



Log # 2023-0774

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On February 23, 2023, the Civilian Office of Police Accountability (COPA) received a telephone complaint from ██████████ (██████████ reporting alleged misconduct by a member of the Chicago Police Department (CPD). ██████████ alleged that on February 23, 2023, Officer Alejandro Santos stopped him without justification and searched his vehicle.² Upon review of the evidence, COPA served additional allegations to Officer Santos, that he failed to de-escalate and used profanity, and that Officers Sherry Wagner and Katherine Vuckovich related to the searched of ██████████ vehicle. Following its investigation, COPA reached **sustained** findings for Officer Santos' failure to de-escalate and use of profanity.

II. SUMMARY OF EVIDENCE³

On February 23, 2023, around 8:45 am, Officer Santos was seated in his parked CPD vehicle in the parking lot of a BP Gas Station located at 3900 S. Morgan St. looking at his phone, when ██████████ entered the parking lot driving his dark SUV. ██████████ driving drew Officer Santos' attention away from his phone and to ██████████ vehicle.⁴

Officer Santos pulled behind ██████████ vehicle, intending to stop him; however, ██████████ was able to park at a gas pump, exit his vehicle, and walk towards the business prior to Officer Santos' being able to activate his emergency lights. Officer Santos exited his vehicle, approached ██████████ informed him that he was being detained for a traffic stop and instructed him to return to his vehicle.⁵ ██████████ responded by asserting that since Officer Santos' emergency lights were not activated, he was not being stopped and proceeded to try to walk to the store.

Officer Santos responded by again instructing ██████████ to return to his vehicle and while applying a redirect push to ██████████ chest. ██████████ responded by pushing Officer Santos' hand

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 The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including Body Worn Camera (BWC) footage, CPD reports, and civilian and officer interviews.

⁴ Officer Santos described the parking lot with vehicle traffic, both cars and large tractor-trailers, and pedestrian traffic. Additionally, Officer Santos described ██████████ driving as a "high rate of speed." Att. 20, pg. 10, Ins. 9 to 23.

⁵ Att. 23 from 01:50 to 02:04.

away.⁶ This occurred several times, after which ██████ clenched both fists while insisting that Officer Santos could not detain him all while ██████ was in possession of a knife in his right pocket.⁷ As Officer Santos and ██████ argued about ██████ detention, ██████ threatened to strike Officer Santos, while still having clenched fists.⁸ Officer Santos responded to ██████ threat telling him to “do it!”⁹

Since Officer Santos was not receiving compliance from ██████ Officer Santos requested the assistance of additional units. While waiting for additional units to arrive, ██████ and Officer Santos continued to argue over ██████ detention while ██████ attempted to gain support from bystanders.¹⁰

Upon the arrival of additional units, Officer Alexis Cotton assumed contact with ██████ and made attempts to calm him.¹¹ Officer Cotton was able to gain compliance from ██████ and requested his driver’s license and proof of insurance. ██████ returned to his vehicle to obtain his driver’s license and proof of insurance; however, Officer Santos observed a knife in his right pocket, and informed Officer Cotton of the knife.¹² Officer Cotton recovered the knife.¹³ ██████ then opened his vehicle door and retrieved his driver’s license and proof of insurance.¹⁴ ██████ obtained his driver’s license and provided it to Officer Cotton, who gave it to Officer Santos.¹⁵

After obtaining ██████ driver’s license, Officer Santos returned to his CPD vehicle to complete a name check. After completing the name check, Officer Santos, assisted by Officers Katherine Vuckovich and Sherry Wagner, completed a search of the passenger compartment of ██████ vehicle.¹⁶

III. ALLEGATIONS

Officers Alejandro Santos, Kathrine Vuckovich and Sherry Wagner:

1. Searched ██████ vehicle without justification.
 - Exonerated.

Officer Alejandro Santos

⁶ Att. 23 at 02:19.

⁷ Att. 20, pg. 11, ln. 10 to pg. 12, ln. 10; Att. 23 at 02:29.

⁸ ██████ threat was in the form of the question “Do you want to get knocked the fuck out?” Att. 23 at 02:37.

⁹ Att. 23 at 02:39.

¹⁰ During this period, Officer Santos repeatedly stated to ██████ “come go ahead and knock me out” or words to similar effect. Att. 23 at 03:31 and Att. 40 at 02:59 and 03:13.

¹¹ Att. 40 at 02:56.

¹² The knife is red in color. Att. 23 at 04:50.

¹³ Att. 40 at 04:56.

¹⁴ When ██████ opens the vehicle music can be heard emitting from the vehicle, indicating that it was not fully turned off once ██████ exited. Att. 40 at 05:10.

¹⁵ Att. 40 at 05:17 to 05:20.

¹⁶ Upon opening the door to ██████ vehicle, Officer Santos remarks about smelling cannabis and during the search Officers Vuckovich and Wagner remark about the odor of cannabis. Att. 23 at 08:29 to 10:14.

2. Stopped [REDACTED] without justification.
 - Not Sustained.
3. Searched [REDACTED] without justification.
 - Unfounded.
4. Failed to use de-escalation techniques to [REDACTED]
 - Sustained – in violation of Rules 2, 3, 5, 6, 8, 9, and 10.
5. Used excessive force toward [REDACTED]
 - Exonerated.
6. Directed profanity toward [REDACTED]
 - Sustained – in violation of Rules 2, 3, 5, 6, 8, 9.

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 questions the accuracy of [REDACTED] account of events, specifically [REDACTED] asserted that he was handcuffed during the interaction; however, the BWC does not capture [REDACTED] ever being placed in handcuffs. While COPA believes [REDACTED] assertion of being handcuffed, when he was not, was not intended to mislead or deceive, it does raise questions about the accuracy of [REDACTED] account of events. Additionally, COPA's investigation did not reveal any evidence that caused COPA to question the credibility of any other individuals (sworn or unsworn) who provided statements. Specifically, the accounts COPA received were largely supported by the information captured on BWC.

V. ANALYSIS¹⁷

a. Detention Allegation

COPA finds that Allegation #2 against Officer Santos, that he improperly detained [REDACTED] is **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."¹⁸

¹⁷ For a definition of COPA's findings and standards of proof, see Appendix B.

¹⁸ *United States v. Rodriguez-Escalera*, 884 F.3d 661, 667-68 (7th Cir. 2018) (citing *Delaware v. Prouse*, 440 U.S. 648, 663 (1979)).

“Reasonable Articulate 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.”¹⁹

Here, Officer Santos asserted that while looking at his phone, he was able to observe [REDACTED] vehicle enter and drive in the parking lot at a high rate of speed. However, COPA was not able to verify Officer Santos’ observations and was otherwise unable to determine if [REDACTED] was operating his vehicle in a manner that created reasonable suspicion a violation of law was occurring. Therefore, this allegation must be **not sustained**.

b. Search of [REDACTED] and Vehicle

COPA finds that Allegation # 1 against Officers Santos, Vuckovich, and Wagner, that they improperly searched [REDACTED] vehicle, is **exonerated**. CPD members are permitted to search a vehicle when: (1) there is probable cause to believe evidence of a crime in present;²⁰ (2) there is reasonable suspicion the vehicle contains a weapon and/or that the occupants are armed and dangerous;²¹ (3) an arrest is made, provided there is reasonable suspicion that the vehicle contains evidence of the crime for which the arrest is made;²² (4) a vehicle is being impounded by the CPD;²³ or (5) consent is obtained.

Here, [REDACTED] was not arrested, his vehicle was not impounded, nor did [REDACTED] consent to a search of his vehicle. Thus, Officer Santos’ decision to search the vehicle must be based on reasonable articulable suspicion that the vehicle contains a weapon and/or that an occupant maybe armed and/or dangerous; or probable cause there is evidence of a criminal offense inside the vehicle. Based on the totality of the circumstances, COPA finds that a reasonable officer encountering an armed agitated (with clenched fists and hurling threats of a battery) [REDACTED] who responded to lawful orders by pushing an officer would cause any reasonable officer to believe that he was armed and/or a danger of attack. Additionally, once Officer Santos opened the door, both he and Officers Vuckovich, and Wagner remarked about the odor of cannabis, thus even if there was not reasonable articulable suspicion that [REDACTED] was armed and/or a danger to attack, the search would likely be reasonable and proper, based on probable cause.²⁴

Additionally, COPA finds that Allegation #3 against Officer Santos, that he improperly searched [REDACTED] is **unfounded**. Here, Officer Santos never searched [REDACTED] and his physical contact was limited to the redirect pushes. Therefore, this allegation is **unfounded**.

¹⁹ Att. 47, S04-13-09 II(C), Investigatory Stop System (effective July 10, 2017 to current).

²⁰ *Maryland v. Dyson*, 527 U.S. 465 (1999).

²¹ *Michigan v. Long*, 463 U.S. 1032 (1983).

²² *Arizona v. Grant*, 556 U.S. 332 (2009).

²³ *South Dakota v. Oppeman*, 428 U.S. 364 (1976).

²⁴ In Illinois and the City of Chicago, cannabis can only be lawfully transported if it is in a sealed, odor-proof, child-resistant container. Therefore, when a CPD member detects the odor of cannabis emitting from a vehicle, the officer has probable cause to conduct a search of a vehicle.

c. Use of Force and De-Escalation

COPA finds Allegation # 4 against Officer Santos, that he failed to de-escalate the encounter, is **sustained**. COPA also finds, Allegation # 5 against Officer Santos, that he used excessive force when detaining ██████████ is **exonerated**. CPD members are permitted to use force to overcome resistance.²⁵ When members encounter a citizen who attempts to create distance from a member with an intent to avoid physical control and/or defeat arrest, that citizen is an active resister.²⁶ Members are permitted to respond to active resistance with presence; verbal directions; holding and compliance techniques; control instruments; deployment of oleoresin capsicum; stunning; takedowns; canine use; and taser deployment.²⁷ Additionally, when a member encounters a citizen who is using or threatening the use of force against another person or themselves which is likely to cause injury, that citizen is an assailant.²⁸ If the citizen's actions are aggressively offensive with or without weapons,²⁹ members are permitted to respond with presence; verbal directions; holding and compliance techniques; control instruments; deployment of oleoresin capsicum; stunning; takedowns; canine use; taser deployment; direct mechanical strikes; and impact weapons and munitions.³⁰ However, the force they use must be objectively reasonable, necessary, and proportional in order to ensure the safety of a member or third person, stop an attack, make an arrest, control subject, or prevent escape.³¹ Further, CPD members will continually assess the necessity of the use of force and whether alternatives may be employed, including the use of de-escalation techniques, other response options, and the availability of other resources.³²

Here, ██████████ presented himself as an active resister when he failed to heed Officer Santos' orders, specifically to return to his vehicle while being detained on a traffic stop. ██████████ active resistance permitted Officer Santos to deploy a redirect to gain compliance from ██████████. Additionally, ██████████ became an assailant once he responded to Officers Santos' redirect by pushing Officer Santos' hand away, clenching his fists, and threatening to fight Officer Santos. These actions would have permitted Officer Santos to respond with strikes or other higher levels of force; however, Officer Santos continued to use verbal commands and redirect pushes to gain compliance from ██████████. Therefore, Officer Santos' force was reasonable and proper.

However, during the interaction, when ██████████ made threats to strike Officer Santos, Officer Santos responded, not by physical force, but rather by verbally encouraging ██████████ to

²⁵ Att. 45, G03-02-01 generally, Response to Resistance and Force Options (effective April 15, 2021, to June 28, 2023).

²⁶ Att. 45, G03-02-01 IV(B)(2).

²⁷ Att. 45, G03-02-01 IV(B)(2)(c).

²⁸ Att. 45, G03-02-01 IV(C).

²⁹ The weapons can include a deadly weapon, but the citizen's actions did not constitute an imminent threat death or great bodily harm.

³⁰ Att. 45, G03-02-01 IV(C)(1).

³¹ Att. 46, G03-02, Use of Force (III)(B) (effective April 15, 2021 to June 28, 2023).

³² Att. 46, G03-02 (III)(B)(1-3).

strike him. This action by Officer Santos in no way de-escalate the encounter, COPA cannot think of a reasonable purpose for Officer Santos to encourage ██████ to engage in a battery on a police officer. It is for this reason that COPA finds Officer Santos' response to ██████ threats failed to reasonably attempt to de-escalate the encounter in violation of CPD policy and Rules 2, 3, 5, 6, 8, 9, and 10.

d. Profanity

COPA finds Allegation #6 against Officer Santos, that he improperly directed profanities at ██████ is **sustained**. CPD Rules 8 and 9 prohibit members from engaging in unjustified verbal altercation and/or maltreating or disrespecting any person.³³ Additionally, CPD policy mandates that all “members treat all persons with courtesy and dignity which is inherently due every person as a human being. Department members will act, speak, and conduct themselves in a professional manner ... and maintain a courteous attitude in all contacts with the public.”³⁴ The policy also states that members “will not exhibit a condescending attitude or direct any derogatory terms toward any person in any manner.”³⁵

Here, it is undisputed that Officer Santos repeatedly used explicit language, including profanity, was unprofessional. It undermined the authority of law enforcement and needlessly inflamed the tensions during an already tense interaction. Therefore, COPA finds that Officer Santos' use of profanity violated CPD policy and Rules 2, 3, 5, 6, 8, 9, and 10.

VI. DISCIPLINARY RECOMMENDATION

a. Alejandro Santos

i. Complimentary and Disciplinary History³⁶

Officer Santos has received 147 various awards, including 134 Complimentary Letters. Additionally, Officer Santos has not received any discipline in the last five years.

ii. Recommended Discipline

Here, COPA has found that Officer Santos failed to de-escalate an encounter during which he hurled profanities at a member of the public. While Officer Santos' failure to de-escalate did not result in an increased use of force, it did result in multiple units being needed to assist on a traffic stop. Additionally, the nature of Officer Santos' failure to de-escalate, specifically

³³ Section V., Rules 8 and 9 of the Rules and Regulations of the Chicago Police Department.

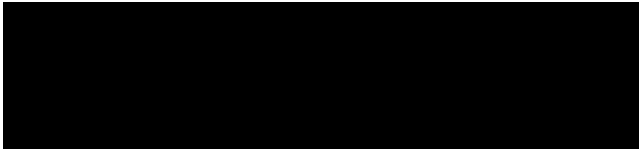
³⁴ Att. 43, G02-01 III (B), Protection of Human Rights (effective June 30, 2022, to current); Att. 44, G02-04 II (C), Prohibition Regarding Racial Profiling and Other Bias Based Policing (effective February 1, 2023, to current).

³⁵ Att. 43, G02-01 III(D).

³⁶ Att. 50.

attempting to encourage a citizen to fight him, has a direct negative impact on CPD’s credibility with the community. It is for these reasons, combined with Officer Santos’ history, that COPA recommends a penalty of 1 day Suspension and additional de-escalation training.

Approved:



6-21-2024

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Case Details

Date/Time/Location of Incident:	February 23, 2023 / 8:45 am / 3900 S. Morgan St. Chicago, IL
Date/Time of COPA Notification:	February 23, 2023 / 9:39 am
Involved Member #1:	Officer Alejandro Santos, #16241, Employee ID# [REDACTED] Date of Appointment: August 25, 2014, Unit of Assignment: 009, Male, White Hispanic
Involved Member #2:	Officer Katherine Vuckovich, #17676, Employee ID# [REDACTED], Date of Appointment: May 16, 2017, Unit of Assignment: 009, Female, White
Involved Member #3:	Officer Sherry Wagner, #3448, Employee ID# [REDACTED] Date of Appointment: June 16, 2003, Unit of Assignment: 006, Female, 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 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

- G02-01: Protection of Human Rights (effective June 30, 2022 to present).³⁷
- G02-04: Prohibition Regarding Racial Profiling and Other Bias Based Policing (effective June 30, 2022, to February 1, 2023).³⁸

³⁷ Att. 43.

³⁸ Att. 44.

- G03-02-01: Response to Resistance and Force Options (effective April 15, 2021 to June 28, 2023).³⁹
- G03-02: De-Escalation, Response to Resistance, and Use of Force (effective February 29, 2020 to April 15, 2021).⁴⁰
- Investigatory Stop System (effective June 10, 2016 to present).⁴¹

³⁹ Att. 45.

⁴⁰ Att. 46.

⁴¹ Att. 47.

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 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.”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
- Other Investigation