



Log # 2020-0004057

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

### I. EXECUTIVE SUMMARY

On August 29, 2020, the Civilian Office of Police Accountability (COPA) received an initiation report from Sgt. Stephen Pietrzak reporting alleged misconduct by a member of the Chicago Police Department (CPD). Sgt. Pietrzak was informed by [REDACTED] (mother) who related that on August 29, 2020, Police Officer Daniel Szalko (off-duty) committed misconduct by detaining her son, [REDACTED] (minor) without justification.<sup>2</sup> Upon review of the evidence, COPA served additional allegations that Officer Szalko failed to complete an Investigatory Stop Report and failed to issue an Investigatory Stop Receipt for [REDACTED]. Following its investigation, COPA reached exonerated findings regarding the allegation of detaining [REDACTED] without justification. COPA also reached sustained findings regarding the allegations of failure to complete an Investigatory Stop Report and failed to issue an Investigatory Stop Receipt for [REDACTED].

### II. SUMMARY OF EVIDENCE<sup>3</sup>

On August 29, 2020, [REDACTED] and her son [REDACTED] were at a friend's graduation party.<sup>4</sup> Officer Szalko was inside his residence when he witnessed a group of kids throwing rocks at his residence.<sup>5</sup> Officer Szalko decided to confront the children and began to chase them.<sup>6</sup> Officer Szalko detained [REDACTED] by having him lie on the ground and placing handcuffs on him.<sup>7</sup> He then had [REDACTED] call his mother and Officer Szalko explained the situation and agreed to meet [REDACTED].<sup>8</sup> [REDACTED] and Officer Szalko then walked to

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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> 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>3</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, Initiation reports, ET photos, civilian interviews, officer interviews.

<sup>4</sup> Att. 5, Audio Complainant of [REDACTED] minute 4:15 from start time.

<sup>5</sup> Att. 16, Officer Szalko, Statement Transcripts Pg.8 LN.13-23.

<sup>6</sup> Att. 16, Officer Szalko, Statement Transcripts Pg.10 LN.18-20.

<sup>7</sup> Att. 16, Officer Szalko, Statement Transcripts Pg.12 LN.23-24 Pg.13 LN.7-10.

<sup>8</sup> Att. 16, Officer Szalko, Statement Transcripts Pg.14 LN.19-23.

meet with ██████████ and Officer Szalko provided his information.<sup>9</sup> Officer Szalko then left the area without producing an Investigatory Stop Report (ISR) or providing a receipt.<sup>10</sup> ██████████ called 911 and requested a Sergeant, Stephen Pietrzak responded and completed an Initiation report regarding the incident.<sup>11</sup>

### III. ALLEGATIONS

#### Police Officer Daniel Szalko:

1. Detained ██████████ (a minor) without justification.
  - Exonerated.
2. Failed to complete an Investigatory Stop Report.
  - Sustained, Violation of Rules 2, 3, 5, 6, 10.
3. Failed to issue an Investigatory Stop Receipt for ██████████
  - Sustained, Violation of Rules 2, 3, 5, 6, 10.

### IV. CREDIBILITY ASSESSMENT

COPA interviewed Officer Daniel Szalko December 21, 2023. This investigation did not reveal any evidence that caused COPA to doubt the credibility of the officer who provided his statement.

### V. ANALYSIS<sup>12</sup>

COPA found that Allegation #1 against Officer Szalko, that of detaining ██████████ (A minor) without justification, is **Exonerated**. The same standards for an on duty investigatory stop apply to Officer Szalko who was off duty at the time of the detention of ██████████. Per CPD policy, officers may temporarily detain and question “a person in the vicinity where the person was stopped based on Articulate Suspicion that the person is committing, is about to commit, or has committed a criminal offense.”

In this case Officer Szalko stated during his COPA statement that he witnessed ██████████ alongside other kids throw rocks at the window of his residence. While the evidence does not support that Officer Szalko witnessed ██████████ physically throw rocks at his window, Officer Szalko could have reasonably believed that ██████████ was involved in the incident as he was part of the group of kids throwing rocks at Officer Szalko’s residence. Therefore, Officer Szalko had reasonable articulable suspicion to detain and question ██████████. For those reasons, COPA finds that Officer Szalko had justification to detain ██████████ and Allegation #1 is **Exonerated**.

<sup>9</sup> Att. 16, Officer Szalko, Statement Transcripts Pg.15 LN.21-24.

<sup>10</sup> Att. 9, Negative ISR Search,

<sup>11</sup> Att. 1, Initiation Report of Sgt. Stephen Pietrzak.

<sup>12</sup> For a definition of COPA’s findings and standards of proof, *see* Appendix B.

COPA found that Allegation #2 and #3 against Officer Szalko, that of failing to complete an Investigatory Stop Report (ISR), and failure to issue an Investigatory Stop Receipt are both **Sustained**. The temporary detention and questioning of a person in the vicinity where the person was stopped based on Reasonable Articulate Suspicion that the person is committing, is about to commit, or has committed a criminal offense.<sup>13</sup> Policy states, sworn members who conduct an Investigatory Stop are required to complete an Investigatory Stop Report. Similarly, CPD Rule 6 prohibits disobeying orders or directives, and Rule 2 prohibits conduct that impedes CPD efforts to achieve policy objectives.

In this case, Officer Szalko stated he detained [REDACTED] to perform an Investigation by placing handcuffs on him.<sup>14</sup> When asked why there was no ISR completed Officer Szalko stated he was on furlough and did not realize he had to complete one since he was off duty.<sup>15</sup> Officer Szalko did not document the incident regarding the detention of [REDACTED].<sup>16</sup> Failure to complete an ISR would also prevent him from issuing a receipt.<sup>17</sup> As a department member, Officer Szalko is responsible for knowing the rules and regulations, which required him to complete an ISR for this incident. For those reasons, COPA finds that Officer Szalko failed to complete an ISR and provide a receipt, and Allegations #2 and #3 are **Sustained**.

## 1. DISCIPLINARY RECOMMENDATION

### a. Officer Daniel Szalko

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

Officer Szalko has received a total of 36 awards, including 30 honorable mentions, one life saving award, and one Crime Reduction Award. He has had no sustained disciplinary history in the last five years.

#### ii. Recommended Discipline

In mitigation, COPA will consider Officer Szako's complimentary history and that he was forthcoming in his interview with COPA. There are no aggravating factors as the sustained complaint was a dissimilar incident. COPA recommends Violation Noted.

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<sup>13</sup>Att. 17, S04-13-09- Investigatory Stop System II. A.

<sup>14</sup>Att. 16, Officer Szalko Statement Transcripts Pg.12 LN.24 & Pg.13 LN.9-10.

<sup>15</sup>Att. 16, Officer Szalko Statement Transcripts Pg.16 LN.22-23.

<sup>16</sup>Att. 16, Officer Szalko Statement Transcripts Pg.21 LN.8-10.

<sup>17</sup>Att. 16, Officer Szalko Statement Transcripts Pg.16 LN.18-24 & Pg.17 LN.1-4.

<sup>18</sup>Att. 18.

Approved:



1-16-2024

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*Angela Hearts-Glass*  
*Deputy Chief Administrator – Chief Investigator*

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Date

**Appendix A****Case Details**

Date/Time/Location of Incident:	August 29, 2020, at approximately 6:30 pm.
Date/Time of COPA Notification:	August 29, 2020, at approximately 8:25 pm
Involved Member #1:	Daniel Szalko, Star #19291, Employee # [REDACTED], DOA: December 14, 2015, Unit:004, Male, White.
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 2007, Male, White.
Involved Individual #2:	[REDACTED] DOB: [REDACTED], 1977, Female, White.

**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**

- S04-13-09- Investigatory Stop System (effective 7-10-2017 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