



Log # 2022-5484

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On December 30, 2022, the Civilian Office of Police Accountability (COPA) received an Initiation Report from Sergeant (Sgt.) Sean Houlihan, who alleged misconduct by a member of the Chicago Police Department (CPD).² Sgt. Houlihan alleged that on December 30, 2022, Officer Brian Pinz used excessive force during the detainment of [REDACTED] (the arrestee).³ Upon review of the evidence, COPA served additional allegations to Officer Pinz and another officer at the incident, Officer Brandon Gipson, that they both detained, searched, and arrested [REDACTED] without justification.⁴ Following its investigation, COPA reached sustained findings for both officers regarding the allegations of detaining, searching, and arresting [REDACTED] without justification. COPA reached unfounded findings regarding Officer Pinz's allegations of excessive force on [REDACTED]

II. SUMMARY OF EVIDENCE⁵

On December 30, 2022, Officers Brandon Gipson, Brian Pinz, and Kevin Brand were assigned as tactical team officers on a directed patrol of the 015th District.⁶ A monitory pod observed a group of males with “youthful appearances” with a “suspicious bulge” walking on the sidewalk of Adams Street.⁷ Based on the information, the officers believed this group of males was underage and armed, so they relocated to where the males walked to a convenience store located at 206 S. Cicero to conduct an investigatory stop.⁸

Upon entry to the convenience store, Officer Gipson saw one of the subjects, who immediately pulled up his shirt to show his waistband area, revealing no firearms.⁹ The other two

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. 8.

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. Att. 8.

⁴ Officer Kevin Brand was present at the incident and was served allegations but has since resigned. Att. 49

⁵ 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, third-party video, police reports, and officer interviews.

⁶ Att. 7.

⁷ Att. 7, 15.

⁸ Att. 7, 9, 15.

⁹ Att. 3 at 2:11.

subjects walked away down the aisle of the store when Officer Gipson called out to them.¹⁰ As the subjects were walking away, Officer Gipson directed his statements to them, saying, “What’s up guys,” “You got anything on you.”¹¹ Officer Gipson attempted to detain one of the subjects, ██████ but ██████ resisted by pulling away from Officer Gipson’s grip on ██████ arm.¹² Shortly after, Officer Pinz conducted an emergency takedown with the assistance of Officers Pinz and Brand.¹³ ██████ was then handcuffed and searched by Officer Pinz, revealing no weapons.¹⁴ ██████ was subsequently placed into custody and arrested.¹⁵

During officer statements to COPA, made on April 16, 2024, Officer Pinz described his attempt to detain ██████ using an emergency takedown with a sprawl-related technique.¹⁶ Furthermore, both officers provided their reasonings for detaining, searching, and arresting ██████ all of which were corroborated by their reports.¹⁷

III. ALLEGATIONS

Officer Brian Pinz:

On December 30, 2022, commencing at about 6:18 p.m., at or near 206 S Cicero Ave, Chicago, Illinois, Officer Brian Pinz committed misconduct through the following acts or omissions:

1. Officer Pinz used excessive force by grabbing and wrapping arms around ██████ neck.
 - Not Sustained.
2. Officer Pinz detained ██████ without justification.
 - Sustained. Rules 2, 3,6, and 11.
3. Officer Pinz searched ██████ without justification.
 - Sustained. Rules 2, 3,6, and 11.
4. Officer Pinz arrested ██████ without justification.
 - Sustained. Rules 2, 3,6, and 11.

Officer Brandon Gipson:

On December 30, 2022, commencing at approximately 6:18 p.m., at or near 206 S Cicero Ave, Chicago, Illinois, Officer Brandon Gipson committed misconduct through the following acts or omissions:

¹⁰ Att. 3 at 2:16.

¹¹ Att. 3 at 2:16 to 2:19.

¹² Att. 3 at 2:20 to 2:24. Att. 25 at 17:14 to 17:20.

¹³ Att. 4 at 2:23 to 2:31. Att. 25 at 17:21 to 17:38. Att. 17, pgs. 2 and 4.

¹⁴ Att. 17, pg. 4.

¹⁵ Att. 2.

¹⁶ Att. 50, pgs. 15 to 16.

¹⁷ Att. 50, pgs. 18 to 22. Att. 51, pgs. 13 to 21.

1. Officer Gipson detained [REDACTED] without justification.
 - Sustained. Rules 2, 3,6, and 11.
2. Officer Gipson searched [REDACTED] without justification.
 - Sustained. Rules 2, 3,6, and 11.
3. Officer Gipson arrested [REDACTED] without justification.
 - Sustained. Rules 2, 3,6, and 11.

IV. 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.

COPA interviewed Officers Pinz and Gipson on April 16, 2024. The investigation did not reveal any evidence that caused COPA to doubt the credibility of any individuals who provided statements.

V. ANALYSIS¹⁸

a. Excessive Force Allegation

COPA finds Allegation #1 that Officer Pinz used excessive force by grabbing and wrapping arms around [REDACTED] neck to be **unfounded**.

An active resister is "a person who attempts to create distance between himself or herself and the member's reach with the intent to create distance between himself or herself and the member's reach with the intent to avoid physical control and/or defeat the arrest."¹⁹ Officers are permitted to apply holding and adherence techniques to gain control and compliance.²⁰

Here, the body-worn camera (BWC) shows Officer Gipson grabbing [REDACTED] arm to detain him, which [REDACTED] resists and makes evasive movements.²¹ At that moment, [REDACTED] is actively resisting as he attempts to create distance between himself and Officer Gipson's control. Since [REDACTED] is resisting, the officers on scene are permitted to apply such holding and compliance techniques to gain control and compliance of [REDACTED]

¹⁸ For a definition of COPA's findings and standards of proof, *see* Appendix B.

¹⁹ Att. 52, G03-02-01, De-escalation, Response to Resistance, and Use of Force (effective June 28, 2023 – present).

²⁰ Att. 52, G03-02-01, De-escalation, Response to Resistance, and Use of Force (effective June 28, 2023 – present).

²¹ Att. 3 at 2:20 to 2:24. Att. 25 at 17:14 to 17:20.

While it is clear that Officer Pinz came to assist Officer Gipson in gaining control and compliance of ██████ it remains unclear what specific actions he performed and, more importantly, where on ██████ body these actions were executed. Officer Pinz stated he used an emergency takedown to assist in detaining the subject.²² During this emergency takedown, BWC and third-party video depict Officer Pinz wrapping his arms around ██████ neck and head area.²³ When asked if Officer Pinz ever grabbed or wrapped his arms around ██████ neck, Officer Pinz admitted to doing so based on the assumption that the neck constitutes the body part above the shoulders.²⁴ However, Officer offered a differing definition of the neck portion of the body, to which he described the neck as the area between the “Adam’s apple or below [the body].”²⁵ Under his definition, however, when asked if he grabbed or wrapped his arms around ██████ Officer Pinz denied doing so and stated he neither intentionally nor unintentionally wrapped his arms around ██████ neck.²⁶

Accordingly, there could not be a complete finding because of the lack of clarity and differing takedown locations of activities regarding what constitutes the neck area. Therefore, COPA finds Allegation #1 that Officer Pinz used excessive force by grabbing and wrapping arms around ██████ neck to be **Not Sustained**.

b. Detaining Allegation

COPA finds Allegation #2 of Officer Pinz and Allegation #1 of Officer Gipson, detaining ██████ without justification to be **sustained**.

CPD members are permitted to detain a person when there is reasonable articulable suspicion that a person is about to commit, is committing, or has committed a criminal offense.²⁷ The detention is an investigative stop. Reasonable articulable suspicion has been described as less than probable cause but more than a hunch or general suspicion.²⁸ It “depends on the totality of the circumstances which the sworn member observes and the reasonable inferences that are drawn based on the sworn member’s training and experience.”²⁹

Here, during their statements, both officers stated they detained Kejuan for an investigatory stop involving a firearms investigation.³⁰ The reasons that gave rise to their suspicions were based on Police Observation Device (POD) surveillance, where accused officers observed a group of males that had “youthful appearances” with “suspicious bulge[s]” walking on the sidewalk.³¹ And

²² Att. 50, pgs. 15 to 16.

²³ Atts. 4 and 25.

²⁴ Att. 50, pg. 16, Ins. 9 to 18.

²⁵ Att. 50, pg. 17, Ins. 21 to 23.

²⁶ Att. 50, pg. 18, Ins. 7 to 11.

²⁷ Att. 53, S04-13-09(II)(A), Investigatory Stop System (effective July 10, 2017, to present).

²⁸ Att. 53, S04-13-09(II)(C), Investigatory Stop System (effective July 10, 2017, to present).

²⁹ Att. 53, S04-13-09(II)(C), Investigatory Stop System (effective July 10, 2017, to present).

³⁰ Att. 50, pg. 14, Ins. 7-9. Att. 51, pg. 15, Ins. 22 to 24.

³¹ Att. 7, 15.

that because the officers believed the group of males were armed youths and ineligible to carry a firearm, thus provided reasonable suspicion to investigate further.³² However, the justification provided in their reports and statements lacks sufficiency for reasonable articulable suspicion upon further review.

During the accused officers' statements, Officer Gipson stated there was no actual weapon ever seen but merely a bulge from the POD footage.³³ The information provided and observed was that there were multiple subjects that may be armed with a firearm.³⁴ However, the accused officers, when specifically questioned on who from the group of males had the firearm or bulge from the surveillance footage, it could not be established whether all the males in the group had a bulge or one of the males from the group had a bulge.³⁵ Although it was initially reported that a bulge was visible in the POD footage, a detailed review of the same footage revealed no discernable bulge.³⁶ Further, Officer Gipson stated that the group of males, including ██████ were having actions indicative of concealing a firearm based on a bulge.³⁷ However, when questioned further, it could not sufficiently justify the assumption that ██████ was concealing a weapon or what such actions indicate a person who is concealing a weapon.³⁸

Therefore, COPA finds by the preponderance of the evidence that Officers Pinz and Gipson detained ██████ without justification was not warranted, and the allegation is **sustained** in violation of CPD Rules 2, 3, 6, and 11.

c. Searching Allegation

COPA finds Allegation #3 of Officer Pinz and Allegation #2 of Officer Gipson, searching ██████ without justification, to be **sustained**.

CPD policy prohibits officers from detaining, patting down, or searching the subject of an investigatory stop absent specific and articulable facts, which, combined with rational inferences from those facts, give rise to reasonable articulable suspicion that criminal activity is afoot.³⁹ Further, officers may not perform a protective pat down or further search of a subject's clothing absent reasonable articulable suspicion that the subject is armed and dangerous or presents a danger of attack to officers or others.⁴⁰

Here, the officers provided insufficient reasonable articulable suspicion to warrant a search. Because of this, CPD could not perform a protective pat down or further search. Even when

³² Att. 7, pg. 1.

³³ Att. 51, pg. 21, Ins. 5 to 9.

³⁴ Att. 50, pg. 25, Ins. 1 to 7.

³⁵ Att. 51, pg. 20, Ins. 17 to 21.

³⁶ Att. 1, at 6:13:21 to 6:15:51. Att. 15, pg. 2.

³⁷ Att. 51, pg. 19, Ins. 21 to 24.

³⁸ Att. 51, pg. 19, Ins. 19 to 24.

³⁹ Att. 53, S04-13-09(III)(B) and (V)(A), Investigatory Stop System (effective July 10, 2017, to present).

⁴⁰ Att. 53, S04-13-09(III)(B) and (VI), Investigatory Stop System (effective July 10, 2017, to present).

officers patted down and searched ██████ they never found a weapon or firearm. Therefore, COPA finds the allegation of searching ██████ without justification to be **sustained** in violation of CPD Rules 2, 3, 6, and 11.

d. Arresting Allegation

COPA finds Allegation #4 of Officer Pinz and Allegation #3 of Officer Gipson, arresting ██████ without justification, to be **sustained**. An officer must have probable cause to arrest a subject.⁴¹ “Probable cause to arrest exists when the totality of the facts and circumstances known to a police officer would lead a person of reasonable caution to believe that the person apprehended has committed a crime, and its existence depends on the totality of the circumstances at the time of the arrest.”⁴²

Here, ██████ was not arrested for the reason he was initially detained.⁴³ Both accused officers stated they detained ██████ for a firearms investigation but later arrested him for obstructing a firearms investigation and/or resisting arrest.⁴⁴ Given the totality of circumstances and the inappropriateness of the initial detainment, had it not occurred, the circumstances would not lend themselves to ██████ obstructing and/or resisting. Therefore, COPA finds that allegations of both Officers Pinz and Gipson arresting ██████ without justification to be **sustained** in violation of CPD Rules 2, 3, 6, and 11.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Brian Pinz

i. Complimentary and Disciplinary History⁴⁵

Officer Pinz has received sixty-nine awards, including one Department Commendation and sixty-four Honorable Mentions. Officer Pinz has not been disciplined within the past five years.

ii. Recommended Discipline

Here, COPA found that Officer Pinz violated Rules 2, 3, 6, and 11 by stopping and detaining ██████ without justification. Officer Pinz’s explanation of the stop and arrest did align with the evidence provided. Based on the evidence, COPA recommends a five (5) day suspension.

⁴¹ *People v. Johnson*, 408 Ill. App. 3d 107 (citing *Beck v. Ohio*, 379 U.S. 89, 91, (1964)).

⁴² *People v. D.W. (In re D.W.)*, 341 Ill. App. 3d 517, 526 (1st Dist. 2003)

⁴³ Att. 50, pg. 21, Ins. 20 to 22. Att. 51, pg. 15, Ins. 19 to 21

⁴⁴ Att. 50. Pg. 21, Ins. 12 to 24.

⁴⁵ Att. 54.

b. Officer Brandon Gipson

i. Complimentary and Disciplinary History⁴⁶

Officer Gipson has received seventy-nine awards, including one Department Commendation and seventy-three Honorable Mentions. Officer Gipson has one SPAR but no Complaint Registered Numbers within the past five years.

ii. Recommended Discipline

Here, COPA found that Officer Gipson violated Rules 2, 3, 6, and 11 by stopping and detaining [REDACTED] without justification. Officer Gipson’s explanation of the stop and arrest did align with the evidence provided. Based on the evidence, COPA recommends a five (5) day suspension.

Approved:

[REDACTED]

6/21/2024

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date

⁴⁶ Att. 54.

Appendix ACase Details

Date/Time/Location of Incident:	December 30, 2022 / 6:18 p.m. / 206 S Cicero Ave., Chicago, IL 60644
Date/Time of COPA Notification:	December 30, 2022 / 9:30 p.m.
Involved Member #1:	Brian Pinz / Star #15111 / Employee ID [REDACTED] / DOA: March 16, 2018 / Unit: 015 / Male / White.
Involved Member #2:	Brandon Gipson / Star #4988 / Employee ID [REDACTED] / DOA: June 25, 20218 / Unit: 015 / Male / White.
Involved Individual #1:	[REDACTED] / Male / 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 11:** Incompetency or inefficiency in the performance of 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

- G03-02, De-escalation, Response to Resistance, and Use of Force (effective June 28, 2023 – 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.⁴⁷ 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.”⁴⁸

⁴⁷ 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).

⁴⁸ *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