



Log # 2019-1059

## FINAL SUMMARY REPORT<sup>1</sup>

### I. EXECUTIVE SUMMARY

On May 1, 2019, the Civilian Office of Police Accountability (COPA) received an Initiation Report from Sergeant (Sgt.) Hitesh Patel on behalf of the complainant, [REDACTED] reporting alleged misconduct by several members of the Chicago Police Department (CPD). [REDACTED] alleged that on April 30, 2019, at approximately 11:00 pm, in the vicinity of 1340 S Kedvale, Officers Travis Coburn<sup>2</sup>, Timothy Loring and Kenneth Heidemann, stopped him without justification, used force to detain him, took his driver's license and failed to return them to [REDACTED]<sup>3</sup> Upon review of the evidence, COPA served additional allegations that Officers Coburn, Loring and Heidemann failed to complete Department reports regarding their contact with [REDACTED] Following its investigation, COPA reached sustained findings regarding the allegations of failing to complete Department reports regarding their contact with [REDACTED] and failing to return [REDACTED] driver's license to him.

### II. SUMMARY OF EVIDENCE<sup>4</sup>

On April 30, 2019, at approximately 11:00 pm, Officers Travis Coburn, Timothy Loring and Kenneth Heidemann conducted a traffic stop of a vehicle driven by [REDACTED] at 1340 S. Kedvale. Officers Coburn, Loring and Heidemann related that they observed a minor traffic violation but could not recall the violation. Officers Coburn, Loring and Heidemann stated that after they activated their emergency equipment on their unmarked assigned vehicle, [REDACTED] failed to immediately curb his vehicle. After [REDACTED] curbed his vehicle, Officer Coburn drove his assigned vehicle in front of [REDACTED] vehicle. Officer Coburn exited his assigned vehicle with his weapon pointed at [REDACTED] who was seated inside his vehicle.

Officers Loring and Heidemann exited their assigned vehicle and approached the area to assist Officer Coburn. After [REDACTED] displayed his hands, Officer Coburn holstered his weapon. [REDACTED] exited his vehicle and faced his vehicle. Officer Coburn began patting [REDACTED] down and

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<sup>1</sup> 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.

<sup>2</sup> Attachment #57 – PAR Form for Officer Travis Coburn, #16338, who resigned from CPD November 30, 2021.

<sup>3</sup> 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.

<sup>4</sup> The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including BWC footage, Interviews of [REDACTED] Officers Coburn, Heidemann and Loring, Chicago Police Event Queries.

reached inside ██████ pants while touching his underwear<sup>5</sup>. ██████ began moving his body and Officers Coburn and Loring pushed ██████ against the vehicle. Officers Coburn and Loring handcuffed ██████

Officer Coburn told ██████ that he was acting suspicious. Officer Loring informed ██████ that his vehicle smelled like weed. Officer Coburn removed ██████ identification from his person and conducted a name search on his computer inside his assigned vehicle. After conducting the name search, Officer Coburn removed ██████ paperwork from his pocket and placed the paperwork on the trunk of ██████ vehicle in the rain. Officers Coburn, Loring and Heidemann searched ██████ vehicle in the immediate areas of ██████ reach. The handcuffs were removed from ██████ Officer Coburn informed ██████ that he would receive some citations. Officers Coburn, Heidemann and Loring entered their assigned vehicle and left the scene without providing ██████ with his identification and citations.

### III. ALLEGATIONS

#### **Officers Coburn, Heidemann and Loring:**

1. Stopping ██████ without justification.
  - Not Sustained
2. Searching ██████ vehicle without justification.
  - Not Sustained
3. Failing to complete an Investigatory Stop Report (ISR) regarding his contact with ██████
  - Sustained, Violation of Rules 2, 6 and 10

#### **Officers Coburn and Heidemann:**

4. Searching ██████ without justification.
  - Not Sustained
5. Searching ██████ underwear without justification.
  - Sustained, Violation of Rule 2 (**Officer Coburn**)
  - Unfounded (**Officer Heidemann**)
6. Failing to activate his Body Worn Camera in a timely manner.
  - Sustained, Violation of Rules 2, 6 and 10

#### **Officer Coburn:**

7. Pointing his weapon in ██████ direction without justification.
  - Not Sustained
8. Pushing ██████ against a vehicle without justification.
  - Exonerated
9. Punching ██████ without justification.
  - Not Sustained

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<sup>5</sup> ██████ wore his pants below his waist. ██████ underwear was visible – Officer Heidemann’s BWC at approximately 0:18 of the video footage.

10. Damaging ██████████ paperwork by placing ██████████ paperwork on a vehicle while it was raining.
  - Sustained, Violation of Rule 2
11. Took ██████████ identification card and failed to return the same.
  - Sustained, Violation of Rule 2
12. Took ██████████ bank card and failed to return the same.
  - Not Sustained

**Officer Kenneth Heidemann:**

7. Pushing ██████████ without justification.
  - Exonerated
8. Stating words to the effect of, “That little fucking dent?”
  - Sustained, Violation of Rule 2
9. Stating words to the effect of, “Get the fuck outta here.”
  - Sustained, Violation of Rule 2
10. Stating words to the effect of, “Stop the fucking car next time.”
  - Sustained, Violation of Rule 2
11. Stating words to the effect of, “What you gotta little weed in your pants?” Is that why you’re fucking freaking out?”
  - Sustained, Violation of Rule 2

**Officer Timothy Loring:**

4. Stating words to the effect of, “Stop fucking moving.”
  - Sustained, Violation of Rule 2
5. Stating words to the effect of, “Now it’s gonna fucking sit there.”
  - Sustained, Violation of Rule 2

**IV. CREDIBILITY ASSESSMENT**

This investigation did not reveal any evidence that caused COPA to question the creditability of any of the individuals (sworn or unsworn) who provided statements.

**V. ANALYSIS<sup>6</sup>**

COPA finds Allegations #1 and 2, that Officers Coburn, Heidemann and Loring, stopped ██████████ without justification and searched ██████████ vehicle without justification, be **not sustained**. In their statement to COPA Officers Coburn, Loring and Heidemann stated that ██████████ committed a traffic violation, however Officers Coburn, Loring and Heidemann failed to document the violation on Department reports nor could Officers Coburn, Loring and Heidemann recall the type of violation ██████████ committed. Officers Coburn and Heidemann related that he searched ██████████ and ██████████ vehicle because he smelled cannabis emitting from ██████████ vehicle. Officer Loring could not recall if ██████████ or ██████████ vehicle had been searched nor why

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<sup>6</sup> For a definition of COPA’s findings and standards of proof, *see* Appendix B.

██████████ or ██████████ vehicle would have been searched. Evidence<sup>7</sup> depicted that Officers Coburn, Loring and Heidemann searched ██████████ and ██████████ vehicle because they smelled weed. There is insufficient evidence to prove or disprove the allegations.

COPA finds Allegation #3 that Officers Coburn, Heidemann and Loring, failed to complete an Investigatory Stop Report (ISR) regarding their contact with ██████████, to be **sustained**. Officers Coburn, Heidemann and Loring acknowledged that they did not complete an ISR regarding their contact with ██████████. Officers Coburn, Heidemann and Loring claimed that they didn't know that the completion of an ISR was required.

COPA finds Allegation #4 that Officers Coburn and Heidemann, searched ██████████ without justification, be **not sustained**. Officers Coburn and Heidemann stated that they searched ██████████ because they smelled weed emitting from ██████████ vehicle and because he made movements with his hands towards his waist area. There is insufficient evidence to prove or disprove the allegations.

COPA finds Allegation #5 that Officer Coburn, searched ██████████ underwear without justification, be **sustained**. In his statement to COPA, Officer Coburn stated that he did not place his hands inside ██████████ underwear, instead Officer Coburn patted down the portion of ██████████ underwear that was exposed. The evidence depicted that Officer Coburn placed his hand inside the rear of ██████████ pants during his interaction with ██████████ and on the exposed area of ██████████ underwear.<sup>9</sup> Officer Coburn could not provide clear reasoning to justify his actions.

COPA finds Allegation #5 that Officer Heidemann, searched ██████████ underwear without justification, is **unfounded**. In his statement to COPA, Officer Heidemann denied searching ██████████ underwear. Furthermore, the evidence depicted that Officer Heidemann did not search ██████████ underwear.<sup>10</sup>

COPA finds Allegation #6 that Officers Coburn and Heidemann, failed to activate their Body Worn Camera (BWC) in a timely manner<sup>11</sup>, be **sustained**. In his statement to COPA, Officer Coburn claimed to have activated his BWC when he felt it was safe to do so. Both Officers Coburn and Heidemann acknowledged that they failed to turn on their BWC when the decision was made to curb ██████████ vehicle.

COPA finds Allegations #7, 9 and 12 that Officer Coburn pointed his weapon in ██████████ direction without justification, punched ██████████ without justification and took ██████████ bank card and failed to return the same, be **not sustained**. In his statement to COPA Officer Coburn stated that he pointed his weapon in ██████████ direction because ██████████ failed to immediately curb his

<sup>7</sup> Statements regarding the smell weed is heard at various times in BWC footage of Officers Coburn, Loring and Heidemann.

<sup>8</sup> Attachment #58 - Violation of Special Order 04-13-09.

<sup>9</sup> Attachment #36 at approximately 0:18 of Officer Heidemann's BWC.

<sup>10</sup> Attachment #36 at approximately 0:18 of Officer Heidemann's BWC.

<sup>11</sup> Attachment #59 - Violation of Special Order 03-14.

vehicle after he activated his emergency equipment. Officer Coburn added that [REDACTED] actions placed him in fear of officers' safety. Officer Coburn denied punching [REDACTED] and denied taking [REDACTED] bank card. There is insufficient evidence to prove or disprove the allegations.

COPA finds Allegation #8 that Officer Coburn pushed [REDACTED] against a vehicle without justification, be **exonerated**. In his statement to COPA Officer Coburn stated that after [REDACTED] began moving and reaching for his waist area, he placed [REDACTED] against the vehicle. The evidence depicted that [REDACTED] was pushed against the vehicle after he began moving around as the officers were conducting a pat down of his person<sup>12</sup>. Based on the available evidence, Officer Coburn's actions of pushing [REDACTED] against the vehicle was within Department policy.

COPA finds Allegations #10 and 11 that Officer Coburn damaged [REDACTED] paperwork by placing [REDACTED] paperwork on a vehicle while it was raining and took [REDACTED] identification card and failed to return the same, be **sustained**. In his statement to COPA Officer Coburn acknowledged that he committed the acts mentioned above. Officer Coburn stated that failing to return [REDACTED] identification to him was an error.

COPA finds Allegation #7 that Officer Heidemann pushed [REDACTED] without justification, be **exonerated**. In his statement to COPA Officer Heidemann denied pushing [REDACTED]. The evidence depicted that [REDACTED] was pushed after he began moving around as the officers were conducting a pat down of his person.<sup>13</sup> Based on the available evidence, Officer Heidemann's actions of pushing [REDACTED] was within Department policy.

COPA finds Allegations #8 – 11 that Officer Heidemann, stated words to the effect of "That little fucking dent, get the fuck outta here, stop the fucking car next time, what you gotta little weed in your pants, is that why you're fucking freaking out," be **sustained**. In his statement to COPA Officer Heidemann stated that he did not recall making the aforementioned statements to [REDACTED]. Officer Heidemann added that he does not speak to civilians in that manner regularly and that he is working on not utilizing profanities while speaking with civilians. The available BWC evidence depicted Officer Heidemann utilizing profanities while speaking with [REDACTED].

COPA finds Allegations #4 and 5 that Officer Loring stated words to effect of, "Stop fucking moving and now it's gonna fucking sit there", be **sustained**. Officer Loring did not recall making the aforementioned statements to [REDACTED]. Officer Loring did not refute the BWC evidence that depicted him making the statements to [REDACTED]<sup>15</sup>

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<sup>12</sup> Attachment #35 at approximately 0:30 of Officer Coburn's BWC.

<sup>13</sup> Attachment #36 at approximately 0:01 – 0:14 of Officer Heidemann's BWC.

<sup>14</sup> Attachment #36 at approximately 0:55 thru 4:20 of Officer Heidemann's BWC.

<sup>15</sup> Attachment #37 at approximately 01:14 – 2:32 of Officer Loring's BWC.

## **VI. DISCIPLINARY RECOMMENDATION<sup>16</sup>**

### **a. Officer Kenneth Heidemann**

#### **i. Complimentary and Disciplinary History<sup>17</sup>**

Officer Heidemann has received 89 various awards and has no disciplinary history.

#### **ii. Recommended Discipline**

COPA has found that Officer Heidemann violated Rules 2, 6 and 10 when he failed to document the stop of [REDACTED] with an ISR, activate his BWC and usage of profanity when speaking with civilians. Officer Heidemann acknowledged during the interview that he failed to complete an ISR and that he was unaware that an ISR was required. Officer Heidemann also accepted responsibility during his COPA that he failed to activate his BWC. In both instances, Officer Heidemann's failures to document the incident hindered COPA's investigation and limited its ability to fully assess the interaction with [REDACTED]. Department members are required to complete an ISR as indicated in S04-13-09, to ensure that the facts establishing Reasonable Articulate Suspicion are documented relating to the stop and search of an individual, as well as their belongings. Additionally, S03-14 requires department members to activate their BWC for the entirety of all law enforcement activities. Further, Rule 2 of the Rules and Regulations of the Chicago Police Department prohibits officers from engaging in "any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department", which occurred when Officer Heidemann used profanity against [REDACTED]. It is for these reasons, combined with the officer's complimentary history and lack of disciplinary history, that COPA recommends a 1-day suspension.

### **b. Officer Timothy Loring**

#### **i. Complimentary and Disciplinary History<sup>18</sup>**

Officer Loring has received 81 various awards and one complaint in the last five years: one in 2022 for operation/personnel violations neglect of duty (5-day suspension).

#### **ii. Recommended Discipline**

COPA has found that Officer Loring violated Rules 2, 6 and 10 when he failed to document the stop of [REDACTED] with an ISR and usage of profanity when speaking with civilians. Officer

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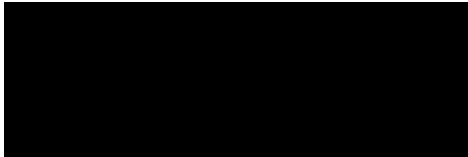
<sup>16</sup> Officer Coburn resigned from the Department during the pendency of this investigation, therefore no penalty recommendation has been made.

<sup>17</sup> Attachment #60.

<sup>18</sup> Attachment #61.

Loring acknowledged during the interview that he failed to complete an ISR and that he was unaware that an ISR was required. His failure to document the incident hindered COPA's investigation and limited its ability to fully assess the traffic stop. Department members are required to complete an ISR as indicated in S04-13-09, to ensure that the facts establishing Reasonable Articulate Suspicion are documented relating to the stop and search of an individual, as well as their belongings. Further, Rule 2 of the Rules and Regulations of the Chicago Police Department prohibits officers from engaging in "any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department", which occurred when Officer Loring used profanity against [REDACTED]. It is for these reasons, combined with the officer's complimentary history and lack of disciplinary history, that COPA recommends a 1-day suspension.

Approved:



1/2/2024

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Matthew Haynam  
*Deputy Chief Administrator – Chief Investigator*

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Date

Appendix ACase Details

Date/Time/Location of Incident:	April 30, 2019/11:00 pm/1340 S. Kedvale Avenue
Date/Time of COPA Notification:	May 1, 2019/8:27 am
Involved Member #1:	Travis Coburn, #16338, Employee ID # [REDACTED], Date of Appointment: August 25, 2014; Resigned; Male, White.
Involved Member #2:	Kenneth Heidemann, #16394, Employee ID # [REDACTED], Date of Appointment: August 25, 2014; Unit of Assignment: 011; Male, White.
Involved Member #3:	Timothy Loring, #4769, Employee ID # [REDACTED], Date of Appointment: April 16, 2010; Unit of Assignment: 011; Male, White.
Involved Individual #1:	[REDACTED] Male, Black

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 9:** Engaging in any unjustified verbal or physical altercation with 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.
- Rule \_\_:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- Special Order 04-13-09 – Investigatory Stop System (effective July 10, 2017, to present)
- Special Order 03-14 – Body Worn Cameras (effective April 30, 2018, to 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.<sup>19</sup> 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.”<sup>20</sup>

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<sup>19</sup> 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).

<sup>20</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> 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