



Log # 2023-0002824

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On June 28, 2023, the Civilian Office of Police Accountability (COPA) received a telephone complaint from Subject [REDACTED] reporting alleged misconduct by members of the Chicago Police Department (CPD). [REDACTED] alleged on June 28, 2023, Officers Ognjen Shaljanin, Matthew Wagner, Jose Gomez and Frank Bogatitus, stopped him without justification, searched him without justification, and searched his backpack without justification.² Upon review of the evidence, COPA served an additional allegation to the Officers for failure to activate their Body Worn Camera (BWC) in a timely manner. Following its investigation, COPA reached unfounded findings of the allegations.

II. SUMMARY OF EVIDENCE³

Subject [REDACTED] was walking alone when he observed the aforementioned Officers observing him. The Officers exited their vehicle and approached [REDACTED]. Officers gave [REDACTED] verbal commands to stop, but [REDACTED] dodged the Officers as they attempted to detain him. The Officers grabbed [REDACTED] who struggled with the Officers. The Officers conducted a pat down of [REDACTED] and his backpack⁴. The search of [REDACTED] was negative. Officers attempted to explain to [REDACTED] why they stopped him and provide him with an Investigative Stop Receipt (ISR). Initially [REDACTED] walked away from the Officers, but returned to the Officers and requested they identify themselves.⁵ The Officers identified themselves to [REDACTED] explained to [REDACTED] why he was stopped and provided him with an ISR. Thereafter, [REDACTED] walked away without further incident.

[REDACTED] was interviewed by COPA⁶. [REDACTED] related that he observed the Officers watching him prior to them exiting their vehicle and approaching him. Subject [REDACTED] related that he changed

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, police reports, civilian statement, medical records, and Officer Martin Jr. statement to COPA.

⁴ Att. 2, 3, 4, 5, 6, 7, 8

⁵ Att. 7, 0:04 mark

⁶ Att. 13

the direction in which he was walking,⁷ because he wanted to see if the Officers were really watching him. At that point, the Officers exited their vehicle and attempted to detain ██████ admitted that he pulled away and fought the Officers⁸ as they attempted to detain him. The Officers conducted a pat down of ██████ and his backpack and released him, after they did not find him to be in possession of a firearm. ██████ was not handcuffed during this encounter.

In statements to COPA,⁹ Officers Shaljanin, Wagner, Gomez and Bogatitus articulated their suspicion for conducting an Investigatory Stop of ██████ as related in the narrative of the ISR.¹⁰ The Officers essentially related the same account, in that ██████ was stopped based on the totality of circumstances, high propensity for violence of firearms in the area, recent unlawful use of weapon arrests in the area, ██████ grabbing onto his front waistband that appeared to have a bulge, ██████ immediate action of turning away from the Officers and quickening his pace in the opposite direction, led the Officers to reasonably believe that ██████ was armed with an illegal firearm.

III. ALLEGATIONS

Officer Ognjen Shaljanin:

- Detained ██████ without justification.
-Unfounded
- Conducted a pat-down of ██████ without justification.
-Unfounded
- Searched ██████ backpack without justification.
-Unfounded

Officer Matthew Wagner:

- Detained ██████ without justification.
-Unfounded

Officer Jose Gomez:

- Detained ██████ without justification.
-Unfounded
- Performed a pat-down of ██████ without justification.
-Unfounded
- Searched ██████ backpack without justification.
-Unfounded

⁷ Att. 2, 1:40 mark

⁸ Att. 13, 19:50 mark, 12:16 mark

⁹ Att. 21-22, 24, 25, 26

¹⁰ Att. 17

Failed to activate BWC in a timely manner.
-Unfounded

Officer Frank Bogatitus:

Detained [REDACTED] without justification.
-Unfounded

Performed a pat-down of [REDACTED] without justification.
-Unfounded

Searched [REDACTED] backpack without justification.
-Unfounded

IV. CREDIBILITY ASSESSMENT

COPA assessed the credibility of [REDACTED] utilizing truthfulness and reliability criteria. This investigation caused COPA to question both the truthfulness and reliability of [REDACTED] account of the incident. [REDACTED] related that Officers attempted to throw him to the ground. BWC does not support [REDACTED] claim. BWC shows Officers attempting to gain control and detain [REDACTED] who admitted to fighting Officers. This investigation did not reveal any evidence that caused COPA to doubt the truthfulness or reliability of the Officers.

V. ANALYSIS

COPA finds the allegation of detaining [REDACTED] without justification against Officers Shaljanin, Wagner, Gomez and Bogatitus **UNFOUNDED**. Special Order S04-13-09, Section II A. defines an investigatory stop as the temporary detention and questioning of a person in the vicinity where the person was stopped based on reasonable articulable suspicion that the person is committing, is about to commit, or has committed a criminal offense.¹¹ The Officers articulated their reasonable suspicion for stopping [REDACTED] was based on high propensity for violence of firearms in the area, recent unlawful use of weapon arrests in the area, [REDACTED] grabbing onto his front waistband that appeared to have a bulge, [REDACTED] immediate action of turning away from Officers and quickening his pace in the opposite direction. Based on the totality of the circumstances, Officers reasonably believed that [REDACTED] was armed with an illegal firearm.

COPA finds the allegation of conducting/performing a pat-down of [REDACTED] without justification against Officers Shaljanin, Gomez and Bogatitus **UNFOUNDED**. Special Order S04-13-09, Section II B. states a limited search during an Investigatory Stop in which the sworn member conducts a pat down of the outer clothing of a person for weapons for the protection of the sworn member or others in the area. If during a Protective Pat Down of the outer clothing, the sworn member touches an object which the sworn member reasonably believes is a weapon,

¹¹ Att. 16.

the sworn member may reach into that area of the clothing and retrieve the object.¹² A Protective Pat Down is not a general exploratory search for evidence of criminal activity. The Officers conducted a Protective Pat Down of [REDACTED] and his backpack to assure [REDACTED] was not in possession of an illegal firearm and documented such actions in the ISR.

COPA finds the allegation of searching [REDACTED] backpack without justification against Officers Shaljanin, Gomez, and Bogatitus **UNFOUNDED**. Special Order S04-13-09, Section II B. states a limited search during an Investigatory Stop in which the sworn member conducts a pat down of the outer clothing of a person for weapons for the protection of the sworn member or others in the area. If during a Protective Pat Down of the outer clothing, the sworn member touches an object which the sworn member reasonably believes is a weapon, the sworn member may reach into that area of the clothing and retrieve the object.¹³ A Protective Pat Down is not a general exploratory search for evidence of criminal activity. The Officers conducted a Protective Pat Down of Subject [REDACTED] and his backpack to assure Subject [REDACTED] was not in possession of an illegal firearm and documented such actions in the ISR.

COPA finds the allegation of failure to activate BWC in a timely manner against Officer Gomez **UNFOUNDED**. Special Order S03-14, Section V, 2, 2(b), state The Department member will activate the BWC to event mode at the beginning of an incident and will record the entire incident for all law-enforcement related activities, for investigatory stops, when approaching the member of the public to initiate the stop.¹⁴ The Officers activated their BWC as they approached a fleeing [REDACTED]

Approved:

[REDACTED]

11/20/2024

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

¹² Att. 16.
¹³ Att. 16.
¹⁴ Att. 27.

Appendix A**Case Details**

Date/Time/Location of Incident:	June 28, 2023, 8:29 PM, 1857 S. Komensky Avenue.
Date/Time of COPA Notification:	June 28, 2023, 9:17 PM
Involved Member #1:	Ognjen Shaljanin, Star #8155, Employee # [REDACTED], Date of Appointment: July 17, 2017, Unit 010, Male, White.
Involved Member #2:	Matthew Wagner, Star #19717, Employee # [REDACTED], Date of Appointment: February 20, 2018, Unit 010, Male, White.
Involved Member #3:	Jose Gomez, Star #14332, Employee # [REDACTED], Date of Appointment: December 12, 2016, Unit 010, Male, White Hispanic.
Involved member #4:	Frank Bogatitus, Star #17956, Employee # [REDACTED], Date of Appointment: January 17, 2017, Unit 010, Male,
Involved Individual #1:	[REDACTED] male, black.

Applicable Rules**Applicable Policies and Laws**

- S03-14 Body Worn Cameras (effective December 29, 2023, to present).
- S04-13-09 Investigatory Stop System (effective July 10, 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.¹⁵ 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.”¹⁶

¹⁵ 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).

¹⁶ *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