



Log # 2023-0002473

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On June 8, 2023, the Civilian Office of Police Accountability (COPA) received a complaint from [REDACTED] reporting alleged misconduct by a member of the Chicago Police Department (CPD). [REDACTED] alleged that on June 7, 2023, PO Grzegorz Dzierzkowski and PO Santos Ruiz entered her yard through her garage and pointed guns at everyone. When she asked the officers for their names and badge numbers, they ignored her. She also alleged that PO Dzierzkowski slapped her phone out of her hand while she was recording the incident.² Upon review of the evidence, COPA served additional allegations that officers failed to request a supervisor to a scene upon request. Following its investigation, COPA did not reach sustained findings regarding the allegations.

II. SUMMARY OF EVIDENCE³

On June 7, 2023, PO Grzegorz Dzierzkowski and PO Santos Ruiz responded to the alley behind [REDACTED] regarding a person in the alley with a gun. The officers entered the open garage at the address, announced themselves and proceeded through into the backyard area. Once in the yard, PO Dzierzkowski directed everyone to show their hands, while directing some to step to one side of the yard. The officers explained to the residents that they were responding to a call related to a person with a gun and had the dispatcher repeat the call over the radio so that the complainant and other occupants could hear.

After hearing the call, [REDACTED] told the officers they had no right to be there, asked for the officer's badge number, and said tshe was going to report them. PO Dzierzkowski gave her his badge number and said it was fine for her to record.⁴ Officers look around the immediate area of the yard, fence, and yard entrance. [REDACTED] continued to yell at PO Dzierzkowski that he couldn't do what he was doing, at which point PO Dzierzkowski raised his voice and stated, "yes I can."⁵ [REDACTED] continue to push her cell phone in PO Dzierzkowski's face. He then grabbed the phone from her hand and tossed it to the ground.⁶ The phone did not strike her, nor did PO Dzierzkowski make contact with [REDACTED] body during the exchange. Following the exchange with [REDACTED] the officers

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

⁴ Att. 6 at 4:04.

⁵ Att. 6 at 4:24.

⁶ Att. 7 at 2:45.

conduct a brief search of the immediate area inside the yard before leaving. As officers left, [REDACTED] states, “check the fucking car you dumb piece of shit. I want to talk to your sergeant; I want to talk to your sergeant.”⁷ The officers got into their vehicles and left the scene as [REDACTED] continued to yell and curse .

III. ALLEGATIONS

PO Santos Ruiz:

1. Pointing a weapon at members of the public, without justification.
 - Not Sustained.
2. Failing to request a supervisor to a scene during an incident.
 - Exonerated
 -

PO Grzegorz Dzierzkowski:

1. Pointing a weapon at members of the public, without justification.
 - Not Sustained.
2. Utilizing excessive force in that you slapped a cellphone from [REDACTED] hand, without justification.
 - Not Sustained.
3. Failing to request a supervisor to a scene during an incident.
 - Exonerated.

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question the credibility of PO Grzegorz Dzierzkowski and PO Santos Ruiz. In their statements to COPA, PO Dzierzkowski and PO Ruiz were very forthcoming with information and their accounts were consistent with what was on their BWC recordings. [REDACTED] account, on the other hand, greatly differs from the evidence obtained via BWC.⁸

V. ANALYSIS⁹

PO Santos Ruiz & PO Grzegorz Dzierzkowski:

- a. Pointing a weapon at members of the public, without justification.

CPD policy D19-01: Firearm Pointing Incidents permits officers to consider factors including the nature of the incident in determining whether it is reasonable to point their weapons at anyone. In this case, the officers were responding to a call of a person with a gun and entered a dark unlit area when they arrived. PO Dzierzkowski told COPA they spoke to the 911 caller while they were enroute to this location. The caller directed them to the location and gave them physical

⁷ Att. 6 at 6:30.

⁸ Atts. 4, 5, 6, 7.

⁹ For a definition of COPA’s findings and standards of proof, see Appendix B.

descriptions of the people with guns.¹⁰ During the encounter, neither PO Ruiz nor PO Dzierzkowski appeared to directly point their weapon at any member of the public or made any threatening gestures with their weapon. Once officers entered the yard and could clearly see the hands of each member of the public, they determined it was safe to re-holster their weapons and did so. COPA finds it was reasonable under the circumstances for the officers to have their guns out during this call, however it is not clear if they pointed their guns at anyone during the incident. ██████ referred to the officers as having their guns “up with the flashlight”¹¹ when they arrived. For these reasons, COPA recommends a finding of Not Sustained.

- b. Failing to request a supervisor to a scene during an incident.

After reviewing the available evidence, it is determined that ██████ asked to speak with a supervisor as officers were leaving the scene.¹² In statement to COPA, PO Dzierzkowski stated that at the time he and his partner did not request a supervisor because they felt it was best to leave the scene so as to not further escalate the incident. He further stated that he self-reported the incident to his supervisor regarding ██████ wanting to speak to a supervisor.¹³ COPA notes ██████ could have called 911 to request a supervisor if she wanted to speak to someone immediately. Given the totality of the circumstances, including the fact that the officers later reported this to their supervisor themselves, COPA finds this allegation to be Exonerated.

PO Grzegorz Dzierzkowski:

- a. Utilizing excessive force in that you slapped a cell phone from ██████ hand, without justification.

PO Dzierzkowski reported to COPA that ██████ repeatedly yelled at him and put her cellphone in his face, which caused him to fear she would attempt to hit him with it. He further stated that he believed her waiving her cellphone in his face could have been a distraction to prevent the officers from continuing their investigation about the person with a gun.¹⁴ PO Dzierzkowski acknowledged he grabbed her phone and threw it in the grass to get it out of his face.¹⁵ In her interview with COPA, ██████ stated that PO Dzierzkowski slapped the phone out of her hand.¹⁶ The BWC shows that PO Dzierzkowski did not make physical contact with ██████ at any point, including when he took the phone from her.¹⁷ While it is clear PO Dzierzkowski did not slap the phone from ██████ hand, it is not clear if taking the phone from her and throwing it to the ground was appropriate in this instance. COPA therefore finds this allegation to be Not Sustained.

¹⁰ Att. 17 at 7:00.

¹¹ Att. 4 at 5:30.

¹² Att. 6 at 6:22.

¹³ Att. 17 at 17:15. See also Att. 22, which corroborates PO Dzierzkowski’s assertion that he reported the incident to his supervisor.

¹⁴ Att. 17 at 13:50.

¹⁵ Att. 17 at 14:40.

¹⁶ Att. 4 at 7:55.

¹⁷ Att. 7 at 2:45.

Approved:



November 19, 2024

Shannon Hayes
Director of Investigations

Date

Appendix ACase Details

Date/Time/Location of Incident:	07 June 2023/20:44H/ [REDACTED]
Date/Time of COPA Notification:	08 June 2023/11:29H
Involved Officer #1:	Santos Ruiz, Star #: 14135, Employee ID#: [REDACTED] Date of Appointment: 05/16/2018, Unit of Appointment: 008, Male, White
Involved Officer #2:	Grzegorz Dzierzkowski, Star#: 12386, Employee ID#: [REDACTED] Date of Appointment: 07/27/2018, Unit of Appointment: 008, Male, White
Involved Individual #1:	[REDACTED] Female, Hispanic
Involved Individual #2:	

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

- D19-01: Firearm Pointing Incidents (effective 01 November 2019 to present)
- G03-02: De-escalation, Response to Resistance, and Use of Force (effective 15 April 2021 to 28 June 2023)
- S03-03-06: District Field Sergeants (effective 03 March 2017 to 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.¹⁸ 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.”¹⁹

¹⁸ 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).

¹⁹ *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