



Log # 2019-0003905

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On October 29, 2019, the Civilian Office of Police Accountability (COPA) received a complaint from ██████████ reporting alleged misconduct by members of the Chicago Police Department (CPD). ██████████ alleged that on September 30, 2019, Officer William Sierzega (PO Sierzega) detained ██████████ without justification, arrested ██████████ without justification, impounded ██████████ vehicle without justification, and did not allow ██████████ timely use of bathroom facilities.² Upon review of the evidence, COPA served an additional allegation that PO Sierzega engaged in an unnecessary verbal altercation with ██████████ and provided a false, misleading, and/or inaccurate report in ██████████ arrest report under CB #18977257, relating that ██████████ showed signs of impairment and/or alcohol intoxication. Following its investigation, COPA reached Not Sustained findings for all the allegations.

II. SUMMARY OF EVIDENCE³

On September 30, 2019, PO Sierzega responded to a traffic stop near 231 S. Cicero, at 2:35 am, due to officers requesting assistance.⁴ The Arrest Report⁵ documented that PO Sierzega observed ██████████ get into her vehicle with a plastic cup filled with an alcoholic beverage and placed the cup on the ground directly under her vehicle. A second plastic cup was lying on its side with an alcoholic beverage spilled on the street.⁶ ██████████ made a U-turn and parked on the west side of Cicero.⁷ ██████████ then exited her vehicle and approached officers who were conducting a traffic stop. As ██████████ approached the officers, PO Sierzega instructed her not to interfere with the police.⁸ PO Sierzega asked ██████████ if she had been drinking, and she replied, “No.”⁹ PO Sierzega asked ██████████

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 body worn camera (BWC) footage, civilian and officer interviews, event queries, and radio transmission.

⁴ Att. 62, PO Sierzega Transcript, pg. 21, Ins. 21 to 24.

⁵ Att. 8.

⁶ Att. 32, PO Sierzega’s BWC, at 1:56 to 3:09.

⁷ Att. 32 at 3:01.

⁸ Att. 32, at 4:20.

⁹ Att. 28, ██████████ Audio Transcript, pgs. 14 and 33, she stated she had not been drinking, but her friend was smoking in her vehicle. ██████████ denied that she had smoked marijuana but stated that she normally does smoke (marijuana).

why she dropped the cups of alcohol, and she stated that it was a coincidence.¹⁰

PO Sierzega told ██████ that she was exhibiting signs of impairment and asked her to participate in a field sobriety test. ██████ refused and stated that she was not driving at the moment. ██████ was placed into custody and subsequently charged for driving under the influence (DUI).¹¹ PO Sierzega recovered the two cups that were initially underneath ██████ vehicle, conducted a search of the interior of ██████ vehicle, and impounded her vehicle.¹² ██████ was charged with driving under the influence of alcohol, driving on sidewalks/parkways, city vehicle sticker req/failure to or improper display, operating an uninsured motor vehicle, and false, stolen, altered temp registration permit.¹³

PO Sierzega transported ██████ to the 11th District Station. While transporting ██████ to the district, ██████ commented about “social injustice” and PO Sierzega responded, “You dug your own grave.”¹⁴ PO Sierzega stated that he was on the phone when he made that comment and could not recall if he was talking to the person on the phone or ██████ but elaborated that ██████ had the opportunity to get out of the situation but forced herself into it. He stated that he did not believe it was necessarily inappropriate to make the comment, but he could have perhaps used other language.¹⁵ At the 11th District Station, PO Sierzega and ██████ continued to converse.¹⁶ PO Sierzega stated that ██████ went off on tangents, and he engaged with her because he wanted her to agree to blow into a breathalyzer.¹⁷ PO Sierzega further stated that ██████ slurred or stuttered, and he did tell her to “get her thoughts out there.”¹⁸ PO Sierzega explained that he repeated what she said to point out his observations on camera, to show she had poor speech, and to make her feel like she had a voice because she was difficult to deal with.¹⁹

██████ requested to use the bathroom, and PO Sierzega’s partner, Officer Michal Jasniuk (PO Jasniuk), sought a female officer to escort her to the bathroom. PO Jasniuk located a female officer and informed ██████ that the female officer was on her way to escort ██████ to the bathroom. ██████ urinated on herself in the processing area.²⁰ PO Sierzega²¹ denied the allegations made against him. ██████ was found not guilty of DUI.²²

¹⁰ Att. 32 at 4:40.

¹¹ Att. 32 at 04:34 to 07:29,

¹² Att. 32 at 09:08 to 13:45; Att.71 still image reveals the alcoholic cups recovered by PO Sierzega underneath the vehicle of ██████

¹³ Att. 8.

¹⁴ Att. 32 at 15:24.

¹⁵ Att. 62, pgs. 38 – 40.

¹⁶ Att. 30 PO Sierzega’s BWC, at 02:03 to 08:09.

¹⁷ Att. 62, pg. 41.

¹⁸ Att. 31, PO Sierzega’s BWC, at 7:03 and 17:11.

¹⁹ Att. 62, pgs. 43 to 44.

²⁰ Att. 26, Officer Jasniuk’s Audio Transcript, pgs. 26 to 27.

²¹ Att. 62, pgs. 56 to 57.

²² Att. 55, Court Outcome Transcript, pg. 102, Ins. 1 to 3.

III. ALLEGATIONS

Officer William Sierzega:

1. Arrested ██████████ without justification.
 - Not Sustained
2. Detained ██████████ without justification.
 - Not Sustained
3. Did not allow ██████████ timely use of bathroom facilities.
 - Not Sustained
4. Impounded ██████████ vehicle without justification.
 - Not Sustained
5. Engaged in an unnecessary verbal altercation with ██████████
 - Not Sustained
6. Provided a false, misleading, and/or inaccurate report in ██████████ arrest report under CB #18977257, relating that ██████████ showed signs of impairment and/or alcohol intoxication.
 - Not Sustained

IV. CREDIBILITY ASSESSMENT

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

V. ANALYSIS²³

a. Arrest/Detention/Vehicle Impoundment Allegation.

COPA finds the allegation that PO Sierzega detained ██████████ arrested her, and impounded her without justification, **Not Sustained**. ██████████ approached the scene of a traffic stop and was told not to interfere. PO Sierzega stated that he observed ██████████ exhibiting signs of impairment and provided ██████████ with numerous opportunities to take field sobriety tests, but she refused. ██████████ was arrested for DUI and refused to take a breathalyzer. While ██████████ denied being intoxicated, she admitted to being around a friend who had smoked cannabis in her vehicle. The municipal code of Chicago states no person shall drive or be in actual physical control of any vehicle within the City of Chicago while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.²⁴ Additionally, officers are authorized to impound a citizen's vehicle if the vehicle contains false or stolen vehicle registration.²⁵ At the time

²³ For a definition of COPA's findings and standards of proof, see Appendix B.

²⁴ 7-24-226 Driving while intoxicated – Impoundment. (a) No person shall drive or be in actual physical control of any vehicle within the City of Chicago while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined and prohibited by 625 ILCS 5/11-501, as amended.

²⁵ MCC 9-80-220. The MCC 9-80-220 prohibits a vehicle on the public way from displaying a false, stolen, or altered vehicle registration (license plates). This ordinance applies to temporary as well as permanent registration but does not apply to vehicle registration that is expired but otherwise legitimate.

█████ was arrested, she was outside of her vehicle and not driving. Subsequently, █████ was found not guilty of DUI in court. Based on the available evidence, there is insufficient evidence to prove/disprove the allegations.

b. Timely use of Bathroom Allegation.

COPA finds the allegation that PO Sierzega did not allow █████ timely use of bathroom facilities **Not Sustained**. █████ requested to use the bathroom, so PO Sierzega asked PO Jasniuk to find a female officer to escort █████ to the bathroom. During that time, █████ urinated on herself. Based on the available evidence, there is insufficient evidence to prove/disprove the allegations that PO Sierzega did not allow █████ timely use of bathroom facilities.

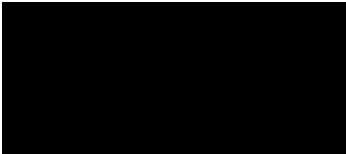
c. Verbal Altercation Allegation

COPA finds the allegation that PO Sierzega engaged in an unnecessary verbal altercation with █████ to be **Not Sustained**. PO Sierzega stated that he was on the phone when he made the comment, “You dug your own grave,” and could not recall if he was talking to the person on the phone or █████. He stated that he did not believe it was necessarily inappropriate to make the comment, but he could have perhaps used other language. PO Sierzega also stated that █████ went off on tangents, and he engaged with her because he wanted her to agree to blow into a breathalyzer. PO Sierzega explained that he repeated what she said to point out his observations on camera, to show she had poor speech, and to make her feel like she had a voice because she was difficult to deal with. Based on PO Sierzega’s explanations, it cannot be determined if PO Sierzega engaged in unnecessary verbal interactions with █████. Therefore, there is insufficient evidence to prove/disprove the allegations.

d. False, Misleading, and/or Inaccurate Report Allegation

COPA finds the allegation that PO Sierzega provided a false, misleading, and/or inaccurate report in █████ arrest report under CB #18977257, relating that █████ showed signs of impairment and/or alcohol intoxication **Not Sustained**. PO Sierzega completed the Arrest Report that detailed all signs of impairment he identified from █████ the interactions that took place at the 11th District Station, █████ refusal to submit to a breathalyzer test, and █████ urinating on herself. While █████ denied being intoxicated, she admitted to being around a friend who had smoked cannabis in her vehicle. █████ was found not guilty of driving under the influence of alcohol. Based on the available evidence, there is insufficient evidence to prove/disprove the allegations.

Approved:



LaKenya White
Director of Investigations

1-19-2024

Date

Appendix ACase Details

Date/Time/Location of Incident:	September 30, 2019 / 02:30 am / 231 S. Cicero Ave.
Date/Time of COPA Notification:	September 30, 2019 / 04:58 pm.
Involved Member #1:	Officer William Sierzega, Star #19352, Employee ID # [REDACTED], DOA: December 12, 2016, Unit: 018, Male, White
Involved Individual #1:	[REDACTED] Female, 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

- MCC 9-80-220
- 725 ILCS 5/107-14(a)
- 625 ILCS 5/11-501

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.²⁶ 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.”²⁷

²⁶ 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).

²⁷ *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