

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	12/13/2020 9:37pm 7100 S. Rockwell Street
Date/Time of COPA Notification:	12/17/2020 01:50am
Involved Officer #1:	Joseph Shanahan, star #14430, employee ID# [REDACTED], Date of Appointment 02/02/2015, rank PO, Unit of Assignment 008, DOB [REDACTED]/2015, Male, White.
Involved Officer #2:	Thomas McDonnell, star# 16859, employee ID# [REDACTED] Date of Appointment 04/28/2014, rank PO, Unit of Assignment 008, DOB [REDACTED]1988, Male, White.
Involved Officer #3	John Conneely, star #1262, employee ID [REDACTED], Date of Appointment 06/21/1999, Sgt, Unit of Assignment 008, DOB [REDACTED]/1976, Male, White
Involved Individual #1:	[REDACTED]/1979, Male, Black
Case Type:	Improper Stop/Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Joseph Shannan	1. Improperly stopped [REDACTED] without justification.	UNFOUNDED
	2. Used excessive force when removing [REDACTED] without justification.	UNFOUNDED
Officer Thomas McDonnell	1. Improperly stopped [REDACTED] without justification.	UNFOUNDED
	2. Used excessive force when removing [REDACTED] without justification	UNFOUNDED
Sergeant John Conneely	1. Used excessive force when removing [REDACTED] without justification.	UNFOUNDED

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

II. SUMMARY OF EVIDENCE

On December 17th, 2020, COPA received a complaint from [REDACTED] after he was involved in a traffic stop with Chicago Police Officers Joseph Shannan (PO Shannan) and Thomas McDonnell (PO McDonnell). The incident occurred on December 13th, 2020, at approximately 09:37pm, at or near 7100 S. Rockwell Street. Per [REDACTED] he was pulled over for a simple traffic stop and then he was pulled out of his car. [REDACTED] alleged the accused officers used excessive force when physically removing him from his vehicle.

On March 24th, 2021, [REDACTED] provided a recorded interview to COPA Investigators via phone, due to the Covid-19 pandemic.² In his interview, [REDACTED] stated he was pulled over by two Chicago Police Officers who claimed his license plate was upside down and had a broken taillight. [REDACTED] stated he gave the officer his driver's license and insurance. [REDACTED] stated the officer saw an "old rusty razorblade with some brown and white stuff on it"³. [REDACTED] stated the officer then ordered him out of the vehicle to which [REDACTED] questioned why he had to get out if he gave him his driver's license and insurance. According to [REDACTED] the officer told him he had to get out "because I said so" and proceeded to pull him out of the vehicle. [REDACTED] stated a sergeant then arrived and assisted the officers in pulling him out of his vehicle⁴. [REDACTED] stated he asked the officers why he was being arrested and he was not given a reason. [REDACTED] stated he believed he should not be arrested because the razor blade was on the outside of the vehicle, and he had given the officers his license and insurance.

COPA reviewed available Body Worn Camera (BWC) video, the recorded statement from Mr. [REDACTED], and documentary evidence including, but not limited to CPD Arrest records, Tactical Response Reports (TRR), Crime Scene Report(s).

According to CPD Arrest Report #30013304, PO Shanahan and PO McDonnell initially stopped [REDACTED] for driving with his front license plate not attached properly.⁵ BWC of the event showed PO Shanahan approached the vehicle on the driver's side and informed him he pulled him over because "his plate in the front is all jacked up. It's up and down vertically"⁶. As PO Shanahan approached the vehicle, he also noticed a razor blade on the hood⁷. PO Shanahan requested [REDACTED] step out of the vehicle to conduct a narcotics investigation. [REDACTED] refused and stated he didn't have to step out of the vehicle because he gave his driver's license and insurance⁸. [REDACTED] who had a female passenger with him in the vehicle, refused to step out of the vehicle and requested a sergeant to the scene. At approximately 09:47pm, Sergeant John Conneely (Sgt. Conneely) arrived on the scene to speak with [REDACTED] Sgt. Conneely informed

² Attachment 11 – Recorded Interview of [REDACTED]

³ Attachment 11 - 05:30/25:54

⁴ BWC of PO Shanahan shows PO Shanahan and McDonnell did not remove [REDACTED] before Sgt. Conneely arrived. Sgt. Conneely was the officer that opened the door to the vehicle prior to removing [REDACTED]

⁵ Attachment 12 – CPD Arrest Report 300133404 ([REDACTED])

⁶ Chicago Municipal Code 09-76-160 (4) Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than 12 inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible and shall be maintained free from foreign materials and in a condition to be clearly legible.

⁷ Attachment 13

⁸ [REDACTED] driver's license was valid at the time of the stop.

██████████ he was given a lawful order to step out of the vehicle to which legally he must comply⁹. ██████████ was given this order several times yet refused to step out of the vehicle. At approximately 9:50pm, ██████████ who was on the phone with 911, was offered one final opportunity to step out of the vehicle or he would be forcibly removed¹⁰. At approximately 09:52pm, Sgt. Conneely, opened the drivers side door and Shanahan and McDonnell attempted to remove ██████████ from the vehicle. ██████████ actively resisted officers' efforts to remove him from the vehicle. At approximately 09:54pm, ██████████ was removed from the vehicle and handcuffed. ██████████ was placed in the back of an unmarked CPD vehicle and transported to District 008. The arrest report shows ██████████ was charged with two (2) counts resisting/obstructing an officer; and one (1) count for an ordinance violation regarding the failure to properly display the vehicle's license plate.¹¹

III. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence.
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.

⁹ *Pennsylvania v. Mimms*, 434 U.S. 106 (1977) holds a police officer ordering a person out of a car following a traffic stop did not violate the Fourth Amendment to the United States Constitution.

¹⁰ Attachment 1 - BWC PO Shanahan-14:20/25:57

¹¹ Attachment 12 – CPD Arrest Report 300133404 (██████████)

IV. ANALYSIS AND CONCLUSION

COPA finds the allegation Shanahan and McDonnell improperly stopped [REDACTED] **UNFOUNDED**. In his interview on March 24th, 2021, [REDACTED] stated he was pulled over because his front license plate was hanging and a broken taillight¹². Chicago Municipal Code 09-76-160(4) states “Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than 12 inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible and shall be maintained free from foreign materials and in a condition to be clearly legible”¹³. As Shanahan initially approached [REDACTED] vehicle, he noticed a razor blade on the hood of the vehicle. In his interview on March 24th, 2021, [REDACTED] did not dispute the razor blade was on his vehicle and even added the razorblade was covered with rust and a white substance. The aforementioned facts, all documented by body worn camera, would give officers reasonable suspicion to stop [REDACTED] vehicle and conduct a preliminary investigatory stop¹⁴. The accused officers were not interviewed by COPA due to the fact the allegations could be conclusively **UNFOUNDED** by reviewing body worn camera related to the event.

COPA finds the allegation Shanahan and McDonnell used excessive force against [REDACTED] **UNFOUNDED**. The body worn camera of the event showed when PO Shanahan approached [REDACTED] vehicle he noticed a razor blade, covered in a white substance, on the hood of the vehicle. At approximately 9:39pm, PO Shanahan asked [REDACTED] to exit his vehicle to conduct a narcotics investigation due to the fact a razor blade was found on the hood of his vehicle. [REDACTED] refused and requested a Sergeant to the scene. At approximately 9:47pm, Sergeant Conneely arrived on scene and again requested Washinton to step out of the vehicle. [REDACTED] again refused and stated he wanted to call 911. At approximately 09:50pm, Sergeant Conneely offered [REDACTED] one last opportunity to step out of his vehicle under his own power. The female passenger, who was in the front passenger seat, complied with the officers’ orders and exited the vehicle. [REDACTED] once again refused and was forcibly removed from the vehicle by officers at the scene. After officers removed his seat belt, [REDACTED] was removed from the driver’s side of the vehicle and taken to the ground. [REDACTED] was an active resister and did appear to sustain abrasions to his head when he was taken to the ground. [REDACTED] was placed in handcuffs and transported to CPD District 08 Lockup. [REDACTED] refused any medical treatment. [REDACTED] was cited for improper display of license plates, obstructing, and resisting arrest¹⁵. The accused officers were not interviewed by COPA due to the fact the allegations could be conclusively **UNFOUNDED** by reviewing body worn camera related to the event.

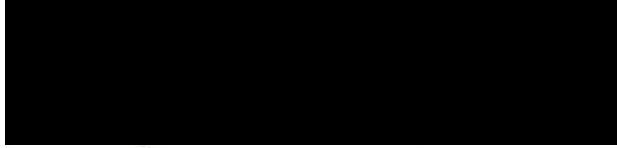
¹² BWC showed PO Shanahan stated to [REDACTED] “your plate in the front is all jacked up. It’s up and down vertically” At no point did PO Shanahan mention anything about a taillight. Attachment 1.

¹³ Chicago Municipal Code 09-76-160(4)

¹⁴ Attachment 32

¹⁵ Attachment 12

Approved:



11-30-2023

Angela Hearts-Glass
Deputy Chief Investigator

Date