



Log # 2022-0289

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On January 26, 2022, the Civilian Office of Police Accountability (COPA) received an in-person complaint from [REDACTED] on behalf of her son [REDACTED] reporting alleged misconduct by members of the Chicago Police Department (CPD). [REDACTED] alleged that on January 25, 2022, Officer Larron Alexander, Officer Nicholas Chovanec, Detective Anthony Noradin, and Sergeant Daniel Conway, used force and improperly detained him, [REDACTED] and [REDACTED].² [REDACTED] also alleged that the members pointed their firearms and searched him and [REDACTED]. Upon review of the evidence, COPA served additional allegations regarding body worn camera and investigatory stop documentation. Following its investigation, COPA reached sustained findings against Officer Chovanec for searching [REDACTED] backpack and failing to provide him with an investigatory stop receipt. Additionally, COPA reached sustained findings against Detective Noradin and Sergeant Conway for failing to complete and provide investigatory stop documentation.

II. SUMMARY OF EVIDENCE³

On January 25, 2022, Sergeant Conway, Detective Noradin, and Officers Chovanec and Alexander were a homicide investigation support team for Unit 640 – Detective Division.⁴ That afternoon, the members were investigating the homicide of an eight-year-old female that occurred on January 22, 2022.⁵ The suspect was identified as [REDACTED] a juvenile male Hispanic who attended Farragut Career Academy High School and resided at [REDACTED].⁶

At approximately 3:53 p.m., the officers were conducting surveillance on and around [REDACTED].⁷ Sergeant Conway, Detective Noradin, and Officer Chovanec drove together, while Officer Alexander drove a separate vehicle.⁸ The members observed [REDACTED] a juvenile

¹ Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

² One or more of these allegations fall within COPA's jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

³ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including third-party video, police reports, civilian interviews, and officer interviews.

⁴ Att. 79, pgs. 9 - 11.

⁵ Att. 79, pg. 11, lines 6 - 16; Att. 20.

⁶ Atts. 20.

⁷ Att. 79, pg. 12; Att. 70, pg. 13, lines 8 - 24.

⁸ Att. 70, pg. 15, lines. 20 - 23; Att. 80, pgs. 10 - 11.

male Hispanic, in [REDACTED] gray Nissan, which was driving down the alley toward the [REDACTED].⁹ The members followed the Nissan into the alley and observed it stop near [REDACTED].¹⁰ [REDACTED] exited the Nissan and approached the rear fence of [REDACTED].¹¹ [REDACTED] wore a Farragut sweater and a backpack.¹²

The officers parked in front of and behind the Nissan.¹³ From the rear of the Nissan, Officer Chovanec approached [REDACTED] grabbed or pushed him by the fence,¹⁴ handcuffed him¹⁵, and escorted him to the squad car behind the Nissan.¹⁶ Officer Chovanec turned [REDACTED] around and realized [REDACTED] was not [REDACTED].¹⁷ Officer Chovanec asked for [REDACTED] identification and asked [REDACTED] for consent to go into his pocket to retrieve his school ID card.¹⁸ Officer Chovanec wrote down [REDACTED] information.¹⁹

While Officer Chovanec was handling [REDACTED] Sergeant Conway, and Detective Noradin went to the passenger side of the Nissan and observed [REDACTED] and their son, [REDACTED] inside the Nissan.²⁰ [REDACTED] exited the vehicle, and the members placed him in the rear of the Nissan.²¹ Detective Noradin instructed [REDACTED] to show his hands and he placed his hands on the rear of the Nissan.²²

Simultaneously, in front of the Nissan, Officer Alexander exited his vehicle and approached the Nissan with his firearm unholstered at "low ready."²³ Officer Alexander ordered [REDACTED] who was still in the driver's seat, to show his hands.²⁴ [REDACTED] showed his hands, then reached down for his cell phone to record the incident.²⁵ When [REDACTED] hands were no longer visible, Officer Alexander pointed his firearm at [REDACTED].²⁶ Officer Alexander put his firearm away after he approached the driver's side door and noticed [REDACTED] was reaching for a cell phone.²⁷ After Officer Alexander holstered his firearm, [REDACTED]

⁹ Att. 15.

¹⁰ Att. 15; Att. 70, pgs. 13 - 14, Att. 79, pg. 12, lines 6 - 8.

¹¹ Att. 15; Att. 70, pg. 12.

¹² Att. 15; Att. 31, pgs. 4, 15.

¹³ Att. 33, pg. 5; Att. 34, pg. 2 - 16.

¹⁴ Att. 34, pg. 3 - 6.

¹⁵ Att. 31, p. 12-13, Att. 34, p. 6 - 7,

¹⁶ Att. 33, pg. 5, pg. 12, lines. 6 - 18; pg. 25, lines. 22 - 24.

¹⁷ [REDACTED] and [REDACTED] were [REDACTED] and both lived at [REDACTED] Att. 15.

¹⁸ Att. 15; Att. 31, pg. 21; Att. 80, pg. 26, lines. 3 to 7.

¹⁹ Att. 9 at 00:28 - 01:28; Att. 80, pg. 15, lines. 3 to 13.

²⁰ Att. 81, pgs. 9 - 10; Att. 33, pg. 6.

²¹ Att. 33, pg. 5; Att. 9 at 00:10 - 00:30; Att. 57, pgs. 10 - 12.

²² Att. 33, pg. 5; Att. 79, pg. 21, lines. 4 - 10.

²³ Att. 70, pgs. 14 - 15.

²⁴ Att. 70, pg. 15.

²⁵ Att. 70, pgs. 14 - 15; Att. 34, pg. 8, 13; Att. 32, pg. 10, 14.

²⁶ Att. 70, pgs. 14 - 15; Att. 34, pg. 8, 13; Att. 32, pg. 10, 14.

²⁷ Att. 70, pgs. 15, 23, 24.

recorded the remainder of the incident.²⁸ [REDACTED] exited the vehicle while recording and the officers instructed him to return to the Nissan.²⁹ Sergeant Conway stated that he was also recording the incident.³⁰ However, the members were not equipped with BWC at the time.³¹

After the members verified [REDACTED] identity, the members released [REDACTED] and the [REDACTED].³² Sergeant Conway spoke with [REDACTED] who translated for [REDACTED] and [REDACTED] who both spoke Spanish.³³ Sergeant Conway asked for [REDACTED] driver's license and insurance for a contact card.³⁴ Sergeant Conway explained that they received information that someone in the Nissan had a gun and apologized for upsetting [REDACTED].³⁵ Officer Chovanec completed an investigatory stop report for [REDACTED] and [REDACTED] but the members did not provide anyone with an investigatory stop receipt.³⁶

III. ALLEGATIONS

Officer Larron Alexander:

1. Stopping and detaining [REDACTED] without justification.
 - exonerated
2. Pointing a gun at or in the direction of [REDACTED] without justification.
 - exonerated
3. Failing to activate the body worn camera (BWC) during this incident.
 - exonerated

Officer Nicholas Chovanec:

1. Stopping and detaining [REDACTED] without justification.
 - exonerated
2. Pushing [REDACTED] against the fence, without justification.
 - not sustained
3. Patting down or searching [REDACTED] without justification.
 - not sustained
4. Searching [REDACTED] book bag without justification.
 - sustained
5. Failing to provide [REDACTED] with an Investigatory Stop Receipt.

²⁸ Atts. 9 and 42; Att. 32, pgs. 14 to 15.

²⁹ Att. 9.

³⁰ Att. 9.

³¹ Att. 9; Att. 70, pgs. 7 - 8; Att. 79, pg. 29, lines 17 - 19; Att. 80, pg. 8, lines 11 - 18; Att. 81, pg. 7, lines 18 - 20.

³² Att. 15.

³³ Att. 9; Att. 33, pg. 17.

³⁴ Atts. 9, 42.

³⁵ Att. 33, pg. 13.

³⁶ Atts. 15, 16.

- sustained

Sergeant Daniel Conway:

1. Stopping and detaining [REDACTED] without justification.
 - exonerated
2. Inattention to duty, in that you failed to ensure the accuracy of the Investigatory Stop Report regarding [REDACTED]
 - not sustained
3. Failing to activate the body worn camera (BWC) during this incident.
 - not sustained
4. Failing to provide [REDACTED] with an Investigatory Stop Receipt.
 - sustained
5. Failing to provide [REDACTED] with an Investigatory Stop Receipt.
 - sustained
6. Failing to complete an Investigatory Stop Report during your interaction with [REDACTED]
 - sustained
7. Failing to provide [REDACTED] with an Investigatory Stop Receipt.
 - sustained

Detective Anthony Noradin:

1. Stopping and detaining [REDACTED] without justification.
 - exonerated
2. Pushing [REDACTED] against the fence, without justification.
 - not sustained
3. Patting down or searching [REDACTED] without justification.
 - not sustained
4. Searching [REDACTED] book bag, without justification.
 - not sustained
5. Patting down or searching [REDACTED] without justification.
 - sustained
6. Failing to provide [REDACTED] with an Investigatory Stop Receipt.
 - not sustained
7. Failing to complete an Investigatory Stop Report for [REDACTED]
 - sustained
8. Failing to provide [REDACTED] with an Investigatory Stop Receipt.
 - sustained

IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability

to accurately perceive the event at the time of the incident and then accurately recall the event from memory.

In this case, [REDACTED] and [REDACTED] consistently reported to COPA that multiple department members suddenly appeared in the alley, grabbed [REDACTED] by the fence, and took him to the rear of the Nissan.³⁷ They also consistently reported that the police handcuffed [REDACTED] with his backpack still on and the police drew and pointed firearms.³⁸ Additionally, [REDACTED] and [REDACTED] reported that [REDACTED] was taken to the rear and searched without being handcuffed.³⁹ They all said the police told them they stopped the Nissan because they received a tip about a weapon in the car.⁴⁰

During the respective member interviews, all attested that [REDACTED] matched the physical description of the homicide offender they were looking for.⁴¹ In addition to fitting the physical description, [REDACTED] was wearing a Farragut sweater and they had information that the offender attended that school.⁴² The member interviews were mostly consistent with the citizen accounts as to [REDACTED] detainment, Officer Alexander's firearm pointing, and [REDACTED] detainment. Sergeant Conway explained that he did not tell the civilians about the homicide investigation.⁴³ However, [REDACTED] stated that Sergeant Conway explained to him that they had received an anonymous tip that they [REDACTED] had a weapon in the car, which he translated the information to his [REDACTED] which was also recorded by [REDACTED] with his cellular phone.⁴⁴

While the incident was not recorded on BWC, [REDACTED] briefly recorded the end of the encounter.⁴⁵ The videos showed [REDACTED] in handcuffs at the rear of the Nissan, with his backpack still on, hanging by the wrists.⁴⁶ Officer Chovanec was standing next to [REDACTED] and appeared to go through his back pack before removing the handcuffs.⁴⁷ The videos also showed [REDACTED] in the rear of the Nissan with his hands on the Nissan.⁴⁸ Detective Noradin was standing by [REDACTED] but did not make any physical contact with [REDACTED].⁴⁹ Although Officer Alexander was in the videos, it did not capture firearm pointing since that occurred prior

³⁷ Att. 31, pgs. 4, 5, 10, 11; Att. 32, pgs. 5, 6; Att. 33, pgs. 6 - 8; Att. 34, pg. 5.

³⁸ The civilian accounts varied on the number of officers who drew firearms. [REDACTED] said there were two, [REDACTED] said at least four, and [REDACTED] and [REDACTED] said one.

³⁹ Att. 31, pg. 42; Att. 32, pg. 12; Att. 33, pgs. 10 to 12; [REDACTED] stated that [REDACTED] spoke with the members at the rear and was not handcuffed. [REDACTED] did not mention [REDACTED] being searched.

⁴⁰ Att. 31, pgs. 4 to 5; Att. 32, pgs. 7 to 8; Att. 33, pg. 13; Att. 34, pg. 11.

⁴¹ Att. 70, pgs. 13 - 15, 46; Att. 79, pgs. 11 - 12; Att. 80, pg. 11, lines 17 - 21; Att. 81, pgs. 8 - 10.

⁴² Att. 70, pgs. 13 - 15, 46; Att. 79, pgs. 11 - 12; Att. 80, pg. 11, lines 17 - 21; Att. 81, pgs. 8 - 10.

⁴³ Att. 79, pgs. 17, 18.

⁴⁴ Att. 9, Att. 33, pg. 13; Att. 42.

⁴⁵ Atts. 9, 16.

⁴⁶ Att. 9.

⁴⁷ Att. 9 at 00:45-00:47.

⁴⁸ Att. 9.

⁴⁹ Att. 9.

to the video.⁵⁰ The videos also showed ██████ attempting to translate for Sergeant Conway and Sergeant Conway apologizing to ██████.⁵¹ As such, COPA finds that, while some statements were inaccurate, the civilian witnesses were credible.⁵² COPA also finds the members credible, to the extent that they are consistent with the recording and citizen accounts.

V. ANALYSIS⁵³

a. Detainment Allegations

COPA finds the allegation that Sergeant Conway, Detective Noradin, and Officer Chovanec stopped and detained ██████ without justification is exonerated. CPD members are authorized to conduct investigatory stops when they have reasonable articulable suspicion that the person stopped is committing, is about to commit, or has committed a criminal offense.⁵⁴ Reasonable articulable suspicion has been described as less than probable cause but more than a hunch or general suspicion.⁵⁵ It “depends on the totality of the circumstances which the sworn member observes and the reasonable inferences that are drawn based on the sworn member’s training and experience.”⁵⁶

In this case, the Department members received information that an individual closely matching ██████ description (height, weight, hair color/style⁵⁷), and living at the same address, had shot someone days prior.⁵⁸ Additionally, ██████ was seen wearing a sweater from the same school as the homicide suspect.⁵⁹ For these reasons, COPA finds there is clear and convincing evidence the members had reasonable articulable suspicion to stop ██████ and detain him long enough to confirm or dispel their suspicions and, therefore, that allegation is exonerated for all members.

Additionally, COPA finds the allegation that Officer Alexander stopped and detained ██████ without justification is exonerated. Officer Alexander admitted that he pointed his firearm at ██████ and acknowledged that he detained ██████ by pointing his firearm at him.⁶⁰ But, Officer Alexander explained that he detained ██████ because they believed

⁵⁰ Atts. 9, 16.

⁵¹ Atts. 9, 16.

⁵² ██████ recollection was slightly different than the others in that he believed multiple officers grabbed him and multiple officers pointed guns at ██████. He also recalled being thrown against the squad car.

⁵³ For a definition of COPA’s findings and standards of proof, *see* Appendix B.

⁵⁴ The authority for conducting an investigatory stop is delineated in 725 ILCS 5/107-14(a) and Special Order S04-13-09, Investigatory Stop System (effective July 10, 2017 – present).

⁵⁵ S04-13-09 (II)(C).

⁵⁶ S04-13-09(II)(C).

⁵⁷ Att. 15; Att. 79, pg. 49; Att. 80, pg. 11.

⁵⁸ Atts. 15, 20.

⁵⁹ Att. 15.

⁶⁰ Att. 70, pg. 38, lines 3 - 11.

the homicide offender was in the Nissan and ██████████ had moved his hands from view, which will be addressed in further detail below.⁶¹

For these reasons, COPA finds there is clear and convincing evidence the officers had reasonable articulable suspicion to stop ██████████ and detain him long enough to confirm or dispel their suspicions and, therefore, that allegation is exonerated.

b. Force Allegations

COPA finds the allegation that Detective Noradin and Officer Chovanec pushed ██████████ against the fence is not sustained. A CPD officer's "use of force must be objectively reasonable, necessary, and proportional to" a subject's "threat, actions, and level of resistance . . . under the totality of the circumstances."⁶² ██████████ and ██████████ informed COPA that the police pushed ██████████ against the fence. Their recollection of this does not match the other witnesses' recollections, including ██████████ who was the closest to the incident and did not mention any pushing. Officer Chovanec admitted to grabbing ██████████ by the fence line but denied pushing him against the fence.⁶³ Detective Noradin denied having any contact with ██████████ and denied seeing Officer Chovanec push ██████████ against the fence.⁶⁴ The alleged conduct was not recorded and there is no other evidence on the matter. Therefore, COPA finds there is insufficient evidence to sustain the allegation against either member, or to even determine what, if any, force was used against ██████████

c. Search Allegations

COPA finds the allegation against Detective Noradin that he patted down ██████████ or searched his book bag without justification are not sustained. In some instances, officers are permitted to conduct limited searches for weapons.⁶⁵ However, officers are not permitted to conduct a limited search for weapons during every valid investigatory stop.⁶⁶ "The officer may subject the person to a limited search for weapons . . . only if the officer reasonably believes that the person is armed and dangerous."⁶⁷ Alternatively, if an officer obtains express consent, they may conduct a search of individuals during investigatory stops.⁶⁸

Here, Officer Chovanec handled ██████████ not Detective Noradin. Since there is not a preponderance of evidence that Detective Noradin had physical contact with ██████████ the

⁶¹ Att. 70, pgs. 23 - 24.

⁶² General Order G03-02-01, Response to Resistance and Force Options (effective April 15, 2021 to June 28, 2023).

⁶³ Att. 80, pg. 25, lines 17 - 24.

⁶⁴ Att. 81, pgs. 10 - 12.

⁶⁵ S04-13-09.

⁶⁶ S04-13-09.

⁶⁷ *People v. Sorenson*, 196 Ill. 2d 425, 433 (2001) (citation omitted).

⁶⁸ *People v. Anthony*, 198 Ill.2d 194, 202 (2001).

allegations that Detective Noradin patted down or searched ██████████ and/or his book bag are not sustained.

With regards to the same allegations against Officer Chovanec, they are not sustained as to the patting down of ██████████ but sustained as to searching his bookbag. Officer Chovanec reported in his ISR, and stated in his interview to COPA, that he did not conduct a pat-down of ██████████ because once they turned ██████████ around, it was “clear as day” ██████████ was not the homicide offender: he did not match the Data Warehouse photo of the offender, and Officer Chovanec was familiar with the offender from a prior arrest.⁶⁹ Thus, Officer Chovanec explained, he moved ██████████ to the front of his vehicle and tried to identify him. ██████████ indicated that he had a student ID and, according to Officer Chovanec, Officer Chovanec then asked for, and ██████████ granted, consent to retrieve the ID from ██████████ pocket.⁷⁰ Sgt. Conway corroborated Officer Chovanec’s recollections, also stating that ██████████ had not been patted down because immediately after he was handcuffed, they verified his identification and learned he was not the target of the investigation.⁷¹

For ██████████ part, he stated in his interview to COPA that he was patted down, but denied that the officer went inside his pocket or took anything out of his pocket.⁷² He further related that he did not have a student ID because he lost it and informed the officer about it, which is why he provided Officer Chovanec with his name and date of birth upon request.⁷³ ██████████ made references to the police searching “them,” meaning her son and ██████████ but she also said that she could not see anything because they would not let her get out of the car. Thus, it is unclear if she actually saw ██████████ being searched or was just told that they were searched by her son and ██████████ after the fact.⁷⁴ Even if she did see some type of “search,” it is unclear if she meant a pat down or going into ██████████ pocket.

Based on the foregoing conflicting evidence, COPA cannot find by a preponderance of the evidence that ██████████ was patted down. As such, the allegation that Officer Chovanec patted down or searched ██████████ without justification is not sustained.

As to ██████████ allegation that the officer searched his backpack, Officer Chovanec told COPA he did not remember searching ██████████ backpack and said he would have had no reason to once he realized ██████████ was not the homicide offender; they were not looking for weapons at that point.⁷⁵ However, ██████████ said that his backpack was searched and the video taken by

⁶⁹ Att. 80, pg. 14.

⁷⁰ Att. 80, pgs. 19-20, 26

⁷¹ Att. 79, pg. 27.

⁷² Att. 4; Att. 31 at pgs. 21-22.

⁷³ Att. 31, pgs. 4, 27.

⁷⁴ Att. 32, pg. 5, 7 – 8, 12

⁷⁵ Att. 33, pg. 2; Att. 80, pgs. 19, 26

██████████ appears to corroborate that this happened.⁷⁶ Accordingly, COPA finds the allegation is supported by a preponderance of the evidence and so, is sustained.

As for whether Detective Noradin patted-down or searched ██████████ Officer Noradin stated he did not pat him down as there was no reason to, and Sgt. Conway stated that he was not sure if Detective Noradin conducted a pat down of ██████████⁷⁷ ██████████ reported that he was searched for weapons,⁷⁸ ██████████ corroborated this when he told COPA that he saw the officer “checking [██████████] with his hands,” and ██████████ stated her son was searched and repeatedly mentioned that the officers told him to step out of the car so they could search him.⁷⁹ The officers never suggested there was reasonable suspicion to believe that ██████████ was armed and dangerous. Accordingly, COPA finds the preponderance of the evidence supports that ██████████ was patted down, and the allegation is sustained.

d. Weapons Allegations

Rule 38 prohibits the unlawful or unnecessary use or display of a weapon. Department members may only point a firearm at a person when it is objectively reasonable to do so under the totality of the circumstances faced by the member on the scene.⁸⁰ Some factors to consider are the nature of the incident, the risk of harm to the member or others, and the level of threat or resistance presented or maintained by the person.⁸¹ Here, Officer Alexander admitted to COPA that he pointed his firearm at ██████████ when Officer Alexander could no longer see ██████████ hands.⁸² Officer Alexander explained that it was a homicide investigation, and he was in fear of imminent harm when ██████████ suddenly dropped his hands.⁸³ In addition, ██████████ related that when Officer Alexander approached their vehicle, the officer’s hands were initially on his waist, but when her husband started searching for his phone, the officer got angry and told him not to take anything out. That was when ██████████ explained to the officer, who was now pointing the gun at ██████████ direction, that it was a phone.⁸⁴ Sergeant Conway also told Officer Alexander to calm down and indicated that it was a phone. Based on the evidence, COPA finds, by clear and convincing evidence, that it was objectively reasonable for Officer Alexander to point his firearm in ██████████ direction. Therefore, the allegation is exonerated.

⁷⁶ Att. 9, at 00:45-00:48; Att. 31, pgs. 4, 22; Att. 85.

⁷⁷ Att. 79, pg. 21.

⁷⁸ Att. 31, pgs. 4 and 22; Att. 81, pg. 12.

⁷⁹ Att. 31, pgs. 42, 50; Att. 32, pgs. 6, 7, 8, 11, 12.

⁸⁰ Department Notice D19-01, Firearm Pointing Incidents (effective November 1, 2019 to present).

⁸¹ D19-01.

⁸² Att. 70, pgs. 23 - 24.

⁸³ Att. 70, pgs. 23 - 24.

⁸⁴ Att. 32, pgs. 14 – 15.

e. Investigatory Stop Documentation Allegations

COPA finds the allegation that Sergeant Conway and Officer Chovanec failed to provide ██████████ with an investigatory stop receipt is sustained. The order provides that, “[u]pon 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.” (Emphasis added.)⁸⁵

In this case, Officer Chovanec prepared an Investigatory Stop Report (“ISR”) for ██████████ based on the consensual search of ██████████ pocket.⁸⁶ In ██████████ ISR, and in his COPA interview, Officer Chovanec acknowledged that he did not provide ██████████ with a receipt.⁸⁷ Sgt. Conway acknowledged this as well.⁸⁸ Thus, COPA finds the allegation sustained for both members.

As to the allegation that Detective Noradin failed to provide ██████████ with an investigatory stop receipt, COPA finds there is insufficient evidence to either prove or disprove the allegation by a preponderance of the evidence, and the allegation is not sustained.

As to the other investigatory stop documentation, an ISR was completed for ██████████ ██████████ but not an investigatory stop receipt.⁸⁹ Thus, the allegation against Sgt. Conway of failing to provide ██████████ an investigatory stop receipt is sustained.

With regards to ██████████ no ISR was completed, nor was an investigatory stop receipt given to him. In Detective Noradin’s COPA interview, he acknowledged that he should have completed an investigatory stop report for ██████████⁹⁰ As such, COPA finds by a preponderance of the evidence that Sergeant Conway and Detective Noradin failed to complete an ISR for ██████████ ██████████ and provide him with an investigatory stop receipt. Accordingly, those allegations are sustained for both members.

f. Inattention to Duty Allegation

COPA finds the allegation that Sergeant Conway failed to ensure the accuracy of the investigatory stop report regarding ██████████ is not sustained. The order requires reviewing supervisors to review and ensure the accuracy of investigatory stop reports.⁹¹ It is the reviewing

⁸⁵ S04-13-09 (VIII)(3).

⁸⁶ Att. 15.

⁸⁷ Att. 15; Att. 80, pg. 23, lines 4 - 7.

⁸⁸ Att. 79, pgs. 50 – 51

⁸⁹ Att. 16.

⁹⁰ Att. 81, pg. 22, lines. 1 - 11.

⁹¹ S04-13-09 (C)(1)(b).

supervisor's responsibility to ensure that members properly document the reasonable suspicion that justified the stop and/or pat-down and the basis for any search beyond a pat-down.⁹²

The report reflected Officer Chovanec's consensual search of ██████████ but did not reflect a pat down of ██████████ or a search of ██████████ backpack. In his interview to COPA, Sgt. Conway indicated ██████████ was not patted down, and that he did not believe the bookbag was searched. He further contended that he reviewed the investigatory stop report and ensured its accuracy.

As stated above, COPA could not find by a preponderance of the evidence to that ██████████ was patted down. Further, while COPA did find that ██████████ bookbag was searched, it is unclear if Sgt. Conway was in a position to make this observation, or otherwise have been aware of it. For these reasons, COPA cannot find by a preponderance of the evidence that Sgt. Conway failed to ensure the accuracy of the ISR, and that the allegation is not sustained.

g. Body Worn Camera Allegations

Lastly, COPA finds the allegation that Sergeant Conway and Officer Alexander failed to activate BWC is not sustained. Department Members are required to activate BWC "at the beginning of" or "as soon as practical" for "all law enforcement-related activities."⁹³

Here, it is undisputed that Sergeant Conway and Officer Alexander did not activate or wear their BWC. The officers explained that their team was not assigned BWC at the time, and for this reason the allegation against Officer Alexander is exonerated.

However, Sergeant Conway had a BWC attachment on his vest,⁹⁴ and informed ██████████ and ██████████ that he was recording the incident. In addition, Sergeant Conway was assigned a BWC later that evening to execute a search warrant at the same location. In his interview to COPA, Sgt. Conway failed to explain why he wore the BWC attachment on his vest during the stop in the alley when he claimed that he was not assigned a BWC at that moment, nor did he provide a reason as to why he made the statement that he was recording. For these reasons, COPA finds there is insufficient evidence to either prove or disprove the allegation by a preponderance of the evidence against Sergeant Conway, and the allegation is not sustained.

⁹² S04-13-09 (C)(1)(b).

⁹³ Special Order S03-14, Body Worn Camera (effective April 30, 2018 to present).

⁹⁴ Atts. 9, 42.

VI. DISCIPLINARY RECOMMENDATION

a. Sergeant Daniel Conway

i. Complimentary and Disciplinary History⁹⁵

As of June 21, 2023, Sergeant Conway's complimentary history consists of 227 awards received and there is no sustained complaint history against Sergeant Conway.

ii. Recommended Penalty

For failing to complete an Investigatory Stop Report for [REDACTED] and failing to provide [REDACTED] and [REDACTED] with Investigatory Stop Receipts, COPA recommends a reprimand.

b. Detective Anthony Noradin

i. Complimentary and Disciplinary History⁹⁶

As of June 21, 2023, Detective Noradin's complimentary history consists of 152 awards, including the 2019 crime reduction award and the democratic national convention award. As of June 21, 2023, there is no sustained complaint history against Detective Noradin.

ii. Recommended Penalty, by Allegation

For patting down [REDACTED] without justification, failing to complete an Investigatory Stop Report for [REDACTED] and failing to provide [REDACTED] with an Investigatory Stop Receipt, COPA recommends a reprimand.

c. Officer Nicholas Chovanec

i. Complimentary and Disciplinary History⁹⁷

As of June 21, 2023, Officer Chovanec has received 51 awards, including one Unit Meritorious Performance Award. As of June 21, 2023, there is no sustained complaint history against Officer Chovanec.

⁹⁵ Att. 84.

⁹⁶ Att. 82.

⁹⁷ Att. 83.

ii. Recommended Penalty, by Allegation

For searching [REDACTED] backpack without justification and failing to provide an Investigatory Stop Receipt to [REDACTED] COPA recommends a reprimand.

Approved:

[REDACTED]

8/7/2023

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date

Appendix ACase Details

Date/Time/Location of Incident:	January 25, 2022, at 3:53p.m., [REDACTED] Ave.
Date/Time of COPA Notification:	January 26, 2022, at 10:55 a.m.
Involved Member #1:	Daniel Conway, Star #1368, Employee # [REDACTED], DOA: March 16, 1998, Unit #640, Male, White
Involved Member #2:	Anthony Noradin, Star #21252, Employee # [REDACTED], DOA: January 18, 1994, Unit #640, Male, White
Involved Member #3:	Nicholas Chovanec, Star #11376, Employee # [REDACTED], DOA: February 19, 2013, Unit #015, Male, White
Involved Member #4:	Larron Alexander, Star #13518, Employee [REDACTED], DOA: September 29, 2003, Unit #193, Male, Black
Involved Individual #1:	[REDACTED] Male, Hispanic
Involved Individual #3:	[REDACTED] Male, Hispanic
Involved Individual #2:	[REDACTED] Male, Hispanic

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.

Applicable Policies and Laws

- *Special Order 03-14 – Body Worn Cameras (effective April 30, 2018 - present).*
- *Special Order 04-13-09 – Investigatory Stop System (effective 10 July 2017 – present)*

Appendix B

Definition of COPA's Findings and Standards of Proof

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 a proposition is proved.⁹⁸ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD 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. 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.”⁹⁹

⁹⁸ 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).

⁹⁹ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C**Transparency and Publication Categories**

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation