

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	May 19, 2022; 11:19 pm; 2734 N Southport Ave.; Chicago, IL 60614
Date/Time of COPA Notification:	May 20, 2022; 2:37 am
Involved Police Officer #1:	Timothy Cho, Star #17155, Employee # [REDACTED], Date of Appointment: November 4, 2013, Unit of Assignment: 019, Male, Asian
Involved Individual #1:	[REDACTED] Male, White
Case Type:	Excessive Force / Display of Weapon

I. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Timothy Cho	1. It is alleged by [REDACTED] that on or about May 19, 2022, at approximately 11:15 PM at or near 2734 N Southport Ave. Officer Timothy Cho #17155 committed misconduct through the following acts or omissions, by displaying a firearm without justification.	Sustained / 5-Day Suspension

II. SUMMARY OF EVIDENCE

On the evening of May 19, 2022, [REDACTED] called 911 and reported that while he was driving home from work, he was confronted by an armed individual claiming to be a police officer.¹ Four officers reported to the scene of the incident, Officers Jonathan Cohen, Charles Woods, Jasmin Jakupovic, and Jordan Silva,² and encountered [REDACTED] and off-duty Officer Timothy Cho. The officers interviewed Officer Cho and [REDACTED] and the interviews were recorded on the officers’ body-worn cameras (BWC).³ Once the officers determined that the incident involved an off-duty Chicago Police Department (CPD) member, they requested a supervisor report to the scene.⁴ Sergeant (Sgt.) Demetrios Haleas reported to the scene and conducted further interviews with Officer Cho and [REDACTED] recorded on his BWC.⁵ Sgt. Haleas subsequently completed an Initiation Report notifying COPA of the incident.⁶ COPA interviewed Officer Cho and [REDACTED] following the date of the incident.⁷ The following summary of the incident is based on these statements by Officer Cho and [REDACTED]

¹ Att. 8.
² Atts. 13, 15, 16, and 17.
³ Atts. 13, 15, 16, and 17.
⁴ Att. 17 at 20:45.
⁵ Att. 21.
⁶ Att. 12.
⁷ Atts. 25 and 2.

Officer Cho was driving south on Southport Ave. while off duty. At or near the intersection of Wellington and Southport, Officer Cho noticed a car driven by ██████████ following closely behind him.⁸ As Officer Cho continued south on Southport, he stopped at stop signs at the intersections of Southport and George and Southport and Wolfram. Officer Cho saw ██████████ roll through the stop signs and continue to follow him closely.⁹

After observing this, Officer Cho developed the belief that the driver of the car behind him was following him for the purpose of committing a vehicular hijacking.¹⁰ Shortly after passing the intersection of Southport and Diversey, Officer Cho stopped his car in the southbound lane.¹¹ ██████████ believed that Officer Cho was a rideshare driver letting out a passenger. He stopped behind Officer Cho's car and waited.¹²

Officer Cho exited his vehicle, leaving his door open.¹³ Officer Cho asserts that he identified himself immediately as a Chicago police officer.¹⁴ ██████████ did not hear Officer Cho identify himself as a Chicago police officer.¹⁵ Officer Cho was wearing his firearm in a holster on his right hip,¹⁶ and his hand was on the firearm as he approached ██████████ car.¹⁷ Officer Cho approached ██████████ car, and ██████████ rolled down his window.¹⁸ Officer Cho asked ██████████ why he was following him.¹⁹ ██████████ told Officer Cho that he was trying to get home and to get out of the street.²⁰ ██████████ attempted to flee from the encounter by maneuvering his car into the opposite lane of traffic, around Officer Cho's car, and towards Officer Cho.²¹ As ██████████ car began to move towards him, Officer Cho drew his firearm and held it in a low ready position.²² When ██████████ saw Officer Cho draw his firearm, he reversed his car to its original position, and Officer Cho holstered his firearm.²³ ██████████ called 911, and Officer Cho identified himself as a police officer again.²⁴ Officer Cho moved from his position in the street, and ██████████ drove around Officer Cho's car. He stopped further south in the 2700 block of Southport and waited for the police.²⁵

Aside from the accounts given by Officer Cho and ██████████ to CPD officers immediately after this incident and subsequently to COPA, there is no known evidence documenting the

⁸ Att. 17 at 2:03.

⁹ Att. 17 at 2:25.

¹⁰ Att. 25 at 6:10.

¹¹ Att. 15 at 2:28.

¹² Att. 15 at 2:28.

¹³ Att. 21 at 12:50.

¹⁴ Att. 25 at 6:30.

¹⁵ Att. 21 at 54:10.

¹⁶ Att. 25 at 16:16.

¹⁷ Att. 15 at 2:40.

¹⁸ Att. 21 at 34:33

¹⁹ Att. 25 at 6:35.

²⁰ Att. 21 at 25:03.

²¹ Att. 21 at 11:53 to 12:44.

²² Att. 17 at 2:45.

²³ Att. 17 at 2:54.

²⁴ Att. 8 (The audio recording of ██████████ 911 begins with him saying that he sees Officer Cho's badge. Officer Cho is heard saying, "I am the police.")

²⁵ Att. 21 at 6:43.

incident other than the audio of the 911 call. The CPD officers at the scene of the incident were unable to identify any witnesses. COPA investigators conducted a canvass to identify any video cameras near the scene of the incident but were unable to secure any video recordings capturing the events described by Officer Cho and ██████████²⁶

III. ANALYSIS AND CONCLUSION

a. Credibility Assessments

The descriptions of the incident given by Officer Cho and ██████████ are largely in agreement. There are four areas where there is a disagreement or difference in characterization between their accounts.

i. ██████████ Manner of Driving

In his statement to COPA, ██████████ acknowledged that he made soft stops and rolled through stop signs while he was driving behind Officer Cho.²⁷ ██████████ described stopping at the last stop sign on Southport before Diversey and following closer behind Officer Cho because he was attempting to make a green light at Diversey.²⁸ Officer Cho described ██████████ tailgating him at an approximate distance of two feet when he first noticed ██████████ near Oakdale and Southport until he stopped his car just south of Diversey; he also described ██████████ failing to stop fully at stop signs on Southport between Wellington and Diversey.²⁹ At the scene of the incident, ██████████ disputed this characterization of his driving.³⁰

Because ██████████ acknowledged that he did not come to a full stop at the stop signs and that he did, at least for a time, follow closely behind Officer Cho, COPA finds by a preponderance of the evidence that these traffic violations occurred. There is a disagreement over whether ██████████ was following closely behind Officer Cho for two blocks or one. This difference is not material to the analysis of Officer Cho's conduct.

ii. Officer Cho Announcing His Office to ██████████

In his statement to COPA, Officer Cho described announcing his office immediately after he exited his car and before positioning himself near ██████████ car.³¹ At the scene of the incident, ██████████ disputed that Officer Cho identified himself before drawing his weapon.³² ██████████ described rolling down his window after Officer Cho exited his car.³³

²⁶ Att. 28; Case Management System Notes CO-0136756, CO-0136745, CO-0136735, CO-0136428, CO-0136060, and CO-0136058.

²⁷ Att. 2 at 4:33.

²⁸ Att. 2 at 5:46.

²⁹ Att. 21 at 21:21.

³⁰ Att. 21 at 16:11.

³¹ Att. 25 at 6:30.

³² Att. 21 at 54:01

³³ Att. 21 at 13:51.

Taken together, these accounts likely indicate that when Officer Cho claims he initially identified himself, [REDACTED] was rolling down his window. Under these circumstances, [REDACTED] was likely not able to hear Officer Cho identify himself at the beginning of this encounter either because [REDACTED] window was up or because Officer Cho had not approached closely enough to be heard clearly. Further, Officer Cho identified himself again, which demonstrates that he was not intending to conceal his identity as a CPD officer. COPA finds by a preponderance of the evidence that Officer Cho did identify himself immediately upon exiting his vehicle.

iii. [REDACTED] Driving Towards Officer Cho

At the scene of the incident, Officer Cho told the responding officers that [REDACTED] tried to run him over.³⁴ [REDACTED] admitted to driving towards Officer Cho, but he denied any intent to strike Officer Cho.³⁵ In their statements to COPA, [REDACTED] and Officer Cho described this aspect of the incident in similar terms.³⁶ The primary difference between Officer Cho's account and [REDACTED] account is in how they characterize [REDACTED] intent rather than the underlying sequence of events. In this respect, Officer Cho's characterization of [REDACTED] intent is not supported by the facts. Officer Cho was standing in the street a short distance from [REDACTED] car. As such, there would not be sufficient time for [REDACTED] to have begun driving towards Officer Cho while intending to hit him and then to have changed his mind and stopped his car. COPA finds by the preponderance of the evidence that [REDACTED] conduct during his encounter with Officer Cho was consistent with his stated intent that he was seeking to flee the encounter and inconsistent with Officer Cho's characterization of [REDACTED] conduct as an attempt to strike Officer Cho.

iv. Officer Cho's Display of His Weapon

Throughout the statements that Officer Cho gave immediately following the incident, he consistently stated that when he drew his firearm, he held it in low-ready position.³⁷ [REDACTED] described Officer Cho firearm-drawing inconsistently immediately following the incident,³⁸ and he made clear during his statement to COPA that he was uncertain whether Officer Cho merely drew his firearm or drew and pointed his firearm because of the stress he was experiencing in that moment.³⁹ Due to the consistency in Officer Cho's statements and [REDACTED] admitted uncertainty on this point, COPA finds by a preponderance of the evidence that Officer Cho drew his firearm and held it in the low-ready position before re-holstering it.

³⁴ Att. 17 at 2:47.

³⁵ Att. 2 at 12:01.

³⁶ Att. 25 at 21:08 (Officer Cho stated that [REDACTED] steered his vehicle towards him and drove forward approximately two feet. Officer Cho said he attempted to get out of the way, but he was not able to clear the path of the vehicle) and Att. 2 at 11:11 ([REDACTED] stated that he told Officer Cho to get out of his way, turned his steering wheel towards Officer Cho, drove forward, and stopped when Officer Cho did not move).

³⁷ Att. 17 at 2:49 (Officer Cho says he drew his firearm and uses his hands to indicate that he held his weapon in low-ready position) and Att. 21 at 26:25 (Officer Cho says he drew his firearm and held it in low ready-position before re-holstering.).

³⁸ Att. 13 at 15:43 ([REDACTED] says Officer Cho pulled a gun on him) and Att. 21 at 14:20 ([REDACTED] says Officer Cho drew his gun and pointed it at him).

³⁹ Att. 2 at 29:37.

