



Log # 2024-0006192

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On July 18, 2024, the Civilian Office of Police Accountability (COPA) received a complaint from ██████ alleging misconduct by a member of the Chicago Police Department (CPD). ██████ alleged that on July 18, 2024, Officer Nicholas Prozanski searched and handcuffed him during a traffic stop, without justification.² Following its investigation, COPA found these allegations were not sustained.³

II. SUMMARY OF EVIDENCE⁴

On July 18, 2024, at approximately 12:59 pm, Officers Nicholas Prozanski and George Fantauzzi were on patrol, in uniform, in a marked CPD vehicle. The officers observed a vehicle without a visible registration plate, in violation of Municipal Code 9-76-60.⁵ They conducted a traffic stop, and upon approaching the vehicle, they observed a temporary registration plate displayed in the rear window, which was initially unreadable due to the vehicle's tinted windows.⁶ Officer Prozanski explained the reason for the stop and requested the driver's license and proof of insurance from the driver, ██████.⁷ As ██████ provided his insurance, Officer Prozanski asked ██████ if he was okay, noting that ██████ appeared "a little shaky."⁸ ██████ responded that he was nervous due to the manner in which the officers approached him.⁹ While ██████ vehicle windows were open, Officer Prozanski inquired about the last time ██████ had smoked cannabis.¹⁰ ██████ responded that it was none of the officer's business, and there was no cannabis in his vehicle.

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 ██████ 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 ██████ also alleged that Officer Prozanski spoke aggressively and in an unprofessional manner during the traffic stop, and that Officer Prozanski searched his vehicle without justification. However, after carefully reviewing the Body Worn Camera (BWC) footage, COPA determined that there was insufficient objective verifiable evidence to serve these allegations.

⁴ 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, third-party video, police reports, and interviews with ██████ Officer Prozanski, and a civilian eyewitness.

⁵ Att. 2; Att. 3.

⁶ Att. 3.

⁷ Att. 5 at 12:59:20.

⁸ Att. 5 at 13:01:45.

⁹ Att. 5 at 13:01:50.

¹⁰ Att. 5 at 13:02:26.

Officer Prozanski stated that he detected the odor of cannabis emanating from the vehicle and instructed [REDACTED] to exit the vehicle.¹¹

[REDACTED] was not pleased about being asked to exit his vehicle, stated that he was not getting out, and requested a sergeant.¹² Officer Prozanski then opened the driver's side door of [REDACTED] vehicle, and [REDACTED] exited without resistance.¹³ Officer Prozanski explained to [REDACTED] that his actions were "making me believe that you might be armed."¹⁴ The officer then conducted a protective pat-down of [REDACTED] placed [REDACTED] in handcuffs, and escorted him to the rear of the vehicle, where he remained with Officer Fantauzzi while Officer Prozanski conducted a name check.¹⁵

Upon completion of the name check, Officer Prozanski proceeded to search [REDACTED] vehicle; [REDACTED] stated that he did not consent to the search.¹⁶ Officer Prozanski searched throughout the vehicle and the whole cabin of the vehicle.¹⁷ He told COPA that during the search of the vehicle, he saw suspect cannabis residue in the center console and on the floor of the vehicle.¹⁸

Per [REDACTED] request, Sergeant (Sgt.) Michael Hurley was called to the scene and spoke with both [REDACTED] and his girlfriend, [REDACTED].¹⁹ While [REDACTED] was speaking with Sgt. Hurley, Officer Prozanski returned to his squad car to issue citations. During the conversation with Sgt. Hurley, [REDACTED] stated that he wanted to file a complaint, and the sergeant subsequently completed an initiation report.²⁰ Officer Prozanski issued three citations to [REDACTED] for the following violations: obstructed plate, disobedience to police officer, and cannabis violation.²¹ Following the issuance of citations, [REDACTED] was released.

As of March, 2025, the charges against [REDACTED] do not appear to have been resolved.²²

III. ALLEGATIONS

Officer Nicholas Prozanski:

1. Searching [REDACTED] person, without justification.
- **Not Sustained**

¹¹ Att. 5 at 13:02:32.

¹² Att. 5 at 13:02:48.

¹³ Att. 5 at 13:03:16; see Att. 12, pg. 12.

¹⁴ Att. 5 at 13:03:32.

¹⁵ Att. 5 at 13:03:25.

¹⁶ Att. 5 at 13:07:20.

¹⁷ Att. 16, pg. 18, Ins. 21 to 24.

¹⁸ Att. 16, pg. 19, Ins. 3 to 10; see also Att. 3.

¹⁹ [REDACTED] was driving a few cars behind [REDACTED] before he was stopped by Officers Prozanski and Fantauzzi. See Att. 11, pg. 4.

²⁰ Att. 1.

²¹ Att. 2.

²² Att. 18.

2. Restraining ██████████ in handcuffs, without justification.
 - **Not Sustained**

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, Officer Prozanski's statement largely matched the events depicted on BWC footage and documented in the Investigatory Stop Report (ISR). ██████████ and ██████████ also provided statements to COPA, and their accounts of the incident were also consistent with the events depicted on BWC. This investigation did not reveal any evidence that caused COPA to question the credibility of any person who provided evidence.

V. ANALYSIS²³

Both allegations turn on whether or not Officer Prozanski had a reasonable suspicion that ██████████ was armed and dangerous or presented a danger of attack.

A. Pat-Down of ██████████

COPA finds the allegation that Officer Prozanski searched ██████████ person without justification, is **not sustained**. The relevant CPD standing order defines a protective pat down as: "[a] limited search during an investigatory stop in which a 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."²⁴ The requirements for initiating one are set out in the same order:

For a Protective Pat Down, a sworn member must possess specific and articulable facts, combined with rational inferences from these facts, that the suspect is armed and dangerous or reasonably suspects that the person presents a danger of attack to the sworn member or others in the area.²⁵

Additionally, reasonable articulable suspicion is defined as "an objective legal standard that is less than probable cause, but more than a hunch or general suspicion. Reasonable Articulable Suspicion depends on the totality of the circumstances which the sworn member observes and the reasonable inferences that are drawn based on the sworn member's training and

²³ For a definition of COPA's findings and standards of proof, *see* Appendix B.

²⁴ Att. 17, S04-13-09(II)(C) Investigatory Stop System (effective July 10, 2017, to present).

²⁵ Att. 17, S04-13-09 (II)(C)(2); state law provides that the officer must reasonably suspect that "he or another is in danger of attack." 725 ILCS 5/108-1.10.

experience.”²⁶ Per CPD policy, when conducting a pat down of a person, officers must have at least reasonable suspicion that the person is armed and dangerous, or presents a danger of attack.²⁷

In this case, it is undisputed that Officer Prozanski conducted a protective pat-down of ██████²⁸ During Officer Prozanski’s interview with COPA, he stated that he initiated the search “due to me believing he could possibly be armed. And additionally, due to the odor of suspect cannabis and me observing suspect cannabis.”²⁹ Officer Prozanski further explained that ██████ was evasive and avoided eye contact, and based on his training and experience, ██████ behavior was consistent with that of an individual carrying a weapon.³⁰

Officer Prozanski’s explanation is supported by the video and documentary evidence of the incident. The BWC footage confirms that ██████ initially refused to exit his vehicle and was evasive and/or argumentative in his responses to several of Officer Prozanski’s questions. The video also captured Officer Prozanski make contemporaneous statements about ██████ behavior (noting that ██████ was “a little shaky”), and the officer’s belief that ██████ “might be armed.”³¹ However, COPA also acknowledges ██████ explanation that he was simply nervous, embarrassed, and frustrated by Officer Prozanski’s decision to order him out of his vehicle for a traffic violation.

After reviewing the available evidence, including the statements of both Officer Prozanski and ██████ COPA has determined that there is insufficient evidence to sustain the allegation that Officer Prozanski conducted a pat-down of ██████ without justification. As a result, Allegation #1 is **not sustained**.

B. Restraining ██████ in Handcuffs

CPD defines an investigatory stop as: “[t]he temporary detention and questioning of a person in the vicinity where the person was stopped based on Reasonable Articulate Suspicion that the person is committing, is about to commit, or has committed a criminal offense.”³²

As a general matter, “handcuffing is proper during an investigatory stop only when it is a necessary restraint to effectuate the stop and foster the safety of the officers.”³³ When officers take measures such as handcuffing an individual, they must be reasonable in light of the circumstances that prompted the stop, or that developed during its course.³⁴ To handcuff a person, officers must

²⁶ Att. 17, S04-13-09(II)(C).

²⁷ Att. 17, S04-13-09 (VI)(A); see *Terry v. Ohio*, 392 U.S. 1 (1968).

²⁸ Att. 5 at 13:03:25.

²⁹ Att. 16, pgs. 10-11.

³⁰ Att. 16, pg. 10.

³¹ Att. 5 at 13:01:45 and 13:03:32.

³² Att. 17, S04-13-09(II)(A).

³³ *People v. Johnson*, 408 Ill. App. 3d 107, 113 (2010).

³⁴ *People v. Daniel*, 2013 IL App (1st) 111876, ¶ 40, 987 N.E.2d 470 (internal quotations omitted).

have a sufficiently reasonable concern for officer safety.³⁵ Whether an officer's application of handcuffs was reasonable depends on the totality of the circumstances.³⁶

Here, Officer Prozanski told COPA that he handcuffed [REDACTED] because he believed [REDACTED] may have been armed, and for the safety of both him and [REDACTED].³⁷ This is consistent with Officer Prozanski's statements during the incident, which were captured on BWC. Additionally, Officer Prozanski completed an ISR that articulated specific factors to support his belief that [REDACTED] might be armed, including [REDACTED] nervousness and shaking, lack of eye contact, and initial refusal to exit his vehicle.³⁸ However, COPA recognizes that [REDACTED] exited the vehicle of his own volition, did not physically resist the handcuffing or pat-down, and never made any threatening comments toward the officers.

After balancing the evidence, COPA has determined that there is insufficient evidence to sustain the allegation that Officer Prozanski handcuffed [REDACTED] without justification. As a result, Allegation #2 is **not sustained**.

Approved:

[REDACTED]

Steffany Hreno
Director of Investigations

3/27/2025

Date

³⁵ *People v. Wells*, 403 Ill. App. 3d. 849, 857 (1st Dist. 2010) (citing *People v. Arnold*, 394 Ill. App. 3d 63, 71 (2nd Dist. 2009)); *see also People v. Colyar*, 2013 IL 111835, ¶ 46 (citing *e.g., United States v. Glenna*, 878 F.2d 967, 972 (7th Cir. 1989)).

³⁶ *People v. Colyar*, 2013 IL 111835, ¶ 32, ¶ 45 (“when an officer has reasonable suspicion during an investigatory stop that the individual may be armed and dangerous, the officer is permitted to take necessary measures to determine whether the person is armed and to neutralize any threat of physical harm,”) (citing *Terry v. Ohio*, 392, U.S. 1, 24 (1968)).

³⁷ Att. 16, pg. 10, lns. 9 to 19.

³⁸ Att. 3, pg. 2.

Appendix ACase Details

Date/Time/Location of Incident:	July 18, 2024 / 12:59 pm / 2224 S. Kedzie Avenue, Chicago, IL 60623
Date/Time of COPA Notification:	July 18, 2024 / 3:04 pm
Involved Member #1:	Nicholas Prozanski, Star #11179, Employee ID# [REDACTED] DOA: October 25, 2021, Unit of Assignment: 214, Male, White
Involved Individual #1:	[REDACTED] Male, Black
Involved Individual #2:	[REDACTED] Female, 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. IV.
- Illinois Constitution, art. I, sec. 6.
- 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.³⁹ 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.”⁴⁰

³⁹ 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).

⁴⁰ *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