



Log # 2020-1986

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On May 26, 2020, the Civilian Office of Police Accountability (COPA) received an Initiation Report from Sergeant Pablo Aguirre reporting that [REDACTED] and [REDACTED] ([REDACTED] alleged misconduct by a member of the Chicago Police Department (CPD). They alleged that on May 25, 2020, Officer Samantha Grazziano struck [REDACTED] in the face and that she and other officers searched the car of [REDACTED] ([REDACTED] without justification.² [REDACTED] also alleged that Officer Grazziano and her partner, Officer Cesar Valdez,³ displayed their firearms at [REDACTED] and [REDACTED] without justification, and that they handcuffed and patted-down [REDACTED] as well as seized his phone, without justification. Upon review of the evidence, COPA served additional allegations that Officer Valdez, Officer Mateusz Jasinski, and Officer Ernesto Ampan searched [REDACTED] vehicle, without justification. COPA also served allegations that Officer Grazziano failed to complete a Tactical Response Report (TRR) and that she and Officer Valdez failed to complete an Investigative Stop Report (ISR), failed to issue an Investigatory Stop Receipt, and a Traffic Stop Statistical Study (TSS) report. Following its investigation, COPA reached Not Sustained, Exonerated, and Unfounded findings.

II. SUMMARY OF EVIDENCE⁴

On May 25, 2020, [REDACTED] and [REDACTED] were driving down Austin Boulevard with [REDACTED] driving and [REDACTED] riding in the front passenger seat.⁵ They passed a group of officers who were interacting with a group of people in a parking lot.⁶ As [REDACTED] and [REDACTED] passed, [REDACTED] stated that someone knocked on the back window.⁷ He could not identify who knocked on the window but he assumed it was the police.⁸ [REDACTED] and [REDACTED] drove on. While turning toward Mayfield Street and into an alley, a police vehicle appeared behind their car, turned on its lights, and pulled

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 Att. 94, Officer Valdez resigned from CPD effective December 5, 2021.

⁴ 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.

⁵ Att. 89, Statement of [REDACTED] (transcript), pg. 4, lns. 8 to 9; pg. 6, lns. 17 to 24; Att. 45 (audio) at 3:07 to 3:14.

⁶ Att. 89, pg. 4, lns. 9 to 16; Att. 45 at 3:15 to 3:35.

⁷ Att. 89, pg. 7 lns. 2 to 6; Att. 45 at 3:36 to 3:44.

⁸ Att. 89, pg. 7, ln. 16 to pg. 8, ln. 2.

over ██████ car.⁹ ██████ stated that he and ██████ were in the alley to go up a street due to a street being one-way.¹⁰

Two officers, identified as Officer Grazziano and Officer Valdez, exited the police vehicle.¹¹ ██████ stated that the officers told them to get out of the car. ██████ and ██████ stated that the officers had their guns drawn.¹² ██████ and ██████ complied with the order to get out of the car.¹³ ██████ asked the officers if they had body worn cameras (BWCs) and they replied that they did not.¹⁴ ██████ stated that because the officers did not have BWCs, he called his girlfriend using his phone's FaceTime feature.¹⁵ ██████ stated that Officer Valdez then grabbed ██████ left hand to place a handcuff on it while Officer Grazziano grabbed ██████ right hand, in which he held his phone.¹⁶ ██████ stated that Officer Grazziano intended to take the phone and pressed a button on the phone to end the call.¹⁷ ██████ moved his right arm to prevent Officer Grazziano from hanging up the phone, at which point she slapped ██████ on the right side of his face.¹⁸ ██████ described the slap as opened-handed and stated that Officer Grazziano "slapped the hell out of me."¹⁹ ██████ stated that ██████ started laughing and that was when Officer Grazziano struck ██████²⁰

A ten-second-long video that was posted on Facebook²¹ appeared to show an officer striking ██████ on the right side of his face. During a statement with COPA, Officer Grazziano watched the Facebook video and stated that it could be her in the video, but that she did not know if it was her. Officer Grazziano stated that if she were the person in the video striking ██████ she would have completed a TRR.²² Officer Grazziano stated that it was possible for TRRs to be done after a shift if the stop did not result in an arrest.²³ She did not recall submitting any TRRs relating to this incident.²⁴

⁹ Att. 89, pg. 5, lns. 1 to 3; Att. 90, pg. 7, ln. 24 to pg.3.

¹⁰ Att. 90, Statement of ██████ (transcript), pg. 8, lns. 4 to 14.

¹¹ Officer Grazziano and Officer Valdez were partners at the time of the incident. A Department generated Caboodle Table (Att. 10) shows that on May 25, 2020, Officer Grazziano's and Officer Valdez's car, No. 2684, sat at or near 20 N. Mayfield between 11:01 and 11:12pm.

¹² Att. 89, pg. 9, lns. 22 to 24; Att. 90, Statement of ██████ (transcript), pg. 16, lns. 1 to 11.

¹³ Att. 89, pg. 9, lns. 20 to 21.

¹⁴ Att. 89, pg. 10, lns. 4 to 7. At the time of the incident, Officer Grazziano and Officer Valdez were detailed to Area 4 Gang Unit and were not issued BWCs at the time.

¹⁵ Att. 89, pg. 10, lns. 7 to 14.

¹⁶ Att. 89, pg. 10, lns. 18 to 22.

¹⁷ Att. 89, pg. 10, lns. 21 to 22.

¹⁸ Att. 89, pg. 12, lns. 13 to 17.

¹⁹ Att. 89, pg. 11, lns. 15 to 16.

²⁰ Att. 90, pg. 28, lns. 3 to 6.

²¹ Att. 56, the video appeared to have been taken from the inside of a nearby vehicle and does not have a date or timestamp; Att. 89, pg. 20, lns. 4 to 8, ██████ stated it was him in the video.

²² Att. 92, Statement of Officer Samantha Grazziano (transcript), pg. 34, lns. 14 to 20.

²³ Att. 92, pg. 35, lns. 5 to 7.

²⁴ Att. 92, pg. 35, lns. 21 to 23.

Once [REDACTED] and [REDACTED] were out of the car, officers patted them down and put them in handcuffs.²⁵ [REDACTED] stated that the officer who patted him down was male.²⁶ [REDACTED] and [REDACTED] also stated that officers searched [REDACTED] car, including the trunk.²⁷ [REDACTED] stated that three officers searched his car, while one officer watched him and [REDACTED]²⁸ [REDACTED] did not give the officers permission to search his car, and the officers did not ask permission to search his car.²⁹ [REDACTED] stated that they were not issued an Investigative Stop Receipt.³⁰ [REDACTED] stated they were not given a citation.³¹ [REDACTED] also stated that the stop lasted between five to ten minutes.³²

Officer Ernesto Amparan and Officer Mateuz Jasinki arrived on the scene to assist Officer Valdez and Officer Grazziano.³³ Officer Jasinki recalled that the stop occurred in an alley and that when they arrived, two male civilians, [REDACTED] and [REDACTED] were standing toward the back of a vehicle.³⁴ Neither Officer Amparan nor Officer Jasinki recalled searching [REDACTED] vehicle. Officer Amparan and Officer Jasinki stated that if they arrived to assist with a stop, they would search a vehicle at the direction of the primary officer.³⁵

At 1:13 am, on May 26, 2020, Officer Grazziano and Officer Valdez were involved in a traffic accident near 701 S. Kostner Avenue.³⁶ They were transported to Rush University Medical Center, treated, and released.³⁷ Officer Valdez stated that he hurt his shoulder, hands, arms, neck, and back in the traffic accident and was on IOD for a week after.³⁸ Officer Grazziano stated that she was diagnosed with a concussion.³⁹ As a result of the accident, Officer Valdez stated that he did not complete an ISR or a TSS report.⁴⁰ Officer Valdez stated that he normally completed his documentation of any contacts toward the end of his shift and, because he went to a hospital, he could not complete the documentation.⁴¹ Officer Grazziano also stated that she completed her reports at the end of her shift and that the only reason that she would not have completed an ISR for [REDACTED] and [REDACTED] was because of the auto accident.⁴² Officer Grazziano also could not recall

²⁵ Att. 89, pg. 10, lns. 15 to 20 and pg. 13, lns. 11 to 24; Att. 90, pg. 14, lns. 5 to 7.

²⁶ Att. 89, pg. 13, lns. 11 to 16.

²⁷ Att. 89, pg. 14, lns. 1 to 7; Att. 90, pg. 15, lns. 6 to 13.

²⁸ Att. 90, pg. 16, lns. 19 to 23.

²⁹ Att. 90, pg. 18, lns. 4 to 6.

³⁰ Att. 89, pg. 16, lns. 1 to 2.

³¹ Att. 90, pg. 17, lns. 10 to 16.

³² Att. 90, pg. 17, lns. 17 to 19.

³³ Att. 10. At about 11:05 pm a second police car, No. 4918 Officer Jasinki and Officer Amparan's car, parks at 20 N. Mayfield and remained parked at the location until approximately 11:12 pm.

³⁴ Att. 91, Statement of Officer Mateuz Jasinki (transcript), pg. 18, ln. 13 to pg. 19, ln. 2.

³⁵ Att. 91, pg. 25, ln. 21, to pg. 26, ln. 13; Att. 93, Statement of Officer Ernesto Amparan (transcript), pg. 26 ln. 17 to pg. 27, ln. 7.

³⁶ Att. 63, Traffic Accident Documents.

³⁷ Att. 63.

³⁸ Att. 88, Statement of Officer Cesar Valdez (transcript), pg. 8, lns. 5 to 12.

³⁹ Att. 92, pg. 13, lns. 1 to 8.

⁴⁰ Att. 88, pg. 33, ln. 19 to pg. 34 ln. 8.

⁴¹ Att. 88, pg. 15, ln. 17 to pg. 16 ln. 1.

⁴² Att. 92, pg. 28, lns. 1 to 7.

whether she submitted a TSS report and stated that if she did not, it was because of the accident.⁴³ Officer Grazziano did not recall issuing any traffic citations and did not recall any reason why she stopped the vehicle.⁴⁴

III. ALLEGATIONS

Officer Samantha Grazziano:

1. Displaying your firearm at or in the direction of [REDACTED] without justification;
 - Not Sustained
2. Displaying your firearm at or in the direction of [REDACTED] without justification;
 - Not Sustained
3. Detaining [REDACTED] without justification;
 - Exonerated
4. Patting-down [REDACTED] without justification;
 - Unfounded
5. Handcuffing [REDACTED] without justification;
 - Not Sustained
6. Searching [REDACTED] vehicle, without justification;
 - Not Sustained
7. Seizing the cellular phone of [REDACTED] without justification;
 - Not Sustained
8. Engaging in a physical altercation by striking [REDACTED] without justification.
 - Not Sustained
9. Failing to complete a Tactical Response Report after your encounter with [REDACTED]
 - Not Sustained
10. Failing to complete an Investigative Stop Report after your encounter with [REDACTED]
 - Not Sustained
11. Failing to complete an Investigative Stop Receipt after your encounter with [REDACTED]
 - Not Sustained.
12. Failing to complete a Traffic Stop Statistical Report after your encounter with [REDACTED]
 - Not Sustained

Officer Cesar Valdez:

1. Displaying your firearm at or in the direction of [REDACTED] without justification;
 - Not Sustained
2. Displaying your firearm at or in the direction of [REDACTED] without justification;
 - Not Sustained

⁴³ Att. 92, pg. 32, Ins. 5 to 13.

⁴⁴ A search for an ISR or TSS report relating to this incident yielded no results. Att. 23, ISR search results for [REDACTED] [REDACTED] Att. 24, ISR search results for [REDACTED] Att. 44, Traffic Stop Statistical Study search results.

3. Detaining [REDACTED] without justification;
 - Exonerated
4. Patting-down [REDACTED] without justification;
 - Not Sustained
5. Handcuffing [REDACTED] without justification;
 - Not Sustained
6. Searching [REDACTED] vehicle, without justification;
 - Not Sustained
7. Seizing the cellular phone of [REDACTED] without justification.
 - Not Sustained
8. Failing to report misconduct committed by PO Grazziano against [REDACTED]
 - Not Sustained
9. Failing to complete an Investigative Stop Report after your encounter with [REDACTED]
 - Not Sustained
10. Failing to complete an Investigative Stop Receipt after your encounter with [REDACTED]
 - Not Sustained
11. Failing to complete a Traffic Stop Statistical Report after your encounter with [REDACTED]
 - Not Sustained

Mateusz Jasinski

1. Searching [REDACTED] vehicle, without justification.
 - Not Sustained

Ernesto Amparan

1. Searching [REDACTED] vehicle, without justification.
 - 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. ANALYSIS⁴⁵

a. Officer Grazziano and Officer Valdez were justified in detaining ██████████

Clear and convincing evidence supports that Officer Grazziano and Officer Valdez were justified in detaining ██████████. ‘When a police officer believes that a driver has committed a minor traffic offense, probable cause supports the stop.’⁴⁶ Under Section 9-20-010 of the Chicago Municipal Code, it is unlawful to drive through an alley other than for the purpose of gaining access to or leaving property that is adjacent to the alley.⁴⁷ ██████████ stated that he and ██████████ were driving through the alley due to one-way streets, an unlawful act. Therefore, that was sufficient to provide probable cause for the stop and detention. In addition, evidence supported that the detention was brief. ██████████ stated that the stop lasted between five to ten minutes, and GPS reports indicated that the officers were stopped in the area for about eleven minutes. COPA finds that Officer Grazziano and Officer Valdez are **Exonerated** for this allegation.

b. There is insufficient evidence to support the allegation that Officer Grazziano and Officer Valdez handcuffed ██████████ without justification.

Traffic stops supported by probable cause that an offense occurred, even an offense usually only punishable by a fine, constitute justification for officers to make an arrest.⁴⁸ Based upon this justification, officers are also permitted to handcuff the subject.⁴⁹ However, there was no BWC or documentation of the stop to support why ██████████ and ██████████ were asked to exit their vehicle in the first instance and then handcuffed. In addition, Officers Grazziano and Valdez could not recall the incident. Therefore, there is insufficient evidence to prove or disprove this allegation. COPA finds this allegation **Not Sustained** for Officer Grazziano and Officer Valdez.

c. There is insufficient evidence to support the allegation that Officer Grazziano and Officer Valdez seized the cell phone of ██████████ without justification.

Similarly, because there is insufficient evidence to determine whether the handcuffing of ██████████ was justified, there is also insufficient evidence to determine whether it was justified for Officer Grazziano and Officer Valdez to remove the phone from ██████████ hand to facilitate handcuffing. COPA finds this allegation **Not Sustained** for Officer Grazziano and Officer Valdez.

⁴⁵ For a definition of COPA’s findings and standards of proof, see Appendix B.

⁴⁶ *Jones v. Exkhart*, 737 F.3d 1107, 1114 (7th Cir. 2013) quoting, *United States v. Garcia-Garcia*, 633 F.3d 608, 612 (7th Cir. 2011).

⁴⁷ Chicago Municipal Code 9-20-010 (c).

⁴⁸ See *id.* at 1115.

⁴⁹ See *People v. Flores*, 371 Ill. App. 3d 212, 222 (2007).

d. There is insufficient evidence to support the allegation that Officer Grazziano struck ██████ in the face, without justification.

General Order G03-02 (III)(B), Use of Force, provides that “department members may only use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape.”⁵⁰ CPD members are authorized to use stunning techniques, including slapping, against active resisters.⁵¹ An active resister is a person who attempts to create distance between themselves and a member’s reach with the intent to avoid physical control.”⁵² Prior to Officer Grazziano striking ██████ by his own admission, ██████ was resisting efforts by Officer Grazziano to remove the phone from his hand as she and Officer Valdez were attempting to handcuff him. Officer Grazziano could not positively identify herself in the video and could not recall the incident. Given the brevity of the Facebook video, no details of when the Facebook video was taken, and the lack of BWC video, there is insufficient evidence to prove/disprove the allegation. For these reasons, COPA finds this allegation to **Not Sustained**.

e. There is insufficient evidence to support the allegation that Officer Grazziano failed to complete a Tactical Response Report (TRR) after she struck ██████ in the face.

Even if Officer Grazziano’s use of force was justified, she was required to complete a TRR. CPD members are required to complete a TRR following use of force incidents involving the active resistance of a subject.⁵³ A TRR is also required when there is an incident involving a CPD member’s use of Level 1 reportable force.⁵⁴ Level 1 reportable use of force includes, but is not limited to, stunning techniques, not resulting in injury or complaint, used in response to an active resister.⁵⁵ Officer Grazziano’s open-handed strike to ██████ face, if justified, was a stunning technique that required a TRR. Officer Grazziano acknowledged that the actions captured in the Facebook video required a TRR. Verifiable evidence supports that she did not complete a TRR for this incident. However, there was evidentiary support that Officer Grazziano and Officer Valdez were in an auto accident, an unusual circumstance, that could have prevented her from completing a TRR. Additionally, given the brevity of the Facebook video, Officer Grazziano’s inability to positively identify herself in the video, and the lack of BWC video, there is insufficient evidence to prove/disprove the allegation. For this reason, COPA finds this allegation **Not Sustained**.

⁵⁰ G03-02(III)(B), Use of Force.

⁵¹ Att. 86, Force Options, G03-02-01(IV)(B)(2)(c)(1).

⁵² Att. 86, G03-02-01 (IV)(B)(2).

⁵³Att. 95, G03-02-02 (III)(A)(1).

⁵⁴Att. 95, G03-02-02 (III)(A)(2)(a).

⁵⁵ Att. 95, Incidents Requiring the Completion of a Tactical Response Report, G03-02-02 (III)(A)(2)(a)(3).

f. There is insufficient evidence to support the allegation that Officer Valdez failed to report misconduct committed by Officer Grazziano against [REDACTED]

G08-01-02 requires that CPD non-supervisory members who observe misconduct notify their supervisor and prepare a written report to their unit Commander on the day they become aware of the misconduct.⁵⁶ For the reasons stated above, there is insufficient evidence that Officer Grazziano was not justified in striking [REDACTED] or that she was the officer who struck [REDACTED]. Consequently, there is also insufficient evidence that Officer Valdez failed to report the strike as misconduct. This allegation is **Not Sustained**.

g. There is insufficient evidence to support the allegation that Officer Grazziano and Officer Valdez failed to complete an Investigative Stop Report (ISR).

Special Order S04-13-09 provides that sworn CPD members that perform Investigatory Stops are required to complete an ISR where no other document captures the reason for the detention.⁵⁷ The purpose of completing the ISR is to document the facts and circumstances of the Investigatory Stop or a probable cause stop when no other document captures the reason for the detention.⁵⁸ Sworn CPD members are required to enter the ISR in the electronic system “as soon as possible but no later than the end of their tours.”⁵⁹ GPS established that the officers were in the area on the date and time of the stop. However, what occurred during the stop cannot be determined, and the officers could not recall the incident. Officer Grazziano and Officer Valdez were in an accident, an unusual circumstance, that could have prevented them from completing an ISR. COPA finds this allegation **Not Sustained** for Officer Grazziano and Officer Valdez.

h. There is insufficient evidence to support the allegation that Officer Grazziano and Officer Valdez failed to issue an Investigatory Stop Receipt to [REDACTED] and [REDACTED]

S04-13-09 further provides that at the conclusion of an Investigatory Stop that involved a pat down or any other search, sworn CPD members are required to provide an Investigatory Stop receipt.⁶⁰ [REDACTED] stated that he was patted down, and both [REDACTED] and [REDACTED] stated that [REDACTED] vehicle was searched. [REDACTED] and [REDACTED] therefore, should have been provided Investigatory Stop receipts. [REDACTED] and [REDACTED] stated that they were let go from the stop without receiving any documentation, including an Investigatory Stop receipt. Because of the absence of an ISR, it cannot be confirmed whether an Investigatory Stop receipt was given or offered and refused. Unlike a TRR or an ISR, an Investigatory Stop Receipt should be issued at the scene. Officer Grazziano’s and Officer Valdez’s accident would have had no impact on its issuance. However,

⁵⁶ Att. 96, Specific Responsibilities Regarding Allegations of Misconduct, G08-01-02(II)(A)(5).

⁵⁷ Att. 97, Investigatory Stop System, S04-13-09(III)(C).

⁵⁸ Att. 97, S04-13-09(III)(D)(1)(a) and (b).

⁵⁹ Att. 97, S04-13-09(VIII)(B)(1).

⁶⁰ Att. 97, S04-13-09(VIII)(A)(3).

because there is no evidence that [REDACTED] car was searched or that [REDACTED] was patted down, COPA finds this allegation **Not Sustained** against Officer Grazziano and Officer Valdez.

i. There is insufficient evidence to support the allegation that Officer Grazziano and Officer [REDACTED] failed to complete a Traffic Statistical Study (TSS) report.

Special Order S04-14-09 provides that CPD members are required to “complete and submit a Traffic Stop Statistical Study-Driver Information Card for every traffic stop initiated unless a Personal Citation is issued.”⁶¹ COPA investigators’ search for a TSS relating to this stop yielded no results. However, due to the accident that occurred after this incident, unusual circumstances existed that could have prevented Officer Grazziano and Officer Valdez from completing a TSS report for this stop. COPA finds that this allegation is **Not Sustained** against Officer Grazziano and Officer Valdez.

j. There is insufficient evidence to support the allegation that Officer Grazziano and Officer Valdez searched [REDACTED] vehicle without justification.

[REDACTED] and [REDACTED] both stated that [REDACTED] vehicle was searched, and there was nothing to indicate their recollections were not credible. However, because Officer Grazziano and Officer Valdez did not complete an ISR and could not recall the incident, there was no record of why or if the officers searched the vehicle. There is insufficient information to determine whether the search of [REDACTED] vehicle was justified. COPA finds this allegation against Officer Grazziano and Officer Valdez to **Not Sustained**.

k. There is insufficient evidence to support the allegation that Officer Jasinki and Officer Amparan searched [REDACTED] vehicle without justification.

Officer Jasinski and Officer Amparan arrived on the scene after Officer Grazziano and Officer Valdez. As assisting officers, both officers noted that they would have relied on the direction of the primary officer when deciding to search. Because there is insufficient evidence that the primary officers, Officers Grazziano and Valdez, were unjustified in their search, the available evidence cannot support that Officer Jasinki or Officer Amparan engaged in an unjustified search either. COPA finds this allegation **Not Sustained** for Officer Jasinki and Officer Amparan.

l. There is insufficient evidence to support the allegation that Officer Grazziano and Officer Valdez displayed their firearms in the direction of [REDACTED] and [REDACTED] without justification.

[REDACTED] and [REDACTED] stated that officers displayed their weapons at them during the stop. Neither Officer Grazziano nor Officer Valdez could recall any details about the stop and, therefore, could not confirm or justify their display of weapons. However, because the stop occurred in an

⁶¹ S04-14-09(V)(A).

alley at night and involved two subjects, it is possible that the officers displayed their firearms for officer safety reasons. COPA finds this allegation **Not Sustained** for Officer Grazziano and Officer Valdez.

m. There is insufficient evidence to support the allegation that the protective pat-down of ██████ was not justified.

Under S04-13-09, for a protective pat-down to be justified, there must be a reasonable suspicion of criminal activity and a reasonable suspicion that the person is armed and dangerous or presents a danger of attack.⁶² The reasonable suspicion must be based on specific and articulable facts.⁶³ There is insufficient information to determine whether the pat down was justified here. ██████ described that he was patted down, and there is nothing to indicate that his recollection is not credible. However, because of the failure of Officer Grazziano and Officer Valdez to complete an ISR and their inability to recall details of the stop, there is no record of why they believed a pat-down was necessary. On the other hand, as with the display of the officers' firearms, verifiable evidence such as the location of the stop, time of day, and the number of subjects indicate that a basis for a protective pat-down may have existed. COPA finds this allegation **Not Sustained** for Officer Valdez. In his statement, ██████ indicated that the officer who patted him down was male, so COPA finds this allegation against Officer Grazziano **Unfounded**.

Approved:

████████████████████

1-22-2024

LaKenya White
Director of Investigations

Date

⁶² Att. 97, S04-13-09(II)(C)(2).

⁶³ Att. 97, S04-13-09(II)(C)(2).

Appendix ACase Details

Date/Time/Location of Incident:	May 25, 2020/11:23 pm/5901 W. Madison Ave., Chicago, IL
Date/Time of COPA Notification:	May 26, 2020/10:27 am
Involved Member #1:	Samantha Grazziano, Star No. 10873, Employee ID No. [REDACTED], Date of Appointment: 9/29/2014, Unit of Assignment: 025, female, White
Involved Member #2:	Caesar Valdez, Star No. 17353, Employee ID No. [REDACTED], Date of Appointment: 6/27/2016, Unit of Assignment: 025, male, Hispanic
Involved Member #3:	Mateusz Jasinski, Star No. 5007, Employee No. [REDACTED], Date of Appointment: April 1, 2013, Unit of Assignment: 025, male, White
Involved Member #4:	Ernesto Amparan, Star No. 4614, Employee No. [REDACTED], Date of Appointment: April 1, 2013, Unit of Assignment: 025, male, Hispanic
Involved Individual #1:	[REDACTED] male, Black
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 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

- United States Constitution, Fourth Amendment
- Chicago, Illinois, Municipal Code 9-20-010 One-way streets – Through traffic prohibited on certain public ways.
- G03-02: Use of Force (effective February 29, 2020 to April 15, 2021).
- G03-02-01: Force Options (effective February 29, 2020 to April 15, 2021).
- G03-02-02: Incidents Requiring the Completion of a Tactical Response Report (effective February 29, 2020 to April 15, 2021).
- G04-01: Preliminary Investigations (effective October 15, 2017 to December 30, 2020).
- G08-01-01: Specific Responsibilities Regarding Allegations of Misconduct (effective May 4, 2018 to December 31, 2021).
- S04-13-09: Investigatory Stop System (effective July 10, 2017 to present).
- S04-14-09: Illinois Traffic and Pedestrian Statistical Study (effective March 23, 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.⁶⁴ 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.”⁶⁵

⁶⁴ 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).

⁶⁵ *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