

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	12/28/2021
Time of Incident:	6:48 pm
Location of Incident:	1 W. Erie Street, Chicago, IL 60654
Date of COPA Notification:	01/06/2022
Time of COPA Notification:	07:04 am
Case Type	Improper Stop/Search

██████████ alleged on December 28, 2021, that two Chicago Police Department (CPD) Officers stopped him while he was working as a food delivery driver. ██████ alleged he was improperly detained and his vehicle searched.

II. INVOLVED PARTIES

Involved Officer #1:	Edward Ranzzoni, Star #1776, Employee ID # ██████ Date of Appointment: 05/26/1998, Rank Sergeant, Unit of Assignment:018, Male, Spanish
Involved Officer #2:	Nicu Tohatan, star #18703, employee ID # ██████ Date of Appointment: 10/26/2015, Rank Police Officer, Unit of Assignment: 018, Male, White
Involved Individual #1:	██████████ DOB ██████ 1988, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Sergeant Edward Ranzzoni	1. Improperly stopping complainant ██████ without justification.	Exonerated
	2. Improperly detaining complainant ██████ without justification.	Exonerated
	3. Improperly searching complainant ██████ without justification.	Not Sustained
		Sustained

	<p>4. Failure to properly document the detention of [REDACTED] by preparing an Investigatory Stop Report, without justification.</p> <p>5. Failure to issue [REDACTED] an Investigatory Stop Receipt, without justification.</p>	Sustained
Officer Nicu Tohatan	<p>1. Improperly stopping complainant [REDACTED] without justification.</p> <p>2. Improperly detaining complainant [REDACTED] without justification.</p> <p>3. Improperly searching complainant [REDACTED] without justification.</p> <p>4. Failure to properly document the detention of [REDACTED] by preparing an Investigatory Stop Report, without justification.</p> <p>5. Failure to issue [REDACTED] an Investigatory Stop Receipt, without justification.</p>	<p>Exonerated</p> <p>Exonerated</p> <p>Not Sustained</p> <p>Sustained</p> <p>Sustained</p>

IV. APPLICABLE RULES AND LAWS

Rules

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1. Rule 2: Any action or conduct which impedes the Department’s effort 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 6: Disobedience of an order or directive, whether written or oral.
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Special Orders

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1. S04-13-09, Investigatory Stop Systems (effective July 10, 2017 to present).
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Federal Laws

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1. Fourth Amendment to the United States Constitution
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Municipal Laws

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1. 09-64-010(a) Parking Regulations

V. INVESTIGATION

a. Interviews¹

Officer Nicu Tohatan

In a statement to COPA on March 11, 2022, COPA interviewed Officer Nicu Tohatan who stated he was on routine patrol driving east on Erie Street when he spotted an occupied vehicle parked illegally. Officer Tohatan, and his partner Sergeant Ranzzoni, initiated a traffic stop of the vehicle. Officer Tohatan approached the driver, ██████████ and informed ██████████ of the reason for the traffic stop. Officer Tohatan asked ██████████ for his driver's license, proof of insurance, and further asked whether he possessed a Firearms Owner Identification Card (FOID). Tohatan stated he detected a strong odor of cannabis emanating from the vehicle.² According to Officer Tohatan, ██████████ became increasingly annoyed with the questioning, and for officer safety, he asked ██████████ to step out of the vehicle. ██████████ was handcuffed and detained while Officer Tohatan conducted a search of the vehicle.

During the search of the vehicle, Officer Tohatan stated he discovered a small amount of residue of a green leafy substance which from his experience he believed to be cannabis. Due to the amount being minimal, combined with the fact ██████████ seemed to calm down while detained, he was not issued any citations during the traffic stop. ██████████ was released from custody and free to go. Officer Tohatan stated he offered ██████████ a receipt for the stop to which he declined and stated, "I'm good."³ Officer Tohatan was asked if he ever completed an Investigatory Stop Report (ISR) and stated he looked in his records and he could not find one on file for this incident. Officer Tohatan stated he does his ISR's at the end of his shift and thought he did it but it appears it's not there.⁴

Sergeant Edward Ranzzoni

In a statement to COPA on March 16, 2022, Sergeant Edward Ranzzoni stated he and his partner, Officer Tohatan, conducted a traffic stop of an occupied vehicle which was parked in a no parking tow zone. Sergeant Ranzzoni stated he was on a "robbery mission" which would have triggered a stop of an occupied vehicle parked illegally.⁵ ██████████ was asked to step out of his vehicle because he was acting erratic, evasively answering questions, and was slow to produce his proof of insurance.⁶ For officer safety, ██████████ was handcuffed and detained briefly while Officer Tohatan searched ██████████ vehicle.

Sergeant Ranzzoni was asked if he completed any paperwork regarding this traffic stop to which he affirmed he did not. Sergeant Ranzzoni stated he did a few traffic stops that day but could

¹ COPA attempted to conduct an interview with ██████████ but because there is an active civil case pending, his attorney would not allow him to give a statement.

² Att. 2 at 03:30

³ Att. 2 at 11:15

⁴ Att. 3 at 30:30.

⁵ Sergeant Ranzzoni noted there had been several car jackings and retail thefts from high end stores in the 18th district in recent months 09:38/30:37 of Interview of Sergeant Ranzzoni.

⁶ Att. 1 at 14:25

not recall the reason he did not issue ██████ an Investigatory Stop Receipt.⁷ Sergeant Ranzzoni was asked based on his training and experience when an Investigatory Stop Receipt should be completed and he stated when a subject is detained. Sergeant Ranzzoni was asked if he would consider this traffic stop a detention of ██████ to which he affirmed.

b. Digital Evidence

The body worn cameras (BWC) of Sergeant Ranzzoni and Officer Tohatan on December 21, 2021, show their interaction with ██████⁸ The footage shows that at approximately 6:42 pm, ██████ was sitting in the driver's seat of his vehicle outside of a restaurant at or near 1 W. Erie Street. An unmarked vehicle, driven by Officer Tohatan with Sergeant Ranzzoni as the passenger, pulled in front of ██████ vehicle and initiated a traffic stop. ██████ who was working as a food delivery driver, appeared to be parked in a No Parking Tow Zone.⁹ Officer Tohatan approached the vehicle on the driver's side, and Sergeant Ranzzoni approached on the passenger side. ██████ informed the officers he was working as a food delivery driver and was about to pull off.¹⁰ ██████ was asked for identification and presented a State of Ohio driver's license as well as his insurance card. Officers asked ██████ to step out of his vehicle because they detected an odor of cannabis. ██████ immediately stepped out of his vehicle and was placed in handcuffs by Officer Tohatan. ██████ appeared to become increasingly emotional and continued to inquire why he was stopped.

Officer Tohatan conducted a search of ██████ vehicle while Sergeant Ranzzoni maintained custody of ██████ Tohatan returned to his vehicle and entered ██████ name and Ohio Driver's License through the OEMC database at approximately 6:47 pm, with no outstanding warrants.¹¹ Tohatan removed the handcuffs from ██████ and he was free to go.

c. Documentary Evidence

OEMC Event Query #2136210098¹² details a traffic stop occurring December 28, 2021, at approximately 06:42 pm at 1 W. Erie Street. The Complainant's name, as well as the license plate number, was run at approximately 6:37 pm from Workstation ██████ which was registered to Sergeant Ranzzoni.

OEMC PDT Messages Report¹³ details the messages received after Officer Tohatan entered the complainants name and driver's license information. Results showed no criminal history, warrants, or FOID Card for ██████

⁷ Att. 21, S04-13-09 (VII)(3). Upon the completion of an Investigatory Stop that involves a Protective Pat Down or any other search, sworn members are required to provide the subject of the stop a completed Investigatory Stop Receipt. The Investigatory Stop Receipt will include the event number, the reason for the stop, and the sworn member's name and star number.

⁸ Atts. 01 and 02.

⁹ Att. 17.

¹⁰ Att. 02 at 02:09/09:56 BWC of Officer Tohatan.

¹¹ Att. 15, Page 8 of 16. OEMC Messages Report.

¹² Att. 05, Event Query #2136210098 lists the location of the traffic stop as 125 W. Erie but review of body worn camera shows the actual location is 1 W. Erie.

¹³ Attachment 15, pg. 8 of 16.

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;
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.

VII. ANALYSIS AND CONCLUSION

Allegations 1 and 2, that officer Tohatan and Sergeant Ranzzoni improperly stopped and detained ██████ are exonerated. BWC footage of the traffic stop began showing ██████ seated in the driver's seat of his vehicle. ██████ appeared to be parked in a No Parking Tow Zone as both officers approached his vehicle.¹⁴ Chicago Police Department (CPD) policy permits officers to temporarily stop and detain an individual based on "Reasonable Articulate Suspicion" that the person is committing, is about to commit, or has committed a crime.¹⁵ Reasonable Articulate Suspicion depends on the totality of the circumstances, and is more than a hunch or general suspicion or a hunch but less than probable cause.¹⁶ "Probable cause exists where the police have knowledge of facts that would lead a reasonable person to believe that a crime has occurred and

¹⁴ Chicago Municipal Code 09-64-010(A) - The provisions of the traffic code prohibiting the standing or parking of vehicles shall apply at all times or at those times therein specified or as indicated on official signs, where required, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer, traffic control aide, or official traffic-control device.

¹⁵ Att. 21, S04-13-09(II)(A).

¹⁶ Att. 21, S04-13-09(II)(C).

the subject has committed it.”¹⁷ ██████ alleged he was stopped improperly, but due to the fact BWC shows him parked in a No Parking Tow Zone, Officers had probable cause, and thus, the legal authority to conduct a traffic stop and detain him for the stop. For that reason, COPA finds **Allegations 1 and 2** for both Officer Tohatan and Sergeant Ranzzoni to be **EXONERATED**.

Allegation 3, against both Officer Tohatan and Sergeant Ranzzoni, that ██████ was improperly searched is not sustained. A Protective pat down is a “limited search during an Investigatory Stop in which the sworn member conducts a pat down of the outer clothing of a person for weapons for the protection of the sworn member or others in the area.”¹⁸ During their interviews, both Officer Tohatan and Sergeant Ranzzoni indicated that they were concerned with ██████ behavior, such that a protective pat down would have been appropriate. Nevertheless, it is difficult to tell whether ██████ was actually searched by the officers. Because we do not have a clear picture of what occurred and we were unable to interview ██████ this allegation is **NOT SUSTAINED**.

COPA further notes that ██████ vehicle was searched by Officer Tohatan. During his interview, Officer Tohatan indicated that he smelled the odor of cannabis emanating from ██████ vehicle. ██████ was asked to step out of his vehicle, handcuffed and search of the vehicle conducted.¹⁹ He further stated that during the search he found cannabis residue around the dashboard of ██████ vehicle. ██████ denied that there was cannabis residue around the dashboard of his vehicle. Sergeant Ranzzoni took no part in the search of the vehicle.

Allegation 4, that neither Officer Tohatan nor Sergeant Ranzzoni completed an Investigatory Stop Report (ISR) for this stop, is **SUSTAINED**. At the conclusion of the traffic stop, neither Officer Tohatan nor Sergeant Ranzzoni completed an ISR. CPD policy requires sworn members who conduct an Investigatory Stop to complete and submit an ISR where directed. Specifically, an ISR should be completed when the stop is based on probable cause and no other document captures the reason for the detention, and a protective pat down or other search in a public place.²⁰ Based on ██████ being parked in a No Parking Tow Zone, there was probable cause to stop ██████ and there was no other document that captured the reason for the detention. A search of the Clearnet database showed that neither Sergeant Ranzzoni nor Officer Tohatan completed an ISR for this event.²¹ Accordingly, both Sergeant Ranzzoni and Officer Tohatan were obligated to complete an ISR.

Allegation 5, that neither Sergeant Ranzzoni nor Officer Tohatan issued ██████ an Investigatory Stop Receipt, is sustained. CPD policy states that upon “completion of an Investigatory Stop that involves a Protective Pat Down or any other search, sworn members are required to provide the subject of the stop a completed Investigatory Stop Receipt.”²² While

¹⁷ Att. 21, S04-13-09(II)(D).

¹⁸ Att. 21, S04-13-09(II)(B).

¹⁹ Att. 22, S04-32 Cannabis Enforcement (IV)(A)(4) (effective July 9, 2020, to present). The Municipal Code of Chicago (MCC) prohibits possessing cannabis under the following circumstances (unless in compliance with the Compassionate Use of Medical Program Act) in a vehicle not open to the public, unless the cannabis is in a reasonably secured, sealed container that is odor-proof and child-resistant (MCC 7-24-099(b)(4)).

²⁰ Att. 21, S04-13-09(VIII)(A)(1).

²¹ Atts. 13 and 14.

²² Att. 21, S04-13-09(VIII)(A)(3).

Officer Tohatan stated during his interview that he offered ██████ a receipt for the stop, which ██████ declined and stated, “I’m good,” that cannot be heard from the BWC footage. Sergeant Ranzzoni was also asked if he completed any paperwork for this stop and affirmed he did not but could not recall why. For this reason, COPA finds **Allegation 5** is **SUSTAINED**.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Sergeant Ranzzoni

i. Complimentary and Disciplinary History²³

Sergeant Ranzzoni has received 64 various awards, and in the last five years, he has received one reprimand for failing to operate his BWC per CPD policy, and for failing to direct members under his supervision to operate their BWC per CPD policy.

ii. Recommended Penalty

COPA has found that Sergeant Ranzzoni violated CPD Rules 2, 3, and 6 for failing to complete an ISR and for failing to issue ██████ an Investigatory Stop Receipt. In his interview with COPA, Sergeant Ranzzoni affirmed he did not complete any paperwork for this event and that he did not provide ██████ with an Investigatory Stop Receipt. COPA has considered his complimentary and disciplinary histories as well as his rank of sergeant. Therefore, COPA recommends that Sergeant Ranzzoni receive a five-day suspension.

b. Officer Tohatan

i. Complimentary and Disciplinary History²⁴

Officer Tohatan has received 166 awards, and in the last five years, he has received one reprimand for failing to complete an ISR and another reprimand for failing to properly inventory property.

ii. Recommended Penalty

COPA has found that Officer Tohatan violated CPD Rules 2, 3, and 6 for failing to complete an ISR and for failing to issue ██████ an Investigatory Stop Receipt. In his interview, Officer Tohatan stated that he offered to provide ██████ with an Investigatory Stop Receipt, but BWC footage does not show this. COPA has considered his complimentary and disciplinary histories. Therefore, COPA recommends a three-day suspension.

²³ Att. 23, pgs. 1 to 3.

²⁴ Att. 23, pgs. 4 to 7.

Approved:



Sharday Jackson
Deputy Chief Investigator

May 30, 2023

Date