



Log # 2022-0005229

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On December 9, 2022 the Civilian Office of Police Accountability (COPA) received a telephone complaint from [REDACTED] reporting alleged misconduct by a member of the Chicago Police Department (CPD). [REDACTED] alleged that on December 8, 2022, Officer Justin Quaglia, Officer Kyle Kruzel, and Sergeant Gregory Bagnall committed misconduct by unlawfully stopping his vehicle, detaining him, and searching his vehicle.² Following its investigation, COPA determined that, (1) due to the requirements of the potentially applicable municipal ordinance or provisions of state law, there was no probable cause for the stop and (2) there was no reasonable articulable suspicion to support a search of [REDACTED] vehicle and, therefore, sustained the allegations of alleged misconduct in connection with the stop and search. One officer was exonerated from a separate allegation that the issuance of traffic citations to [REDACTED] in connection with the stop was itself misconduct.

II. SUMMARY OF EVIDENCE³

[REDACTED] vehicle was stopped in an alley in the vicinity of 3815 S. Langley Avenue. When approached by CPD Officers Quaglia and Kruzel, [REDACTED] essentially refused to acknowledge the legitimacy of the stop and did not provide his driver's license and insurance information to the officers when they requested that he do so. He rolled up his window on several occasions and refused to communicate with the responding officers. On several occasions [REDACTED] indicated that he intended to leave the scene and the officers cautioned him not to do so, indicating to [REDACTED] that he had been detained as part of a traffic stop. [REDACTED] requested that a CPD sergeant respond to the scene. The officers passed along that request. While they waited for the sergeant to arrive, Officers Quaglia and Kruzel obtained some information regarding [REDACTED] from running [REDACTED] vehicle license plate.

Sergeant Bagnall subsequently arrived at the scene and spoke with [REDACTED] provided Sergeant Bagnall with additional identifying information ([REDACTED] date of birth) and eventually

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 the complainant's video recorded statement (Att. 1), video footage provided by the complainant (Att. 4), the CPD members' BWC footage (Atts. 5, 6, and 7), and the statements of the accused CPD members (Att. 30, 31, and 32).

exited his vehicle and provided his driver's license. The officers continued to obtain background information regarding [REDACTED] (they learned that [REDACTED] had a revoked state firearm owners identification (FOID) card / concealed carry license (CCL) due to an order of protection and that he had prior convictions for driving with a suspended license and other drug and firearms offenses).

Officer Kruzel searched the passenger compartment of [REDACTED] vehicle over [REDACTED] objection. The vehicle's glove compartment was locked and Officer Kruzel did not search it.

[REDACTED] attempted to litigate the propriety of the traffic stop through the entire interaction. He did not comply with directions received from the CPD members on the scene. Neither the officers nor [REDACTED] became aggressive. [REDACTED] was provided with two citations prepared by Officer Quaglia.

III. ALLEGATIONS

Officer Kyle Kruzel:

It is alleged by [REDACTED] that on or about December 08, 2022, at approximately 9:45 p.m., at or near 3815 S. Langley Avenue, Chicago, Illinois, Officer Kruzel, Star No. 16978 committed misconduct through the following acts or omissions, by:

1. Stopping [REDACTED] without justification.
 - Sustained, Violation of Rule 1
2. Detaining [REDACTED] without justification.
 - Sustained, Violation of Rule 1
3. Searching the vehicle of [REDACTED] without justification.
 - Sustained, Violation of Rule 1

Officer Justin Quaglia:

It is alleged by [REDACTED] that on or about December 08, 2022, at approximately 9:45 p.m., at or near 3815 S. Langley Avenue, Chicago, Illinois, Officer Quaglia, Star No. 5547 committed misconduct through the following acts or omissions, by:

1. Stopping [REDACTED] without justification.
 - Sustained, Violation of Rule 1
2. Detaining [REDACTED] without justification.
 - Sustained, Violation of Rule 1
3. Issuing [REDACTED] a traffic citation without justification.

- Exonerated

Sergeant Gregory Bagnall:

It is alleged by ██████████ that on or about December 08, 2022, at approximately 9:45 p.m., at or near 3815 S. Langley Avenue, Chicago, Illinois, Sergeant Bagnall, Star No. 1068 committed misconduct through the following acts or omissions, by:

1. Detaining ██████████ without justification.
 - Sustained, Violation of Rule 1

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.

In this case, there was no significant dispute as to the events that occurred in connection with the complained-of incident. As such, there was no reason to call into question the veracity of any of the statements provided. No statement provided by any individual called into question their credibility or their ability to accurately recall events.

V. ANALYSIS⁴

A. Overview

Based on the officers' body worn camera (BWC) footage, the statements of the accused CPD members, and ██████████ statement, COPA concludes that there was no reasonable articulable suspicion for the initial investigatory stop. This is based on an analysis of the potentially applicable provisions of both municipal code cited by the officers as well as under state law (see below). Although the directions received by ██████████ from the CPD members on the scene were reasonable and the officers generally acted within the spirit of the Rules and Regulations of the Chicago Police Department, without any reasonable articulable suspicion of a traffic violation, the officers' conduct becomes an unlawful Constitutional violation, and therefore misconduct.

Further, what the officers knew at the time (█████████ previous criminal history, in addition to the revoked CCL due to the court order as well as ██████████ delay in providing his identifying information) was insufficient to render the search of ██████████ vehicle lawful (even limited to the passenger compartment, as it was). ██████████ disposition, although uncooperative, was not such as to generate any reasonable articulable suspicion that ██████████ was armed and dangerous, thereby, posing

⁴ For a definition of COPA's findings and standards of proof, *see* Appendix B.

any threat to the CPD members or others (indeed, the CPD members on scene treated ██████ as though he posed no immediate threat throughout their interaction with him). The officers did not attempt to pat down ██████ or to restrain ██████ which they arguably would have done had there been any real perception of a threat.

COPA concludes that the issuance of traffic citations to ██████ by Officer Quaglia was not misconduct. The propriety of the citations can be tested in court, but the act of issuing citations is not, in itself, employee misconduct. Further, based on its review of the evidence, COPA concludes that the issuance of the citations was not abusive or retaliatory in the circumstances of this case.

B. Applicable provisions

In addition to a citation for operating an uninsured vehicle (not a violation in respect to which officers could have had reasonable suspicion before they detained ██████ but one which subsequently arose from ██████ failure to provide insurance information when asked), Hayes was cited by the responding CPD members for a violation of the following provision of the municipal code of Chicago:

9-64-130 Parking in alleys.

- (a) It shall be unlawful to park any vehicle in any alley for a period of time longer than is necessary for the expeditious loading, unloading, pick-up or delivery of materials from such vehicle.
- (b) It shall be unlawful to park a vehicle in an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic or to block the entrance to any abutting property.

The municipal code also provides the following definitions:

9-4-010 Definitions.

"Alley" means a public way intended to give access to the rear or side of lots or buildings and not intended for the purpose of through vehicular traffic.

"Parking (to park)" means the standing of an unoccupied vehicle otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.⁵

⁵ The definition under state law is much broader: 625 ILCS 5/1-156 "Park or Parking. Means the standing of a vehicle, whether occupied or not, otherwise than when temporarily and actually engaged in loading or unloading merchandise or passengers."

Based on the conversation recorded in the BWC footage, it appears that this was the offense upon which the traffic stop was based. While it is ultimately up to the court to determine whether a violation occurred using the "beyond a reasonable doubt" standard, COPA does not intend to usurp the court's function in this regard. However, Rule 1 and the applicable legal test, as articulated by the Supreme Court's interpretation of the Constitution, require COPA to assess whether, on a balance of probabilities, there was any reasonable articulable suspicion of a violation of law to justify the stop and detention of [REDACTED]. Although 9-64-130 might seem applicable to [REDACTED] given that the municipal code defines "parking" as referring exclusively to an unoccupied vehicle, COPA concludes that there could be no lawful stop of [REDACTED] under this provision, as [REDACTED] was seated in the driver's seat of the vehicle before he was detained.

Similarly, state law prohibits "stop[ing], stand[ing] or park[ing] a vehicle...on the roadway side of any vehicle stopped or parked at the edge or curb of a street."⁶

The Illinois Vehicle Code contains the following definitions:

625 ILCS 5/1-102

Alley. A public way within a block, generally giving access to the rear of lots or buildings and not used for general traffic circulation.

625 ILCS 5/1-126

Highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel or located on public school property.

625 ILCS 5/1-179

Roadway. That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

The definition of the parking offence under state law refers to a "roadway" ("ordinarily used for vehicular travel"). "Alley" ("not used for general traffic circulation") appears to be a separately defined and distinct item outside the scope of the defined offense. Similar to COPA's analysis of the Chicago municipal code, above, COPA concludes that in the circumstances there could be no lawful stop of [REDACTED] under this provision of state law.

⁶ 625 ILCS 5/11-1303 (a)1.

VI. DISCIPLINARY RECOMMENDATION

A. Officer Kyle Kruzel:

1. Complimentary and Disciplinary History⁷

Officer Kruzel has received 97 commendations.

Officer Kruzel's five-year sustained history report as received from CPD lists the following:

Officer Kruzel's SPAR report indicates two preventable accidents in 2022.

2. Recommended Discipline

Given COPA's findings of misconduct, the complimentary and disciplinary history of Officer Kruzel, as well as the applicable aggravating and mitigating factors⁸ (in this case: victim is a member of the public, prior disciplinary history in this instance to include the pattern demonstrated by the number of opened and pending complaints), COPA recommends a three-day suspension.

B. Officer Justin Quaglia:

1. Complimentary and Disciplinary History

Officer Quaglia has received 46 commendations, to include one life saving award. Officer Quaglia's five-year sustained history report as received from CPD has no entries. His SPAR history report also contains no entries.

2. Recommended Discipline

Given COPA's findings of misconduct, the complimentary and disciplinary history of Officer Quaglia, as well as the applicable aggravating and mitigating factors (in this case: involves a member of the public), COPA recommends a three-day suspension.

B. Sergeant Gregory Bagnall

1. Complimentary and Disciplinary History

⁷ Att. 46. The complimentary and disciplinary history material received for all three accused officers is in one document.

⁸ COPA policy, Disciplinary and Remedial Recommendations (effective June 24, 2021), para. II.

Sergeant Bagnall has received 90 commendations, to include five department commendations. Sergeant Bagnall’s five-year sustained history report as received from CPD has no entries. His SPAR history report lists a February 2024 reprimand for “failure to perform assigned tasks”.

2. Recommended Discipline

Given COPA’s findings of misconduct, the complimentary and disciplinary history of Sergeant Bagnall, as well as the applicable aggravating and mitigating factors (in this case: involves a member of the public, and the accused CPD member’s supervisory status), COPA recommends a five-day suspension.

Approved:



6/20/2024

Matthew Haynam
Chief Administrator – Chief Investigator

Date

Appendix ACase Details

Date/Time/Location of Incident:	December 8, 2022, 9:59 p.m.
Date/Time of COPA Notification:	December 9, 2022
Involved Member #1:	KRUZEL, KYLE A., star #16978, employee # [REDACTED] male, White
Involved Member #2:	QUAGLIA, JUSTIN P., star #5547, employee # [REDACTED] male, White
Involved Member #3:	BAGNALL, GREGORY G., star #1068, employee # [REDACTED] male, White
Involved Individual #1:	[REDACTED] [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

- US Constitution, Amendment IV
- 725 ILCS 5/108-1.01, Search during temporary questioning
- 725 ILCS 5/107-14, Temporary questioning without arrest
- 625 ILCS 5/11-203, Obedience to police officers
- 625 ILCS 5/11-1303 (a)1, Stopping, standing or parking prohibited in specified places.
- Chicago Municipal Code, sec. 9-40-030, Obedience to police, traffic control aide and fire department orders
- Chicago Municipal Code, sec. 9-64-130 Parking in alleys

- G03-02, De-Escalation, Response to Resistance, and Use of Force (current: June 28, 2023, in force as of the date of the incident: April 15, 2021)
- SO4-13-9, Investigatory Stop System (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.⁹ 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.”¹⁰

⁹ 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).

¹⁰ *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