who is sitting in the white SUV. Officer Martinez approaches and joins in the argument with ██████████ denies having a gun and shows the officers a cell phone. Officers Hernandez and Martinez then forcibly remove ██████████ from the vehicle. Officers Tully and Martinez handcuff ██████████ behind his back. The unknown woman appears behind the vehicle, along with ██████████ girlfriend, who is videotaping the encounter on her cell phone.

Officers Martinez and Hernandez place ██████████ in the backseat of their vehicle. Officer Martinez argues loudly with ██████████ and repeatedly points his finger at him. The unknown woman continues to meander in the area, and continues to walk in an erratic manner. Officer Hernandez instructs her to leave the area. Officer Tully shines his flashlight at ██████████ vehicle, the driver's side door of which is open. Officer Martinez also approaches the driver's side door and shines his flashlight into the vehicle.¹⁹ Officer Hernandez remains at the police vehicle as ██████████ continues to argue loudly. Officer Martinez returns to the police vehicle and resumes arguing with ██████████ who continues to assert that he did not have a gun. Officer Martinez then leaves but Officer

¹⁵ Attachment #50

¹⁶ Attachment #40

¹⁷ Attachment #39

¹⁸ Attachment #10

¹⁹ Attachment #10 at 03:53

Hernandez and █████ continue to argue about █████ possessing a gun. █████ states that he is not giving the officers permission to search his vehicle.²⁰ Officer Martinez then returns and resumes talking with █████ who asks if he is under arrest. Officer Martinez responds that he is being detained, though he could be arrested for disorderly conduct. █████ tells him that he wants a stop report. █████ refuses to give his name and then says that he does not want a stop report. The officers then release █████

Officer Hernandez's BWC is initiated at █████ vehicle.²¹ Officer Hernandez is observed pulling █████ from his vehicle through the driver's side door. █████ is handcuffed and placed in the backseat of the police vehicle. Officer Martinez and █████ then engage in a heated argument as to why █████ was stopped and detained. Officer Martinez continually points his finger at █████ and they argue about who is spitting on whom. Officer Hernandez returns from interacting with the unknown woman wandering around the scene, and he also engages in the argument. He tells █████ that he thought █████ had a gun, which █████ denies. As they continue to argue, █████ says that he does not give the officers permission to search his vehicle. Officer Martinez tells █████ that he is not under arrest, but is being detained. █████ asks for a stop report, then refuses to provide his name and tells the officers that he does not want a report. As █████ is released, Officer Martinez is observed holding a hatchet-like tool in his hand.²²

Officer Martinez's BWC starts with him pulling █████ from his parked vehicle and handcuffing him.²³ █████ is then placed in the back of a police vehicle, with Officer Hernandez assisting. As Officer Martinez engages in an argument with █████ his BWC captures Officer Tully, with his flashlight, standing near the open door of the SUV and shining his flashlight into the SUV.²⁴ Officer Tully does not enter the SUV to conduct a search. Officer Martinez joins him and also shines his flashlight into the vehicle. Officer Martinez then stands at the open door of the SUV and removes a type of utility tool from a black Velcro case. He eventually walks back to █████ and tells █████ that they stopped him because they observed a bulge in his pocket.

Third Party Cell Phone Video from █████ █████ shows the interaction between Officer Hernandez, Officer Martinez, Officer Tully, and █████ The video begins with █████ already removed from his vehicle and Officer Hernandez holding █████ by his right arm. An unidentified female, wearing red pants and a blue coat, is observed wandering in and out of the scene. Officers Tully and Martinez place █████ in the backseat of their police vehicle, and █████ yells, "He doesn't have a gun." Officer Martinez argues loudly with █████ as Officer Hernandez tells the unidentified woman to leave the scene. Officers Tully and Martinez are then observed standing near the driver's side door of █████ SUV and shining their flashlights into the vehicle.²⁶ Officer Martinez removes a small Velcro pouch from the driver's side door pocket.²⁷ █████ tells Martinez that what he just did is illegal. In his left hand, Martinez is holding a utility

²⁰ Attachment #10 at 05:40

²¹ Attachment #20

²² Attachment #10 at 08:05

²³ Attachment #11

²⁴ Attachment #11 at 1:51

²⁵ Attachment #25

²⁶ Attachment #25 at 1:35

²⁷ Attachment #25 at 2:17

tool that resembles a small hatchet, which he removed from the Velcro case.²⁸ Officer Martinez and ██████ continue to argue loudly with each other as to why ██████ is being detained. ██████ denies having a gun and refers to the object removed from the vehicle by Officer Martinez as a utility tool. ██████ refuses to provide his name to the officers. He is told that he is not under arrest, and he tells the officers that he does not want a report.²⁹ ██████ is then removed from the police vehicle and released.

c. Documentary Evidence

OFFICE OF EMERGENCY MANAGEMENT AND COMMUNICATIONS EVENT NUMBER 2033213303:³⁰ This report reflects that on November 27, 2020, at 9:42:26 p.m., a traffic stop occurred at 6300 South Whipple Avenue, Chicago, Illinois. The officer reporting the traffic stop was Officer Hernandez (██████). The vehicle involved in the stop is not listed and the license plates were not queried.

INVESTIGATORY STOP ACTIVITY REPORT 009628677:³¹ The report shows the submission and approval of the ISR for this incident, which occurred on November 27, 2020. The ISR was submitted on December 1, 2020, by Officer Hernandez, and approved on December 2, 2020, by Sgt. Junious.

INVESTIGATORY STOP REPORT No. 009628677:³² This is a “John Doe” ISR that does not identify ██████ by name. The ISR summarizes the detention of ██████ which occurred on November 27, 2020, at or near 6300 South Whipple Avenue, at approximately 9:42 p.m. The report states that the officers were on patrol, travelling eastbound on 63rd Street. Officer Hernandez observed a subject, later determined to be ██████ walking on a sidewalk at a fast pace and holding his waistband where a bulge was observed. The officers feared ██████ had a firearm, and they approached him for a field interview. ██████ observing the approaching officers, quickly entered a parked vehicle. ██████ was asked to open the door to the vehicle but did not, at which point Officer Hernandez opened the driver’s side door. ██████ became irate and confrontational, according to the officers. ██████ then made furtive movements with his left hand and removed an object, later determined to be a cell phone, from his waistband. ██████ pointed the object at Officer Hernandez. The officers removed ██████ from the vehicle, detained him, and handcuffed him. A pat down of ██████ was conducted and revealed no firearm. ██████ refused to provide his name and also refused to accept an ISR receipt.

VI. 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;

²⁸ Attachment #25 at 2:31

²⁹ Attachment #25 at 7:46

³⁰ Attachment #39

³¹ Attachment #40

³² Attachment #36

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.³³ 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. 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.”³⁴

VII. ANALYSIS AND CONCLUSIONS

Officers Hernandez, Martinez, and Tully Detained ██████████ Without Justification:

COPA’s investigation has determined that Officers Hernandez, Martinez, and Tully detained ██████████ on November 27, 2020, at approximately 9:42 p.m., in the vicinity of 3045 West 63rd Street. With respect to the issue of whether ██████████ was detained by the officers without justification, one must determine the totality of the circumstances of the event,³⁵ the need for officer safety, and the safety of others, and whether the officers had specific and articulable facts supporting the detention.³⁶

When evaluating the validity of a *Terry* Stop, the totality of the circumstances must be considered.³⁷ Further, the officer’s basis for the stop must be objectively reasonable and not based upon inarticulable hunches or unparticularized suspicions.³⁸ To justify a brief investigatory stop of a person in a public place, a police officer must be able to articulate specific facts which, considered with rational inferences from those facts, reasonably warrant a belief that the person is committing, is about to commit, or has committed a criminal offense.³⁹ Thus, the question must be

³³ 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).

³⁴ See e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016).

³⁵ See *People v. Lake*, 2015 IL App. (4th) 130072, ¶ 28.

³⁶ See *People v. Timmsen*, 2016 IL 118181: “...the police officer must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion.”

³⁷ *United States v. Sokolow*, 490 U.S. 1, 8 (1989); *United States v. Cortez*, 449 U.S. 411, 417 (1981).

³⁸ *People v. Ray*, 116 Ill.App.2d 269, 252 N.E.2d 772 (Ill.App. 1969).

³⁹ Special Order 04-13-09(II)(C)(1), Investigatory Stop System (effective July 10, 2017 to present); see also *People v. Rivera*, 272 Ill.App.3d 502, 504-05 (1995).

answered as to what information the officers knew about [REDACTED] and [REDACTED] actions before they detained him, and whether that knowledge justified a reasonable basis for detaining [REDACTED]

According to Officer Hernandez, the officers initially approached [REDACTED] because he was observed walking fast and holding a bulge in his waistband, which Officer Hernandez believed was a firearm. Upon observing the officers, [REDACTED] quickly entered a parked vehicle. Officer Hernandez also related that the incident occurred in a high crime area. Based upon these facts, the officers could [REDACTED] approach [REDACTED] and attempt to talk to him. These facts alone, however, do not rise to the level of reasonable suspicion to detain [REDACTED]. More than mere conjecture and guesswork are required to establish reasonable suspicion to conduct a *Terry* stop.⁴⁰ Further, although headlong flight after a suspect observes police is a pertinent factor in assessing an officer's suspicion of criminal activity,⁴¹ [REDACTED] in this case, was not observed in headlong flight but was only observed walking fast. [REDACTED] also had the right to refuse to talk to the officers and, hence, the right to refuse to open the door of his vehicle at the officer's request. Reasonable suspicion to detain [REDACTED] was [REDACTED] absent.

For these reasons, COPA finds the detention of [REDACTED] was based upon mere hunch and not upon reasonable suspicion, as is required by law. The standard requires only that a police officer must be able to point to specific, articulable facts which, when taken together with rational inferences derived therefrom, reasonably warrant the intrusion.⁴² Specific and articulable facts with respect to [REDACTED] detention were [REDACTED] absent in this case.

All three officers played a role in detaining [REDACTED]. Officers Hernandez and Martinez forcibly removed [REDACTED] from his vehicle and Officer Tully assisted in handcuffing [REDACTED]. As a result, all three officers are responsible for their actions. Thus, **Allegation #1** against all three officers is **sustained** as a violation of Rules 2, 3, and 6.

Officers Hernandez and Martinez Forcibly Removed [REDACTED] from His Vehicle, Without Justification:

[REDACTED] was seated in his vehicle when the officers approached him to conduct a field interview, suspecting that he had a firearm. As outlined above, the information the officers had did not reach the threshold of reasonable suspicion and, hence, [REDACTED] was under no obligation to talk to them. This is considered a voluntary police-citizen encounter and [REDACTED] did not volunteer to talk to the officers. Further, [REDACTED] was under no obligation to open the driver's side door to his vehicle when commanded to do so by Officer Hernandez. Officer Hernandez unilaterally opened the door, and he and Officer Martinez subsequently forcibly removed [REDACTED] from his vehicle.⁴³ This is [REDACTED] a seizure under the law, as a seizure occurs when the police, by means of physical force or show of authority, have in some way restrained a person's liberty.⁴⁴ Moreover, because the seizure was improper, it was a violation of [REDACTED] Fourth Amendment rights. For these

⁴⁰ *United States v. Booker*, 579 F.3d 835, 838 (7th Cir. 2009); *People v. Gherna*, 203 Ill. 2d 165, 181 (2003); *People v. Thomas*, 198 Ill.2d 103, 110 (2001); *People v. Edward*, 402 Ill.App.3d 555, 562 (2010); *United States v. Wimbush*, 337 F.3d 947, 949-50 (7th Cir. 2003).

⁴¹ *See Illinois v. Wardlow*, 528 U.S. 119, 124-125 (2000).

⁴² *See Village of Lincolnshire v. Kelly*, 389 Ill.App.3d 881, 887 (2009).

⁴³ See the beginning of the BWCs of both Officers Martinez and Hernandez, Attachments #11 and 20.

⁴⁴ *See People v. Perkins*, 338 Ill.App.3d 662, 666 (2003); *People v. Almond*, 2015 IL 113817 ¶ 57.

reasons, COPA finds **Allegation #2** against Officers Hernandez and Martinez is **sustained** as a violation of Rules 2, 3, 6, 8, and 9.

Officers Martinez and Hernandez Searched [REDACTED] Vehicle Without Justification:

There is a significant difference between ordering one out of a car and opening a car door without warning. In the former case, the occupant has an opportunity, before opening the door and leaving the car, to safeguard from public view matters in which he has a privacy interest. Suddenly opening a car door is unconstitutionally intrusive because the police officer thereby surprises the occupant when the latter is entitled to consider his private affairs secure from outside scrutiny.⁴⁵ By unilaterally opening the car door without [REDACTED] permission, Officer Hernandez impermissibly exposed parts of the interior of the vehicle and thus conducted an unlawful search. Further, even though this situation is not a traffic stop *per se*, it is analogous to one, as a traffic stop is analogous to a *Terry* stop (i.e., an investigative detention).⁴⁶ Thus, because opening a car door by police during a traffic stop is a search under the Fourth Amendment and must be reasonable under the circumstances, so too must a search under an investigatory detention be reasonable.⁴⁷

More egregious is the fact that Officer Martinez actually reached inside of [REDACTED] vehicle and removed objects. This occurred after the officers determined the alleged bulge in [REDACTED] pants was not a firearm but, instead, was a cell phone. The pat down of [REDACTED] also revealed no firearm. Since the officers did not have reasonable suspicion, the initial opening of [REDACTED] car door was an unjustified search. The second search by Officer Martinez was equally unjustified.⁴⁸ In this case, the argument of officer safety fails. There was no basis for the officers to believe that a firearm was in the vehicle, and there was no probable cause to search the vehicle. Probable cause to search a vehicle exists when, based upon the totality of the circumstances, there was a fair probability that contraband or evidence of a crime would be found in a particular place.⁴⁹ Here, there was no such probability.

For these reasons, COPA finds **Allegation #5** against Officers Hernandez and Martinez is **sustained** as a violation of Rules 2, 3, and 6.

[REDACTED] Expressly Declined an ISR Receipt:

Since it is clear and convincing from BWC evidence that [REDACTED] refused to accept an ISR receipt from the officers,⁵⁰ COPA finds **Allegation #3** against Officers Hernandez, Martinez, and Tully is **exonerated**.

⁴⁵ *State v. Woodson*, 566 A.2d 550, 236 N.J. Super. 537 (N.J. Super. App. Div. 1989); *State v. Matthews*, 330 N.J. Super. 1, 748 A.2d 1125 (N.J. Super. 2000).

⁴⁶ *People v. Jones*, 215 Ill.2d 261, 270 (2005); *United States v. Sharpe*, 470 U.S. 675, 682 (1985).

⁴⁷ *United States v. Meredith*, 480 F.3d 366, 369 (5th Cir. 2007). *United States v. Jerry*, (W.D. La. 2019).

⁴⁸ See Attachment #25 at 2:31, where Officer Martinez is holding objects he removed from [REDACTED] vehicle.

⁴⁹ See *United States v. Sands*, 815 F.3d 1057, 1063 (7th Cir. 2015); *Illinois v. Gates*, 462 U.S. 213, 238 (1983).

⁵⁰ See Attachment #25 at 7:46, where [REDACTED] is heard to say, "I don't want a report."

Officers Hernandez and Martinez Failed to Properly Document [REDACTED] Detention in an ISR, Without Justification:

The ISR that was completed for this event was a “John Doe” ISR. The ISR did not contain the name of [REDACTED] the true detainee. As such, the ISR was inaccurate. Further, neither Officer Hernandez nor Officer Martinez ran [REDACTED] vehicle registration in an attempt to identify him. Although the ISR indicates that a vehicle was involved, the report does not contain any description of the vehicle, nor the license plate number. Further, the ISR was submitted for approval by Officer Hernandez on December 1, 2020, four days after it was due.⁵¹ Neither Officer Hernandez nor Officer Martinez provided a credible reason as to why the report was not timely submitted at the end of their shift.

As such, COPA finds **Allegation #4** against Officers Hernandez and Martinez is **sustained** as a violation of Rules 2, 3, 6, and 10.

Officers Hernandez and Martinez Failed to Deescalate the Encounter with [REDACTED]

Officer Hernandez stated that he utilized the following de-escalation techniques in his encounter with [REDACTED] (1) police presence; (2) handcuffing [REDACTED] (3) attempting to calmly talk with [REDACTED] and (4) repeatedly pointing his finger at [REDACTED].⁵² The encounter with [REDACTED] involved arguing loudly back-and-forth, of which Officer Hernandez was a part. This is not a de-escalation technique. Forcibly pulling [REDACTED] from his vehicle and then handcuffing him behind his back, of which Officer Hernandez was a part, is not a de-escalation technique. It may be argued to be an officer safety technique but, in this case, it [REDACTED] served to exacerbate the situation and did not alleviate the volatility of the event.

Officer Martinez stated that he used the following de-escalation techniques in his encounter with [REDACTED] (1) handcuffing [REDACTED] and placing him inside of a police vehicle; and (2) talking to [REDACTED] in a nice manner. Despite Officer Martinez’s assertions, it is clear he did not deescalate the encounter with [REDACTED]. He forcibly pulled [REDACTED] from his vehicle. His hands were [REDACTED] on [REDACTED] from the BWC footage. He did not guide him out of the vehicle, nor escort him out of the vehicle, as both officers indicated in their statements to COPA. [REDACTED] was forcibly pulled from the vehicle and then handcuffed behind his back. When he was placed in the back of the police vehicle, Officer Martinez continued to argue with [REDACTED] and point his finger at his chest area on numerous occasions.⁵³ He did not talk to [REDACTED] in a nice manner, as he indicated in his statement to COPA. Instead, he and [REDACTED] yelled back-and-forth at each other. This was not only unprofessional; it was conduct likely to exacerbate an already volatile situation. Officer Martinez did not deescalate the situation; he escalated it.

For these reasons, COPA finds **Allegation #6** against Officers Hernandez and Martinez is **sustained** as a violation of Rules 2, 3, 6, 8, and 9.

⁵¹ Attachment #40

⁵² Attachment 46 at 44:38.

⁵³ Attachment #25 at 0:16.

Officers Hernandez and Martinez Failed to Timely Activate Their BWCs:

Both Officer Hernandez and Officer Martinez activated their BWCs when they were at [REDACTED] vehicle, instead of when they were in their police vehicle and had made a decision to stop [REDACTED]. This constitutes a late initiation. Since neither officer had a credible reason as to why their activation was not timely, COPA finds **Allegation #7** against Officers Hernandez and Martinez is **sustained** as a violation of Rules 2, 3, 5, and 6.

Sgt. Junious Failed to Comply with Special Order 04-13-09 by Failing to Approve or Reject All Submitted ISRs by the End of the Officers' Tour of Duty:

The Investigatory Stop Report (ISR) relative to this incident, which occurred on November 27, 2020, was submitted by Officer Hernandez on December 1, 2020. The report should have been submitted at the end of Officer Hernandez's tour of duty on November 27, 2020. It, however, was approved on December 2, 2020, by Sgt. Junious. This was five days late and violated CPD policy, which requires that ISRs be approved or rejected by the end of a reporting officer's tour of duty.⁵⁴ In his interview with COPA, Sgt. Junious provided no reasonable justification for his actions.

For these reasons, COPA finds **Allegation #1** against Sgt. Junious is **sustained** as a violation of Rules 2, 3, 5, and 6.

Sgt. Junious Failed to Comply with Special Order 04-13-09 by Failing to Review and Ensure That the ISR Was Properly Completed and Conformed to CPD Policy:

The ISR relative to this incident was not completed properly, yet it was approved by Sgt. Junious. The incident involved [REDACTED] being removed from his vehicle, searched, handcuffed, and detained. The ISR indicates that a vehicle was involved, and even refers to vehicle in the narrative of the report, but there is no description of the vehicle on the front of the ISR, nor in the narrative. There is no license plate listed and there is no indication in the narrative that the officers queried the license plate through OEMC for registration. Further, the Event Query for this incident reflects only that a traffic stop took place, and contains no description of a vehicle, nor that a license plate was queried.⁵⁵ Finally, this is a John Doe ISR, as the officers failed to identify [REDACTED]. Despite these deficiencies, Sgt. Junious approved this ISR, which is incomplete and in violation of CPD policy.⁵⁶

For these reasons, COPA finds **Allegation #2** against Sgt. Junious is **sustained** as a violation of Rules 2, 3, 6, and 10.

⁵⁴ See Special Order 04-13-09, Section VIII, Item C(1)(a).

⁵⁵ Attachment #39

⁵⁶ See Special Order 04-13-09, Section VIII, Item C(1)(b).

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officers Hernandez and Martinez

i. Complimentary and Disciplinary History⁵⁷

Officer Hernandez has received 86 awards, including one life saving award, one Superintendent's honorable mention, and 76 honorable mentions. Officer Martinez has received 123 awards, including one police officer of the month award, one Superintendent's honorable mention, one Superintendent's award of tactical excellence, one top gun arrest award, and 103 honorable mentions. Neither officer has any sustained disciplinary history in the past five years.

ii. Recommended Penalty

COPA has found that Officers Hernandez and Martinez violated Rules 2, 3, 5, 6, 8, 9, and 10 when they detained [REDACTED] forcibly removed him from his vehicle, and searched his vehicle, all without justification. The officers also failed to use de-escalation techniques, failed to accurately document the detention in an ISR, and failed to timely activate their BWCs. Their actions showed a flagrant disregard for both CPD policy and the law, and they constituted an egregious violation of [REDACTED] Fourth Amendment rights. It is for these reasons, combined with the officers' complimentary histories and lack of disciplinary histories, that COPA recommends both Officers Hernandez and Martinez receive a **25-day suspension and retraining** on the Fourth Amendment and related CPD policies.

b. Officer Tully

i. Complimentary and Disciplinary History⁵⁸

Officer Tully has received 20 various awards, including 18 honorable mentions. He has no sustained disciplinary history.

ii. Recommended Penalty

COPA has found that Officer Tully violated Rules 2, 3, and 6 when he detained [REDACTED] without justification. Officer Tully's conduct, while a violation of [REDACTED] rights, was far less egregious than that of his partners. Additionally, at the time of this incident, Officer Tully was a relatively inexperienced officer with only two years as a CPD member. It is for these reasons, combined with Officer Tully's complimentary and lack of disciplinary history, that COPA recommends he receive a **5-day suspension and retraining** on the Fourth Amendment and related CPD policies.

⁵⁷ Attachment #51, pgs. 5-12.

⁵⁸ Attachment #51, pgs. 13-16.

c. Sgt. Junious

i. Complimentary and Disciplinary History⁵⁹

Sgt. Junious has received 126 awards, including one Superintendent’s award of valor, two Superintendent’s honorable mentions, three complimentary letters, four Department commendations, and 93 honorable mentions. He has no sustained disciplinary history in the past five years.

ii. Recommended Penalty

COPA has found that Sgt. Junious violated Rules 2, 3, 5, 6 and 10 by approving an ISR that was untimely submitted, improperly completed, and did not conform to CPD policy. In mitigation, COPA recognizes that Sgt. Tully was not personally present at the scene, and he has an extensive complimentary history. It is for these reasons that COPA recommends Sgt. Junious receive a **5-day suspension**.

Approved:



Steffany Hreno
Director of Investigations

11/30/2022

Date

⁵⁹ Attachment #51, pgs. 1-4.