



Log # 2023-0002862

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On July 1, 2023, the Civilian Office of Police Accountability (COPA) received a report from the Chicago Police Department (CPD) that ██████████ ██████████ alleged misconduct by CPD Officers Bret Hon and Michael Tanon as well as by “other unknown officers.” COPA later served allegations against Officers Hon and Tanon and Officers Eduardo Hernandez and Andrew Piecyk. The allegations related to the officers’ stopping, handcuffing, and searching ██████████ without justification on June 30, 2023.² Following its investigation, COPA reached Not Sustained for the allegations against Officers Hon, Tanon, Piecyk, and Hernandez.

II. SUMMARY OF EVIDENCE³

On June 30, 2023, ██████████ had just gotten off work and stopped his vehicle to speak with people in the neighborhood where he grew up; he recognized a childhood friend walking in the neighborhood.⁴ ██████████ was present in the neighborhood for about ten minutes. He was speaking with another one of his childhood friends when the two unmarked CPD vehicles pulled up. The officers were in uniform. Approximately seven officers were involved in the stop, and three of the officers approached ██████████⁵

Officer Hon grabbed ██████████ without saying anything. With Officer Hon’s assistance, Officer Tanon then placed handcuffs on ██████████ and stood by ██████████ while other officers searched the area for firearms.⁶ When ██████████ asked why he was being detained, the officers told ██████████ that he was part of an investigation and that the handcuffs were being placed on him for “investigative purposes.” ██████████ informed Officer Tannon that his identification was inside his wallet and

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 footage, ██████████ recorded statement, officer statements, and CPD reports.

⁴ Att. 15, Interview of ██████████

⁵ Att. 15.

⁶ Att. 9, Officer Tannon BWC, at 02:17 to 2:31.

consented to Officer Tannon retrieving the wallet from his (██████████) pocket.⁷ The officers checked ██████████ name for outstanding warrants, but none were found. Officer Tannon subsequently released ██████████ from the handcuffs, and the officers left the scene. The officers completed an Investigatory Stop Report (ISR) documenting their encounter with ██████████⁸ After the incident, ██████████ went to the 5th District Police Station and reported misconduct by the officers to a CPD sergeant.

III. ALLEGATIONS

A. Officer Bret Hon:

1. Stopped ██████████ without justification.
 - Not Sustained

B. Officer Michael Tanon:

1. Stopping ██████████ without justification.
 - Not Sustained
2. Handcuffing ██████████ without justification.
 - Not Sustained
3. Searching ██████████ without justification.
 - Not Sustained.
4. Performing a pat-down on ██████████ without justification.
 - Not Sustained.

⁷ Att. 9, at 03:33 to 05:36. Officer Tannon grabbed ██████████ wallet and passes ██████████ identification off to another officer to verify the identification. The other officer returns with ██████████ identification, once verified, and Officer Tanon then placed ██████████ wallet back in his pocket.

⁸ Att. 17, ISR, stated in summary, "Officers were on routine patrol in an area known for high crime. Officers were traveling southbound when they observed the subject, ██████████ wearing all black and walking in the roadway when a sidewalk was provided. Officers further observed ██████████ look in the officers' direction and immediately walk to a vehicle and bend at the waist towards the passenger door/wheel well of a parked sedan. Upon approach, officers observed ██████████ prop up from a bent-over position. Officers, having affected numerous UUW (Unlawful use of Weapon) arrests in this specific location and additionally wherein offenders have placed firearms about the wheel well, exited their unmarked police vehicle to conduct an investigatory stop. Officers' search yielded negative results where ██████████ was observed to bend over. ██████████ was non-compliant. No pat down was conducted."

C. Officer Eduardo Hernandez:

1. Stopping ██████████ without justification.
 - Not Sustained

D. Andrew Piecyk:

1. Stopping ██████████ without justification.
 - Not Sustained

IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: the individual's truthfulness and 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 later accurately recall the event from memory.

This investigation did not reveal any evidence that would cause COPA to question the fundamental credibility of any of the individuals who provided statements. ██████████ statement to COPA was mainly consistent with the video footage. The officers' statements were consistent with BWC footage and the ISR completed for the encounter with ██████████

V. ANALYSIS⁹

A. There is insufficient evidence that ██████████ was stopped without justification.

COPA finds the allegation that Officer Hon, Officer Tannon, and Officer Hernandez stopped ██████████ without justification to be **Not Sustained**. Special Order S04-13-09 requires an officer to possess specific and articulable facts which, combined with rational inferences from these facts, reasonably warrant a belief that the suspect is committing, is about to commit, or has committed a criminal offense.¹⁰

In this case, the accused officers initiated an investigatory stop on ██████████ purportedly based on observing ██████████ walking in the street when a roadway was provided, wearing all black,

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

¹⁰ Att. 35, S04-13-09(II)(C)(1), Investigatory Stop System (effective 10 July 2017 to present).

and looking in the officers' direction. [REDACTED] then immediately walked to a vehicle and bent towards the passenger door/wheel of a parked vehicle. The officers believed that [REDACTED] alleged actions near the vehicle he was standing next to, combined with the accused officers' experience effecting numerous firearm arrests in the area, constituted reasonable suspicion of a crime, with [REDACTED] potentially attempting to hide contraband.¹¹ BWC did not capture [REDACTED] actions before the officers stopped him. There is no independent evidence or witnesses to corroborate or refute [REDACTED] or the officers' accounts. Therefore, this allegation is Not Sustained.

B. There is insufficient evidence that [REDACTED] was handcuffed without justification.

COPA finds the allegation that Officer Tanon handcuffed [REDACTED] without justification to be **Not Sustained**. Officer Tanon purported to place [REDACTED] into handcuffs due to his presence in a "high crime area," [REDACTED] purported actions near a vehicle, and due to "officer safety." Officer Tannon did not specifically detail any threatening actions or statements by [REDACTED] BWC did not capture [REDACTED] actions before the officers stopped him. [REDACTED] was not handcuffed for an extended period and was unhandcuffed approximately three and a half minutes later.¹² There is no independent evidence or witnesses to corroborate or refute [REDACTED] or the officers' accounts of the incident. Therefore, this allegation is Not Sustained.

C. There is insufficient evidence that [REDACTED] was subjected to a search, pat-down search, or other improper search.

COPA finds the allegation that Officer Tanon searched and performed a pat-down search on [REDACTED] without justification to be **Not Sustained**. The ISR completed by Officer Tannon documented that no pat-down search was conducted on [REDACTED] in his statement to COPA, stated that he was subject to a pat-down search below the waist, including down each of his legs. However, the BWC footage of the incident did not depict any such search. [REDACTED] consented to the officers removing his wallet from his pocket while handcuffed to obtain his identification, and Officer Tannon removed [REDACTED] wallet from his pocket. After Officer Tannon obtained [REDACTED] identification, he continued briefly looking through the wallet, which would be a search of [REDACTED] belongings.¹³ Because there is insufficient evidence to support or refute why [REDACTED] was initially stopped and handcuffed, there is insufficient evidence to determine why [REDACTED] wallet was searched. Therefore, this allegation is Not Sustained.

¹¹ Att. 17.

¹² Att. 9 at 2:27 to 5:53

¹³ Att. 9 at 3:57 to 4:05.

D. There is no evidence that Officer Piecyk had any contact with [REDACTED]

COPA finds the allegation that Officer Piecyk stopped [REDACTED] without justification to be **Not Sustained**. Officer Piecyk had no recollection of the incident,¹⁴ and there was no BWC footage from Officer Piecyk related to the incident. Officers Hon, Tannon, and Hernandez did not place Officer Piecyk at the scene. Officer Hon said he was riding in a car with Officers Tanon and Hernandez on the date of the incident,¹⁵ Officer Tanon indicated he was with Officer Hon, Officer Steven Sreniawski, as well as Officer Hernandez,¹⁶ and Officer Hernandez stated that he was in a second car with Officers Daniel Grasz and Patrick Joyce.¹⁷ The “A&A” sheet for the 15th District on the date and time of the incident documented that Officer Hernandez was assigned to CPD Car 4575, Beat 1561B, and Officer Piecyk was assigned to CPD Car 4575, Beat 1561C.¹⁸ Therefore, there is insufficient evidence, and this allegation is Not Sustained.

Approved:

[REDACTED]

12/19/24

LaKenya White
Director of Investigations

Date

¹⁴ Att. 37, Statement of Officer Piecyk.

¹⁵ Att. 32, Statement of Officer Hon.

¹⁶ Att. 33, Statement of Officer Tannon.

¹⁷ Att. 31, Statement of Officer Hernandez.

¹⁸ At. 2, Attendance and Assignment (A & A) Sheet.

Appendix A**Case Details**

Date/Time/Location of Incident:	June 30, 2023 / 11:15 pm / 20 N Mason Ave, Chicago, IL 60644.
Date/Time of COPA Notification:	July 01, 2023 / 12:11 am.
Involved Member #1:	Officer Bret Hon, Star: 6214 Employee ID # [REDACTED] DOA: October 16, 2017, Unit: 015, Male, White.
Involved Member #2:	Officer Michael Tannon, Star: 6300 Employee ID # [REDACTED] DOA: October 16, 2017, Unit: 015, Male, White Hispanic.
Involved Member #3:	Officer Eduardo Hernandez, Star: 6838 Employee ID # [REDACTED] DOA: September 18, 2017, Unit: 015, Male, White Hispanic.
Involved Member #4:	Officer Andrew Piecyk, Star: 10807 Employee ID # [REDACTED] DOA: May 16, 2017, Unit: 015, Male, White.
Involved Individual #1:	[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

- U.S. Const. amend. I, IV, and XIV
- 18 U.S.C. § 242, Deprivation of Rights Under Color of Law
- Illinois Const., Art. 1, Sec. 1, 5, and 6
- G03-02, De-Escalation, Response to Resistance, and Use of Force (effective June 28, 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.¹⁹ 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.”²⁰

¹⁹ 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).

²⁰ *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