



Log # 2023-0005308

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On November 10, 2023, the Civilian Office of Police Accountability (COPA) received a telephone complaint relative to alleged misconduct by members of the Chicago Police Department (CPD). ██████████ alleged that he had been stopped earlier that day, at approximately 9:42 a.m., without justification, for driving a stolen vehicle. This occurred at 50 East 95th Street, Chicago, IL 60628. ██████████ was forcibly removed from his vehicle, handcuffed, and searched. The vehicle was also searched. Subsequently it was determined that the vehicle was not stolen, and ██████████ was released without receiving any citations. No Investigatory Stop Report (ISR) was submitted by the officers, nor was a stop receipt provided to ██████████.² A Traffic Statistical Study (TSS) report was not submitted for the stop.

The two officers who had initiated the traffic stop, Officers Carlos A. Baker and Jacob F. Cypranowski, searched the vehicle along with a responding officer, Officer Jacob A. Mitchell, Jr. ██████████ was handcuffed by Officer Baker and searched by Officers Baker and Cypranowski.

COPA exonerated Officers Baker and Cypranowski for their initiation of the investigatory stop. COPA sustained allegations: against Officer Baker for searching ██████████ without justification, against Officers Baker, Cypranowski and Mitchell regarding the search of ██████████ vehicle without justification, and against Officers Baker and Cypranowski for handcuffing ██████████ without justification and for failing to submit an ISR.

Allegations against another officer (Officer Imani Jasper Baker) were determined to be unfounded.

SUMMARY OF EVIDENCE³

No report of the traffic stop was located. The stop, however, was called into OEMC, which documented the reason for the traffic stop as a possible stolen vehicle.⁴ BWC footage shows that ██████████ vehicle was stopped at approximately 9:43 a.m. Officer Baker approached at the driver

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 See Att.12 for ISR search with negative results.

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 BWC footage, police reports, civilian interviews, and officer interviews.

⁴ Att. 7.

side door and Officer Cypranowski approached at the passenger side door. Officer Baker began speaking with [REDACTED] handed Officer Baker [REDACTED] driver's license.

[REDACTED] contested the traffic stop and Officer Baker then reached into the vehicle and handcuffed [REDACTED] left wrist.⁵ Officer Baker removed [REDACTED] from the vehicle and then finished handcuffing [REDACTED] hands behind [REDACTED] back. Officer Cypranowski assisted.⁶ Officer Baker then patted [REDACTED] down.⁷

Officer Baker searched the vehicle. Officer Cypranowski then went to the front passenger door, further opened it, and looked inside.⁸ Officer Baker then reached inside of the front passenger door area and searched a purse that was lying on the seat.⁹ Officer Baker further searched in both the front and back areas of the vehicle. A responding officer, Officer Mitchell, briefly searched in the front seat area of the vehicle upon arriving.¹⁰ Mitchell's partner provided additional security.¹¹

[REDACTED] was subsequently released without being issued a citation.

II. ALLEGATIONS

Officer Carlos A. Baker and Officer Jacob F. Cypranowski

1. Detained [REDACTED] without justification.
Exonerated
2. Handcuffed [REDACTED] without justification
Sustained; Rules 1, 2, 3, and 8.
3. Failed to submit an ISR relative to the detention of [REDACTED] without justification.
Sustained; Rules 2, 3, 5, and 6.

Officer Carlos A. Baker

4. Searched [REDACTED] without justification.
Sustained; Rules 1, 2, 3, and 8.

Officer Carlos A. Baker, Officer Jacob F. Cypranowski, and Officer Jacob A. Mitchell, Jr.

5. Searched [REDACTED] vehicle, without justification.
Sustained; Rule 1, 2, and 3

⁵ Att. 26 at 09:44:36.

⁶ Att. 26 at 09:44:55.

⁷ Att. 26 at 09:45:06.

⁸ Att. 26 at 09:46:21.

⁹ Att. 26 at 09:46:37.

¹⁰ Att. 26 at 09:46:06.

¹¹ Att. 34.

Officer Imani Jasper Baker

6. Searched ██████████ vehicle, without justification.
Unfounded

III. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory.

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

IV. ANALYSIS¹²

The traffic stop of ██████████ was based on the officers observing an irregularity with respect to the license plate on ██████████ vehicle. The OEMC printout reflects that the license plate on ██████████ vehicle, a 2019 Accura sedan, was somehow confused with a partial VIN on a stolen motorcycle originating out of Miami.¹³ This provided reasonable suspicion for the traffic stop and investigate. The officers acting on this information were acting in good faith, and thus COPA finds their decision to stop ██████████ stop was misconduct. An officer's correct understanding of the law, together with a good-faith error regarding the facts, can establish reasonable suspicion to effect a traffic stop.¹⁴ Accordingly, COPA **exonerates** Officers Baker and Cypranowski with respect to **Allegation 1**.

A law enforcement officer violates a person's Amendment IV right to be free from unreasonable seizure when the officer uses excessive force to apprehend or detain a person; however, the right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion, or threat thereof, to effect it.¹⁵ Courts have routinely recognized that after a lawful traffic stop, such as this one, officers may lawfully demand that all occupants of a vehicle exit the vehicle.¹⁶ If they do not comply, they can be forcibly removed from the vehicle using the necessary force to do so.

¹² For a definition of COPA's findings and standards of proof, see Appendix B.

¹³ Att. 7, p. 5 (OEMC PDT Messages Report for November 10, 2023).

¹⁴ *United States v. King*, 244 F.3d 736, 739 (9th Cir. 2001); *United States v. Miguel*, 368 F.3d 1150, 1153-54 (9th Cir. 2004).

¹⁵ *Graham v. Connor*, 490 U.S. 386, 395 (1989); *Cook v. City of Bella Villa*, 582 F.3d 840, 849 (8th Cir. 2009).

¹⁶ During a lawful traffic stop, the driver [*Pennsylvania v. Mimms*, 434 U.S. 106, 110-11 (1977)] and passengers [*Maryland v. Wilson*, 519 U.S. 408, 415 (1997)] may be ordered out of the vehicle, pending the completion of the stop, without violating the protections afforded by the Fourth Amendment.

Here, ██████ questioned the traffic stop and questioned why he had to exit the vehicle. Officer Baker physically removed ██████ from his vehicle using the handcuffs and then completed handcuffing ██████ once ██████ was outside the vehicle. According to CPD's use of force continuum, ██████ was not an assailant, nor was he an active resister. At most ██████ was a passive resister.

Officer Baker indicated that he removed Baker from the vehicle "for officer safety" after ██████ became agitated with Officer Baker and reached for a coffee.¹⁷ Officer Baker's noted that the interaction occurred in a "high crime area". Officer Cypranowski also indicated that ██████ was removed from his vehicle for "safety" after he was observed reaching for a coffee.¹⁸

Officer Baker would have been justified in using necessary force to remove ██████ from his vehicle. Here, Officer Baker handcuffed ██████ left wrist while ██████ was still seated in his vehicle, and then pulled him out of his vehicle and handcuffed him behind his back.¹⁹ Officer Cypranowski assisted by holding ██████ right arm.²⁰ There was little or no effort made to de-escalate the situation²¹ and, in the circumstances, handcuffing ██████ was excessive. The provided reason was insufficient, as ██████ did not reasonably pose a physical threat to the officers. ██████ was not an assailant. There was no evidence that ██████ was armed and dangerous. ██████ was not actively resisting. If anything, ██████ was passively resisting, simply questioning the traffic stop. COPA finds **Allegation 2** against Officers Baker and Cypranowski to be **sustained**.

Additionally, an ISR was required to be prepared and submitted to document the event.²² No ISR has been located for the detention of ██████²³ In their respective interviews with COPA, neither officer provided an adequate justification for not submitting an ISR.²⁴ Officer Baker indicated that neither he nor his partner prepared an ISR because they believed that the stop was caused by an "operational error" at the Illinois Department of Motor Vehicles (DMV) and that this somehow obviated the need for the ISR.²⁵ In his statement to COPA Officer Cypranowski indicated that he did not complete an ISR "due to the nature of the stop" as a "DMV clerical error" although he admitted that an ISR should have been completed.²⁶ COPA finds **Allegation 3** against Officers Baker and Cypranowski to be **sustained**.

¹⁷ Att. 33 at 10:03.

¹⁸ Att. 40 at 10:55.

¹⁹ Att. 26 at 9:44:34.

²⁰ Att. 26 at 9:44:56.

²¹ G03-02: De-Escalation, Response to Resistance, and Use of Force; Effective Date: April 15, 2021.

²² S04-13-09: Investigatory Stop System; Effective Date: July 10, 2017.

²³ Att. 8 and Att. 12.

²⁴ Att. 28 and Att. 45.

²⁵ Att. 33 at 15:02 to 17:10.

²⁶ Att. 40 at 18:45 to 20:50 and at 23:16.

After [REDACTED] was removed from his vehicle and handcuffed, a patdown search of [REDACTED] person was conducted by Officer Baker.²⁷ An officer may reasonably believe that he is in danger from the possible presence of accessible weapons inside of a vehicle, both driver and passengers are subject to a protective search upon reasonable suspicion that they may be armed and dangerous.²⁸ Here, however, a patdown search of [REDACTED] was excessive because there was no indication that he was armed and there existed no reasonable suspicion that he was dangerous. Officer Baker indicated that he conducted the patdown search because of “officer safety” and due to the presence of a “bulge” in [REDACTED] outer garment (explicitly not an “L-shaped object” in Officer Baker’s recollection) and due to the fact that the stop occurred in a “high crime area”.²⁹ [REDACTED] only became “combative” and “started yelling” according to Officer Baker, after he was placed in handcuffs.³⁰ This rationale does not present a reasonable, articulable suspicion that [REDACTED] was armed and dangerous such as to justify the pat-down search; [REDACTED] was simply a passive resister questioning a traffic stop. COPA finds **Allegation 4** against Officer Baker to be **sustained**.

Officers Baker, Cypranowski, and Mitchell, all searched [REDACTED] vehicle to some extent. They did not have consent, a search warrant, nor probable cause. Furthermore, as concluded above, that officers did not have articulable reasonable suspicion that [REDACTED] was armed and dangerous. While there was reasonable suspicion to stop the vehicle and investigate due to it possibly being stolen, there was no probable cause to search the vehicle. Officer Baker indicated that he searched [REDACTED] vehicle for paperwork that could confirm [REDACTED] ownership of the vehicle and for firearms.³¹ Officer Cypranowski indicated that Officer Baker’s search was for weapons “or anything dangerous” or possibly for another license plate inside the car; Officer Cypranowski’s own search was predicated on “a lot of hand movement inside the vehicle” such as [REDACTED] having reached for his coffee cup before he was removed from the vehicle.³²

Additionally, In his interview with COPA, Officer Mitchell admitted searching the vehicle, but he stated that he had received a head nod from Officer Baker indicating that he should do so.³³ Officer Baker denies telling Officer Mitchell to search the vehicle.³⁴ Review of BWC evidence did not show that Officer Baker gave a head nod to Officer Mitchell before Mitchell began searching the vehicle.³⁵ Mitchell’s partner did not recall any conversation between the officers originally on scene and he and Mitchell regarding the need or justification for any search.³⁶ In any event, Officer Mitchell is accountable for his own actions.

Accordingly, COPA finds **Allegation 5** to be **sustained** against all accused officers.

²⁷ Att. 26 at 9:45:10.

²⁸ *Arizona v. Johnson*, 555 U.S. 323, 332 (2009).

²⁹ Att. 33 at 10:08 and at 21:40.

³⁰ Att. 33 at 10:14.

³¹ Att. 33 at 24:30.

³² Att. 40 starting at 11:16 and at 16:05 to 18:11.

³³ Att. 47, pg. 16, pgs. 13 to 15.

³⁴ Att. 33 at 27:17.

³⁵ Att. 26 from 09:45:41 to 09:46:03.

³⁶ Att. 34.

COPA finds **Allegation 6** to be **unfounded**, as there is no evidence that Officer Jasper Baker searched [REDACTED] vehicle. The officer denied the allegation.³⁷

VI. DISCIPLINARY RECOMMENDATION

In the particulars of this case, aggravating factors include: the disregard of training expectations with respect to executing a vehicle search incident to a traffic stop, the fact that victim is a member of the public, and the additional aggravating factor in that the sustained allegations involve the violation of rights protected by the U.S. Constitution.³⁸

a. Officer Carlos A. Baker

i. Complimentary and Disciplinary History³⁹

The “Five Year Sustained Complaints History Report” received from CPD contains one entry regarding log 2022-0003210 in connection with which the officer received a reprimand. The “SPAR History Report” also contains three entries (a reprimand in connection with an April 2023 preventable accident, a 1 day off suspension in connection with an October 2023 preventable accident, and a 1 day off suspension for failure to submit a report). He has received 12 awards.

ii. Recommended Discipline

Given COPA’s findings of misconduct, the complimentary and disciplinary history of the CPD member, as well as the applicable aggravating and mitigating factors, COPA recommends a **five-day suspension** and that the officer receive retraining in Amendment IV principles as applied to searches.

b. Officer Jacob F. Cypranowski

i. Complimentary and Disciplinary History⁴⁰

The “Five Year Sustained Complaints History Report” received from CPD contains no entries. The “SPAR History Report” also contains no entries. He has received 7 awards.

ii. Recommended Discipline

Given COPA’s findings of misconduct, the complimentary and disciplinary history of the CPD member, as well as the applicable aggravating and mitigating factors (the officer admitted that, although an ISR was not prepared in this case, one should have been), COPA recommends a **one-day suspension** and that the officer receive retraining in Amendment IV principles as applied to searches.

³⁷ Att. 34 at 09:18 and 13:57.

³⁸ COPA policy, Disciplinary and Remedial Recommendations (effective June 24, 2021), para. II.

³⁹ Att. 48.

⁴⁰ Att. 48.

c. Officer Jacob A. Mitchell. Jr.

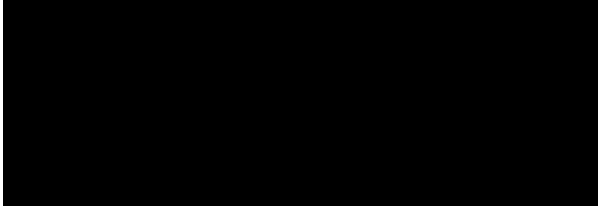
i. Complimentary and Disciplinary History⁴¹

The “Five Year Sustained Complaints History Report” received from CPD contains no entries. The “SPAR History Report” also contains no entries. He has received 94 awards, to include two “top gun” arrest awards and one “police officer of the month” of the award.

ii. Recommended Discipline

Given COPA’s findings of misconduct, the complimentary and disciplinary history of the CPD member, as well as the applicable aggravating and mitigating factors, COPA recommends a **one-day suspension** and that the officer receive retraining in Amendment IV principles as applied to searches.

Approved:



Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date: April 23, 2024

⁴¹ Att. 48.

Appendix ACase Details

Date/Time/Location of Incident:	November 10, 2023 / 9:42 a.m. / 50 East 95th Street, Chicago, IL 60628
Date/Time of COPA Notification:	November 10, 2023 / 11:27 a.m.
Involved Officer #1:	Carlos A. Baker, Star #2816, Employee ID# [REDACTED], Date of Appointment: December 27, 2021, Unit of Assignment: 006, Male, Black
Involved Officer #2:	Jacob F. Cypranowski, Star #16287, Employee ID# [REDACTED], Date of Appointment: February 16, 2021; Unit of Assignment: 006, Male, White
Involved Officer #3	Imani G. Jasper Baker, Star #11301, Employee ID# [REDACTED], Date of Appointment: October 25, 2021; Unit of Assignment: 006, Male, Black
Involved Officer #4	Jacob A. Mitchell, Jr., Star #5064, Employee ID# [REDACTED], Date of Appointment: June 25, 2018, Unit of Assignment 006, Male, Black
Involved Individual #1:	[REDACTED] Male, Black

Applicable Rules

- Rule 1:** Violation of any law or ordinance.
- 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.

Applicable Policies and Laws

- Amendment IV, U.S. Constitution

- G03-02: De-Escalation, Response to Resistance, and Use of Force; Effective Date: April 15, 2021.
- S04-13-09: Investigatory Stop System; Effective Date: July 10, 2017.

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.⁴² For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department 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.”⁴³

⁴² 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).

⁴³ *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
- Reports: Failure to Submit ISR