



Log # 2021-0000722

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On February 26, 2021, the Civilian Office of Police Accountability (COPA) received an Initiation Report² from Sergeant Wade Clark, reporting that [REDACTED] and [REDACTED] alleged misconduct by a member of the Chicago Police Department (CPD). They alleged that on February 26, 2021, Officers Daniel Symons and Arturo Guzman stopped [REDACTED] without justification, searched him without justification, searched his vehicle without justification, and threatened to impound [REDACTED] vehicle if he did not produce a gun for the officers.³ Upon review of the evidence, COPA served additional allegations that Officers Symons and Guzman failed to comply with CPD directive G09-01-05 by using a department issue electronic communication device to text message [REDACTED] made a false, incomplete, inaccurate, and/or misleading statement(s) when completing the Investigative Stop Report (ISR) related to ISR010361079, detained [REDACTED] for an unreasonable amount of time without justification, and that Officer Symons made a threatening statement to [REDACTED] stating words to the effect of “Don’t burn us on this, because if you burn us on this we’re going to come back and burn you.” Following its investigation, COPA reached Not Sustained and Exonerated findings.

II. SUMMARY OF EVIDENCE⁴

On February 23rd, 2021, Officers Daniel Symons and Arturo Guzman were assigned to assist the Federal Bureau of Investigations (FBI) with a wiretap investigation involving [REDACTED]⁵ Officers Symons and Guzman received information that [REDACTED] had sold a weapon to a confidential informant.⁶ Officers Symons and Guzman stated that they stopped [REDACTED] because he disobeyed a stop sign.⁷ The officers stated that they smelled a strong odor of raw cannabis coming from the vehicle and asked [REDACTED] and [REDACTED] to step out of the vehicle, and they complied. [REDACTED] was

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 Att. 19.

³ 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.

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. 35, ISR for [REDACTED]

⁶ Att. 47, Officer Guzman’s Audio Transcripts, pg. 6, Ins. 12 to 14.

⁷ Att. 35.

detained, and the officers searched him. The officers subsequently learned [REDACTED] was driving on a suspended license and searched the vehicle.⁸

Officer Symons recovered approximately \$800-900 from [REDACTED] left pocket and entered his department vehicle.⁹ Officer Symons called FBI Special Agents and told them about the money recovered from [REDACTED]. Officer Symons took photographs of the money and sent the images to the FBI Special Agents, verifying the money by the serial numbers used during an illegal firearm transaction with the confidential informant. The FBI Special Agent informed Officer Symons to release [REDACTED].¹⁰ Officer Symons exited his CPD vehicle and informed [REDACTED] he possessed a warrant for his arrest but would release him if he could provide the officers with a gun.¹¹ [REDACTED] told the officers he could not provide narcotics or illegal weapons to the officers or knew of any information on illegal guns or narcotics. The officers informed [REDACTED] that if he failed to provide the officers with an illegal weapon or narcotics, they would impound his vehicle.¹²

The officers acquired [REDACTED] phone number and informed [REDACTED] they would contact him via phone. Officer Symons stated to [REDACTED] "Don't burn us on this, because if you burn us on this, we're going to come back and burn you."¹³ Officer Symons explained that he was trying to get [REDACTED] to give up more illegal firearms that he had potential access to and to catch him on a federal wiretap.¹⁴ The officers released [REDACTED] from the traffic stop, completed an ISR for [REDACTED] and [REDACTED]¹⁵ and issued an investigatory stop receipt to [REDACTED].¹⁶

[REDACTED] stated that on February 25, 2021, he received a message stating, "You coming through for us or what man? We are going to submit this work for your car to get impounded and paper on you." [REDACTED] stated he received an additional message stating words to the effect of, "This is my work phone, call me on this or I'll call you shortly if you're free."¹⁷ Officer Symons and Guzman stated that they were given permission by FBI Special Agents to use their work numbers.¹⁸

⁸ Att. 18, Officer Guzman's BWC, at 03:37 to 04:50 and 06:06 to 10:03.

⁹ Att. 18, at 10:35 to 11:09; Att. 23, Officer Symons' BWC, at 09:34 to 11:33.

¹⁰ Att. 23, at 16:29 to 16:48.

¹¹ Att. 23, at 19:50 to 20:07; Att. 18, at 20:35 to 21:02; Att. 48, Officer Symons' Audio Transcripts, pg. 59 to 60, Officer Symons stated that the FBI directed him and Officer Guzman to pose as dirty cops to "tickle" the wire.

¹² Att. 23, at 25:07 to 25:52.

¹³ Att. 23, at 28:23 to 29:46.

¹⁴ Att. 48, pg. 92, lns 9-20.

¹⁵ Att. 35, and Att. 36, ISR for [REDACTED]. Neither of the ISRs documented that the officers instructed [REDACTED] to provide them with an illegal weapon, that they acquired [REDACTED] phone number, the additional time used to detain [REDACTED] or vehicle impoundment if [REDACTED] failed to produce a weapon to the officers; Att. 48, pgs. 86 to 87, Officer Symons stated that he and Officer Guzman were trained by FBI Special Agents to document the ISRs related to the investigation in a vague manner to maintain the integrity of the investigation.

¹⁶ Att. 20, ISR Receipt.

¹⁷ Att. 22, [REDACTED] Audio Statement.

¹⁸ Atts. 44-46, COPA obtained an FBI Report that documented similar information in [REDACTED] ISR but was not able to confirm what instructions were given to Officers Symons and Guzman.

III. ALLEGATIONS

Officer Symons:

1. Performing a traffic stop on [REDACTED] without justification.
 - Not Sustained
2. Searched [REDACTED] without justification.
 - Exonerated
3. Threatening to impound [REDACTED] vehicle if he did not provide you with an illegal gun and/or narcotics.
 - Not Sustained
4. Failing to comply with CPD directive G09-01-05 by using a department issue electronic communication device to contact [REDACTED]
 - Not Sustained
5. Making a false, incomplete, inaccurate, and/or misleading statement(s) when completing the Investigative Stop Report related to ISR010361079.
 - Not Sustained
6. Detaining [REDACTED] for an unreasonable amount of time without justification.
 - Not Sustained
7. Made a threatening statement to [REDACTED] stating words to the effect of, "Don't burn us on this, because if you burn us on this we're going to come back and burn you".
 - Not Sustained

Officer Guzman:

1. Performing a traffic stop on [REDACTED] without justification.
 - Not Sustained
2. Searched [REDACTED] without justification.
 - Exonerated
3. Threatening to impound [REDACTED] vehicle if [REDACTED] did not provide you with a gun and/or narcotics.
 - Not Sustained
4. Failing to comply with CPD directive G09-01-05 by using a department issue electronic communication device to contact [REDACTED]
 - Not Sustained
5. Making a false, incomplete, inaccurate, and/or misleading statement(s) when completing the Investigative Stop Report related to ISR010361079.
 - Not Sustained
6. Detaining [REDACTED] for an unreasonable amount of time 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. ANALYSIS¹⁹

a. Traffic Stop

COPA finds the allegation that Officers Symons and Guzman performed a traffic stop on ██████ without justification, **Not Sustained**. CPD members are permitted to conduct a traffic stop when there is “at least [an] articulable and reasonable suspicion that the particular person stopped is breaking the law.”²⁰ “Reasonable Articulable Suspicion depends on the totality of the circumstances which the sworn member observed and the reasonable inferences that are drawn based on the sworn member’s training and experience.”²¹ The officers stated that they observed ██████ disobeying a stop sign, resulting in the initiation of the stop. However, there is no video evidence to prove/disprove that ██████ ran a stop sign. BWC showed that when the officers approached ██████ vehicle, they did not inform him why he was stopped. Officers Symons and Guzman did not issue any citations, but officers have discretion regarding issuing traffic citations. Therefore, the allegation is Not Sustained against Officers Symons and Guzman.

b. Search of ██████

COPA finds the allegation that Officers Symons and Guzman searched ██████ without justification, **Exonerated**. 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.²² The reasonable suspicion must be based on specific and articulable facts.²³ Here, ██████ was operating a motor vehicle on a suspended license, and the officers were informed that he had sold a gun to a confidential informant. Based on the evidence, the allegation is Exonerated against Officers Symons and Guzman.

c. Threat to Impound Vehicle

COPA finds the allegation that Officers Symons and Guzman threatened to impound ██████ vehicle if ██████ did not provide them with an illegal gun and/or narcotics, **Not Sustained**. The officers stated that they were under the guidance and instruction of FBI Special Agents during this incident. Additionally, the officers stated that they were told to pose as dirty

¹⁹ For a definition of COPA’s findings and standards of proof, see Appendix B.

²⁰ *United States v. Rodriguez-Escalera*, 884 F.3d 661, 667-68 (7th Cir. 2018) (citing *Delaware v. Prouse*, 440 U.S. 648, 663 (1979)).

²¹ S04-13-09 II(C), Investigatory Stop System (effective July 10, 2017 to current).

²² Att. 97, S04-13-09(II)(C)(2).

²³ Att. 97, S04-13-09(II)(C)(2).

cops to “tickle” the wire. However, COPA could not confirm what instructions were given to the officers. Based on the available information, there is insufficient evidence to prove/disprove the allegations. Therefore, the allegation is Not Sustained against Officers Symons and Guzman.

d. Using a Department Issued Electronic Communication Device

COPA finds the allegation that Officers Symons and Guzman failed to comply with CPD directive G09-01-05 by using a department issue electronic communication device to contact ██████████ **Not Sustained.** Similarly, because there is insufficient evidence to determine that the officers threatened to impound ██████████ vehicle if he did not provide them with an illegal gun and/or narcotics, there is also insufficient evidence to determine whether the officers failed to comply with CPD’s directive. Officers Symons and Guzman were assigned to assist the FBI and worked under their guidance and instructions. However, it could not be confirmed what instructions were given to the officers. Based on the available information, there is insufficient evidence to prove/disprove the allegations. Therefore, the allegation is Not Sustained against Officers Symons and Guzman.

e. False, Inaccurate, and/or Incomplete ISR

COPA finds the allegation that Officers Symons and Guzman made a false, incomplete, inaccurate, and/or misleading statement(s) when completing the Investigative Stop Report related to ISR010361079, **Not Sustained.** The officers explained that FBI Special Agents instructed them to document the ISR in a vague manner that maintained the integrity of the investigation. Based on the available information, there is insufficient evidence to prove/disprove the allegations. Therefore, the allegation is Not Sustained against Officers Symons and Guzman.

f. Detention Allegations

COPA finds the allegation that Officers Symons and Guzman detained ██████████ for an unreasonable amount of time without justification, **Not Sustained.** The officers contacted FBI Special Agents during the traffic stop, which prolonged the stop. However, the officers were told to release ██████████ after photographing his money. Instead of releasing ██████████ the officers continued to detain him and conversed with him in an attempt to get ██████████ to give them an illegal gun. Officers Symons and Guzman stated they were instructed to pose as dirty cops to “tickle” the wire. However, it could not be confirmed what instructions were given to the officers. Based on the available information, there is insufficient evidence to prove/disprove the allegations. Therefore, the allegation is Not Sustained against Officers Symons and Guzman.

g. Threatening Statement to ██████████

COPA finds the allegation that Officer Symons made a threatening statement towards ██████████ stating words to the effect of, “Don’t burn us on this, because if you burn us on

this, we're going to come back and burn you," **Not Sustained.** Officer Symons stated that he attempted to uncover additional information from [REDACTED] under the direction of FBI Special Agents. However, it could not be confirmed what instructions were given to the officers. Based on the available information, there is insufficient evidence to prove/disprove the allegations. Therefore, the allegation is Not Sustained against Officers Symons and Guzman.

Approved:

[REDACTED]

1-22-24

LaKenya White
Director of Investigations

Date

Appendix A**Case Details**

Date/Time/Location of Incident:	February 23, 2021 / 02:00 pm / 1300 N Pulaski RD.,
Date/Time of COPA Notification:	February 26, 2021 / 4:42 pm.
Involved Member #1:	Officer Daniel Symons, Star #10534, Employee ID # [REDACTED], DOA: April 25, 2016, Unit: 007, Male, White.
Involved Member #2:	Officer Arturo Guzman, Star #12864, Employee ID # [REDACTED], DOA: July 02, 2012, Unit: 007, Male White Hispanic.
Involved Individual #1:	[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

- S04-13-09, Investigatory Stop Systems (Effective July 10, 2017).
- G09-01-05, Department – Issued Electronic Communication Devices (Effective April 29, 2021)
- G04-01, Preliminary Investigations (Effective December 30, 2020)
- G08-05, Prohibition of Retaliation (Effective December 30, 2020)

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.²⁴ 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.”²⁵

²⁴ 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).

²⁵ *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