

**SUMMARY REPORT OF INVESTIGATION EXECUTIVE SUMMARY**

Date of Incident:	March 4, 2020
Time of Incident:	6:30 p.m.
Location of Incident:	12338 South Halsted Street, Chicago, Illinois 60628
Date of COPA Notification:	March 4, 2020
Time of COPA Notification:	6:51 p.m.

The alleged incident occurred on March 4, 2020, at approximately 6:30 p.m., in the vicinity of 12338 South Halsted Street, Chicago, Illinois 60628, when [REDACTED] was allegedly illegally detained for a traffic violation by officers of the Chicago Police Department (CPD); that he was forcibly removed from his vehicle and handcuffed; and that he was verbally abused. No ISR has been found, nor contact card for the traffic stop. Two other passengers were involved in the traffic stop. Both were detained and handcuffed. No contact card, nor ISR has been located relative to their detention.

**I. INVOLVED PARTIES**

Officer Matthew J. Parisi	Matthew J. Parisi, Star #9649, Employee ID# [REDACTED], Date of Appointment: October 5, 2012, Rank: Police Officer, Unit of Assignment: 005, DOB: [REDACTED], 1979, Gender: Male, Race: White
Officer William B. Choy <sup>1</sup>	William B. Choy, Star #5463, Employee ID# [REDACTED] Date of Appointment: February 19, 2013, Rank: Police Officer, Unit of Assignment: 005, DOB: [REDACTED], 1987, Gender: Male, Race: Asian
Timothy M. Lammert	Timothy M. Lammert, Star #17995, Employee ID# [REDACTED] Date of Appointment: November 25, 2013, Rank: Police Officer, Unit of Assignment: 005, DOB: [REDACTED], 1987, Gender: Male, Race: White
Involved Individual #1	[REDACTED] DOB: [REDACTED], 2001, Gender: Male, Race: Black
Involved Individual #2	[REDACTED] DOB: [REDACTED], 2002, Gender: Male, Race: Black
Involved Individual #3	Unknown, DOB: Unknown, Gender: Female, Race: Black

<sup>1</sup> Officer Choy separated from the CPD on December 7, 2021. As a result, he was not interviewed in this matter. See Attachment #29.

**II. ALLEGATIONS**

Officer	Allegation	Finding
Officer Mathew J. Parisi	It is alleged by ██████████ that on March 4, 2020, at approximately 6:30 p.m., in the vicinity of 12338 South Halsted Street, Chicago, Illinois 60628, Officer Mathew J. Parisi:	
	1. Detained ██████████ without justification.	<b>Not Sustained</b>
	2. Forcibly removed ██████████ from his vehicle and handcuffed him, without justification.	<b>Not Sustained</b>
	3. Searched ██████████ vehicle, without justification.	<b>Sustained</b>
	4. Verbally abused ██████████ by repeatedly calling him a piece of shit.	<b>Sustained</b>
	5. Verbally abused ██████████ by repeatedly calling him boy.	<b>Sustained</b>
	6. Verbally abused ██████████ by repeatedly calling him a fucking animal.	<b>Sustained</b>
	7. Verbally abused ██████████ by referring to him as a fucking baby.	<b>Sustained</b>
	8. Verbally abused ██████████ by calling him a fucking cocksucker.	<b>Sustained</b>
	It is alleged by COPA that on March 4, 2020, at approximately 6:30 p.m., in the vicinity of 12338 South Halsted Street, Chicago, Illinois 60628, Officer Mathew J. Parisi:	
9. Failed to properly document the investigative detention of ██████████ with an Investigatory Stop Report, without justification.	<b>Sustained</b>	
10. Failed to provide an Investigatory Stop Receipt to ██████████ without justification.	<b>Sustained</b>	

	<p>11. Failed to deescalate the encounter with ██████████ in violation of General Order G03-02.</p> <p>12. Deactivated his Body Worn Camera (BWC) in violation of Special Order SO3-14, without justification.</p>	<p><b>Sustained</b></p> <p><b>Sustained</b></p>
<p>Officer Timothy M. Lammert</p>	<p>It is alleged by ██████████ that on March 4, 2020, at approximately 6:30 p.m., in the vicinity of 12338 South Halsted Street, Chicago, Illinois 60628, Officer Timothy M. Lammert:</p> <p>1. Detained ██████████ without justification.</p> <p>It is alleged by COPA that on March 4, 2020, at approximately 6:30 p.m., in the vicinity of 12338 South Halsted Street, Chicago, Illinois 60628, Officer Timothy M. Lammert:</p> <p>2. Failed to properly document the investigatory detention of ██████████ with an Investigatory Stop Report, without justification.</p> <p>3. Failed to provide an Investigatory Stop Receipt to ██████████ without justification.</p> <p>4. Failed to deescalate the encounter with ██████████ in violation of General Order G03-02.</p> <p>5. Detained ██████████ without justification.</p> <p>6. Unlawfully prolonged the detention of ██████████ by handcuffing him, without justification.</p> <p>7. Searched ██████████ without justification.</p> <p>8. Failed to properly document the investigatory detention of ██████████ with an Investigatory Stop Report, without justification.</p>	<p><b>Not Sustained</b></p> <p><b>Sustained</b></p> <p><b>Sustained</b></p> <p><b>Sustained</b></p> <p><b>Not Sustained</b></p> <p><b>Not Sustained</b></p> <p><b>Not Sustained</b></p> <p><b>Sustained</b></p>

	<p>9. Failed to provide an Investigatory Stop Receipt to ██████████ without justification.</p> <p>10. Detained the unknown, front seat, African-American female passenger, without justification.</p> <p>11. Unlawfully prolonged the detention of the unknown, front seat, African-American female passenger by handcuffing her, without justification.</p> <p>12. Failed to properly document the investigatory detention of the unknown, front seat, African-American female passenger with an Investigatory Stop Report, without justification.</p> <p>13. Failed to provide an Investigatory Stop Receipt to the unknown, front seat, African-American female passenger, without justification.</p>	<p><b>Sustained</b></p> <p><b>Not Sustained</b></p> <p><b>Not Sustained</b></p> <p><b>Sustained</b></p> <p><b>Sustained</b></p>
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**III. APPLICABLE RULES AND LAWS**

**Rules**

1. Rule 1: Violation of any law or ordinance.
2. Rule 2: Any action which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
3. Rule 3: Any failure to promote the Department’s efforts to implement its policy or accomplish its goals.
4. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

**General Orders**

1. General Order G03-02<sup>2</sup>

<sup>2</sup> Section III (B): Department members may only use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape.

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2. General Order G03-02<sup>3</sup>

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**Special Orders**

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1. Special Order SO4-13-09<sup>4</sup>
  2. Special Order SO3-14<sup>5</sup>
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**Federal Laws**

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1. 4<sup>th</sup> Amendment to U.S. Constitution
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**State Laws**

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1. Illinois Constitution 1970, Art. I, § 6
  2. 625 ILCS 5/11-804<sup>6</sup>
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<sup>3</sup> De-Escalation, Response to Resistance, And Use of Force

<sup>4</sup> Investigatory Stop System

<sup>5</sup> Body Worn Cameras

<sup>6</sup> When signal is required.

#### IV. INVESTIGATION

##### a. Interviews

██████████ **Complainant**, was not interviewed in this matter, other than when he telephonically registered his complaint with COPA.<sup>7</sup> Further, efforts to contact ██████████ have proved negative.<sup>8</sup>

In his interview with COPA on December 22, 2021,<sup>9</sup> **Officer Timothy M. Lammert**, stated that relative to the incident which occurred on March 4, 2020, at approximately 6:30 p.m., in the vicinity of 12338 South Halsted Street, Chicago, Illinois 60628, he was on duty and assigned to a 3-man tactical car, along with Officer William Choy and Officer Matthew J. Parisi. Officer Parisi was the driver, Officer Choy was seated in the front passenger seat, and he was seated in the backseat. They were on routine patrol and pulled over ██████████ vehicle for failing to use a turn signal. He did not recall which officer made the decision to stop ██████████ vehicle. The officers exited their vehicle, and he approached the passenger side of the vehicle with his flashlight on and looked into the vehicle. Officer Parisi approached the driver side of the vehicle and asked the driver, ██████████ for his driver's license. ██████████ did not provide a driver's license and was combative. ██████████ was asked by Officer Parisi to step out of the vehicle. Officer Choy then went to assist Officer Parisi. Officer Lammert then became focused on the two passengers who were in the vehicle. He tapped on the window and asked them to roll down the window, but they opened the car doors. He asked them to step out of the vehicle and they did so. He detained the rear passenger and placed handcuffs on him because he believed that he may have possessed a firearm at that time. He also asked the female in the front seat to step out, as well.

With respect to ██████████ the backseat passenger in the vehicle, Officer Lammert stated that when ██████████ exited the vehicle, he observed a bulge in his waistband.<sup>10</sup> He then conducted a protective pat down of ██████████ for weapons. He then obtained the names of both passengers and ran name checks. They came back clear.

With respect to investigating a double homicide at the time of the incident, he did not recall doing that but simply stated that they were on routine patrol at the time. Further, he did not recall Officer Parisi saying anything to that effect. When asked if the traffic stop of ██████████ vehicle was a pretext stop, he said that he did not know what a pretext stop is. There ensued, however, a verbal disagreement between Officer Parisi and ██████████. Other than obtaining ██████████ name from him, he had no other interaction with ██████████ verbal or physical. He mentioned that the argument between Officer Parisi and ██████████ was a heated argument, but he did not recall specifically any derogatory names that Officer Parisi had called ██████████. From reviewing his BWC,

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<sup>7</sup> Telephone Complaint on March 4, 2020, at 18:51.

<sup>8</sup> Attachments #7, 8 and 9; Case Notes: CO-0078616, CO-0079148; CO-0079149.

<sup>9</sup> Attachment #27

<sup>10</sup> Attachment #27 at 11:22

however, he heard Officer Parisi calling ██████ a fucking baby,<sup>11</sup> and a boy.<sup>12</sup> He did not believe that the term “boy” was racially motivated.

Officer Parisi removed ██████ from his vehicle. ██████ was handcuffed but he did not recall by whom. Officer Lammert then handcuffed both of the occupants of the vehicle together. When asked what his reasonable suspicion was for doing so, he replied that he feared that a firearm could be present in the vehicle based upon the driver’s interaction with Officer Parisi. With respect to what each of the passengers did to provide him with reasonable suspicion to handcuff them, he said that he had observed a bulge in the rear passenger’s waistband; however, this is not reflected in his report because he admitted doing no report of the incident.<sup>13</sup> ██████ the rear passenger, was cooperative throughout the incident. With respect to his reasonable suspicion for handcuffing the female passenger, of whom he did not observe a bulge on her person, he cited only officer safety, past experience, and that there were two individuals on his side of the vehicle for whom he had to account, as constituting his reasonable suspicion. The female passenger was not acting suspiciously, nor making furtive movements, and she was cooperative. He did not recall if he searched the vehicle for a firearm. He did not observe a firearm during the incident. No firearm was recovered from any of the occupants of the vehicle, nor from their vehicle. He had asked ██████ if ██████ had a firearm on his person and ██████ had answered that he did not.

With respect to the documentation of the incident, he admitted that there was no documentation of the incident by the involved officers.<sup>14</sup> No one was arrested during the incident. No ISR’s were prepared. He did not provide Investigatory Stop Receipts to the two passengers whom he detained.<sup>15</sup> He did not prepare an Investigatory Stop Receipt for the driver, ██████ and did not recall if one had been prepared by Officer Parisi.

With respect to the verbal altercation that took place between Officer Parisi and ██████ he acknowledged that the verbal altercation was continuous throughout the traffic stop; however, he did recall exactly what was said between the two of them. With respect to why he did not attempt to deescalate the situation between Officer Parisi and ██████ he said that he did not believe that Officer Parisi was going to physically harm ██████ because ██████ was handcuffed. He was trained in de-escalation techniques in the Chicago Police Academy. Even though he admitted that the verbal altercation between ██████ and Officer Parisi took place during the entire traffic stop, he did not feel that he was obligated to deescalate the situation.<sup>16</sup>

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<sup>11</sup> Attachment #27 at 16:34

<sup>12</sup> Attachment #27 at 17:53

<sup>13</sup> Attachment #27 at 20:51

<sup>14</sup> Attachment #27 at 26:42

<sup>15</sup> Attachment #27 at 27:19

<sup>16</sup> Attachment #27 at 32:44

With respect to the allegations brought against Officer Lammert, he denied Allegations #1, #4, #5, #6, #7, #10, and #11. He affirmed Allegations #2, #3, #8, #9, #12 and #13.

In his interview with COPA on February 16, 2022,<sup>17</sup> **Officer Matthew J. Parisi**, stated that relative to the incident which occurred on March 4, 2020, at approximately 6:30 p.m., in the vicinity of 12338 South Halsted Street, Chicago, Illinois, he was on duty and assigned to a 3-man tactical car along with Officer Choy and Officer Lammert. He was driving their vehicle. He did not recall where the other officers were seated. The officers were on duty in the area investigating a double homicide, and observed [REDACTED] vehicle commit a traffic violation, failure to properly use a turn signal. [REDACTED] was curbed and stopped using their emergency equipment, including lights and siren. [REDACTED] proceeded about a 1½ blocks from the initial activation. He became suspicious and believed that [REDACTED] was probably trying to conceal something. The officers then approached the vehicle. [REDACTED] was immediately verbally confrontational, and a heated argument ensued between himself and [REDACTED] Officer Parisi apologized for the vulgarity he used in the verbal confrontation and advised that, as a police officer, he is held to a higher standard of conduct. He also stated that he was required to attempt to deescalate the confrontation.

When he asked [REDACTED] for his identification, [REDACTED] refused to provide it to him. He asked [REDACTED] to step out of his vehicle numerous times. There was an exchange of bad language between the two of them. He admitted to acting in an unprofessional manner at the time. Eventually, [REDACTED] complies and stepped out of the vehicle willingly. A Tactical Response Report (TRR) was not required since no force was used. He asked his partner for help in detaining [REDACTED] continued to be verbally aggressive throughout the encounter and Officer Parisi reciprocated. The officers then conducted name checks on the persons in the vehicle. After the name checks were run and came back clear, [REDACTED] and the other two passengers were released without incident. All individuals who were present in the vehicle were detained for officer safety. He admitted that no Investigatory Stop Report (ISR) was done, and no stop receipt was provided to [REDACTED] His only explanation for not completing the ISR and issuing a stop receipt is that he felt that one of the other two officers on the scene was going to do it. Possibly, he just forgot to complete the paperwork and he confirmed that there was no excuse for not doing it. He stated, however, that the officers had given [REDACTED] a break for not issuing him traffic citations when they were justified to do so. There was a problem with the registration of the license plates on [REDACTED] vehicle. Also, [REDACTED] did not physically provide a valid driver's license to them at the time.

With respect to the language used by Officer Parisi during the traffic stop, he admitted that it was his fault and that it was unacceptable. In addition, he stated that during the past few months he had attended Anger-Management classes through the CPD Employee Assistance Program and was seeing a therapist named [REDACTED]. He has had no issues, nor complaints made against him, for language usage since this incident. He understands that everyone deserves respect and that, as a

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<sup>17</sup> Attachment No. 31

police officer, he is held to a higher standard. During the incident, however, [REDACTED] was disrespectful toward him.

[REDACTED] was not issued a traffic ticket. No blue card for a Traffic Statistical Study (TSS) was completed, as [REDACTED] was issued a warning and not given a traffic citation. ISRs should have been completed for all persons in the vehicle who were stopped during this incident. Officer Parisi admitted that no paperwork was completed by the officers, relative to this incident. He handcuffed [REDACTED] but did not provide a stop receipt to [REDACTED] which was required. [REDACTED] was not arrested, so no arrest report was completed. He acknowledged that there was no justification for failing to complete the required paperwork for this incident.<sup>18</sup>

At 3:04 of his BWC, Officer Parisi stated that he was asking [REDACTED] numerous times to step out of the vehicle. He refused and Officer Parisi reached for one of [REDACTED] wrists and was able to apply a handcuff to his left wrist. [REDACTED] was aggressively pulling away from him at that time. [REDACTED] was completely handcuffed when he stepped out of the vehicle.

With respect to his verbal altercation with [REDACTED] Officer Parisi acknowledged that what he had said, overall, was unjustified and inappropriate. He stated, however, that nothing he said was meant as a racial slur.

With respect to deescalating the situation between [REDACTED] and himself, he stated that he had been trained in de-escalation techniques while with the CPD. He practices de-escalation techniques while on the job, including time, tone, space, talking with the individual. He could have had his partner talk with [REDACTED] while removing himself from the situation. He acknowledged that he did not deescalate the situation between [REDACTED] and himself; rather, to a degree, he escalated the situation.

He does not believe that he conducted a pat down search of [REDACTED] and he did not recall if he searched [REDACTED] vehicle. Possibly, his partners may have searched [REDACTED] vehicle.

With respect to deactivating his BWC prior to the incident concluding, he stated that he deactivated his BWC before [REDACTED] was unhandcuffed. He provided no justification for prematurely deactivating his BWC before the law enforcement activity had been concluded.

With respect to the allegations, Officer Parisi denied Allegations #1, 2 and 3 and affirmed the remainder of the allegations, Allegations #4 through #12.

**b. Digital Evidence:**

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<sup>18</sup> Attachment #31 at 21:42

**Body Worn Camera (BWC) of Officer Parisi:**<sup>19</sup> Officer Parisi parks and exits his vehicle, and approaches ██████████ vehicle, which is stopped near 12338 South Halsted Street, Chicago, Illinois 60628. ██████████ opens the driver's side door and Officer Parisi asks him for his driver's license. Officer Choy is positioned at the passenger side of the vehicle and is shining his flashlight into the vehicle. Officer Parisi and ██████████ start arguing about why he was pulled over. Officer Parisi said that he is investigating. Officer Parisi again asks to see ██████████ driver's license. ██████████ remains in his vehicle and the argument continues. A young African American female is seated in the passenger seat. Officer Parisi tells ██████████ that he didn't use his turn signal in time and that he can't read his tag, and that he wants to see ██████████ driver's license. ██████████ refuses to identify himself and asks Officer Parisi for his name and his badge number. They continue to argue and Officer Parisi tells ██████████ to step out of the car. ██████████ remains in the car and continues to argue and Officer Parisi grabs ██████████ by his left wrist and handcuffs him.<sup>20</sup>

██████████ then exits his car and Officer Choy approaches and starts talking to ██████████ continues to argue with the officers. Officer Choy escorts ██████████ to the back of ██████████ vehicle. Several pedestrians are observed in the area. Officer Lammert is observed next to Officer Choy. Officer Parisi returns to where ██████████ is being detained after directing several pedestrians to vacate the area. Officer Lammert is holding a notepad and pen and asks ██████████ several times for his last name. ██████████ refuses to give it and continues to argue. ██████████ and Officer Parisi continue to argue back and forth. Officer Parisi tells ██████████ that it is a traffic stop. ██████████ again asks Officer Parisi for his name and his badge number. Officer Parisi provides his badge number as #9649. Officer Parisi calls ██████████ a crybaby and a fucking baby, and a big fucking crybaby.<sup>21</sup> Officer Parisi remarks that ██████████ first word at age five was bitch. Officer Parisi then calls ██████████ a fucking cocksucker.<sup>22</sup> Officer Parisi continues to argue with ██████████ He then shines his flashlight into the interior of ██████████ vehicle from the driver's side, the door of which is open. Officer Lammert is observed seated in a police vehicle ostensibly running a name check for ██████████ Office Choy continues to hold ██████████ by his right arm. ██████████ is handcuffed behind his back. Officer Lammert tells Officer Parisi that ██████████ is 17-years old. Officer Parisi returns to where Officer Choy and ██████████ are standing. He tells ██████████ that they are investigating a double-murder. They continue to argue and Officer Parisi calls ██████████ a piece of shit.<sup>23</sup> He then refers to ██████████ as a boy several times.<sup>24</sup> He then calls ██████████ a fucking animal.<sup>25</sup> The BWC terminates at 8:56. ██████████ is still handcuffed and has not been released.

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<sup>19</sup> Attachment #4

<sup>20</sup> Attachment #4 at 3:08

<sup>21</sup> Attachment #4 at 5:29 – 5:33.

<sup>22</sup> Attachment #4 at 5:53

<sup>23</sup> Attachment #4 at 8:32, 8:33 and 8:34.

<sup>24</sup> Attachment #4 at 8:44 – 8:45.

<sup>25</sup> Attachment #4 at 8:51

**Body Worn Camera (BWC) of Officer Choy:**<sup>26</sup> Officer Choy's BWC captures in essence the same account as Officer Parisi, however with different vantage points as follows. Officer Choy arrives on the scene of 12338 South Halsted Street, Chicago, Illinois 60628 and approaches [REDACTED] vehicle, a silver Honda, from the passenger side. Officer Lammert shines his flashlight into the vehicle, also from the passenger side. A young, African American male is seated in the backseat. A young, African American female is seated in the passenger-side front seat. Officer Parisi is at the driver's side window, speaking loudly, and demanding to see [REDACTED] driver's license. An argument then ensues between Officer Parisi and [REDACTED] Officer Choy, at the passenger side of the vehicle, is shining his flashlight into the vehicle and then politely asks the female passenger for her driver's license. She provides a form of identification to Officer Choy, while Officer Parisi and [REDACTED] continue to loudly argue with each other.

[REDACTED] tells Officer Choy that he does not want to provide his identification. The other two occupants of the vehicle and Officer Lammert are standing at the rear of [REDACTED] vehicle. [REDACTED] then provides his name and date of birth to Officer Choy. He tells Officer Choy that he has a valid driver's license. Officer Parisi and [REDACTED] continue to argue loudly with each other. Officer Parisi then approaches [REDACTED] loudly arguing with him, and waving his hands at him.<sup>27</sup> Officer Choy is standing at the rear of [REDACTED] vehicle and calmly talking with him. Officer Parisi returns to where [REDACTED] and Officer Choy are standing and tells [REDACTED] that they are looking for a double-homicide suspect. Officer Parisi and [REDACTED] resume arguing with each other, and Officer Parisi refers to [REDACTED] several times as a piece of shit.<sup>28</sup> He then calls [REDACTED] a boy several times.<sup>29</sup> Officer Choy then removes the handcuffs from [REDACTED] who then returns to his vehicle.

**Body Worn Camera (BWC) of Officer Timothy M. Lammert:**<sup>30</sup> Officer Lammert's BWC captures the same account as Officer Parisi and Officer Choy, however with different vantage points as follows. Officer Lammert is seated in the backseat of a three-man police unit. Officer Parisi is driving, and Officer Choy is seated in the front passenger seat. All officers exit their vehicle. Officer Parisi approaches the driver's side of [REDACTED] vehicle, while Officer Choy and Officer Lammert approach the passenger side of the vehicle. Officer Choy is shining a flashlight onto the front passenger window. Officer Parisi can be heard loudly arguing with [REDACTED] Officer Choy knocks on the front passenger window, which is closed. A young, African American female opens the door and Officer Choy asks her for her identification. She provides some form of identification to Officer Choy. Officer Lammert knocks on the rear passenger side window. A young, African American male opens the door. Officer Parisi is loudly yelling at [REDACTED] Both passengers are observed exiting the vehicle. Officer Lammert

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<sup>26</sup> Attachment #5

<sup>27</sup> Attachment #5 at 6:06

<sup>28</sup> Attachment #5 at 8:33

<sup>29</sup> Attachment #5 at 8:48

<sup>30</sup> Attachment #19

handcuffs them both together, one handcuff on each person. He asks them if they have guns or drugs with them. He is observed conducting a pat down of the African American male.<sup>31</sup> He then walks the two handcuffed passengers to the rear of [REDACTED] vehicle. There is no license plate visible on the rear of [REDACTED] vehicle. [REDACTED] provides his last name as [REDACTED] and his middle name as [REDACTED]. He then continues to argue with Officer Parisi, who tells him to shut the fuck up. Officer Lammert asks the African American male passenger for his name and date of birth. He is heard to say his first name is [REDACTED] and his DOB is [REDACTED]-2002.<sup>32</sup> Officer Lammert returns to his vehicle to run a name check. Officer Lammert returns to the rear of [REDACTED] vehicle where Officer Parisi can be heard referring to [REDACTED] as a *piece of shit* several times.<sup>33</sup> Officer Parisi can then be heard referring to [REDACTED] as a boy several times.<sup>34</sup> Officer Lammert then returns to his vehicle and accesses the computer. He makes a comment that they are clear. He returns to where the handcuffed passengers are standing and releases them.

c. **Physical Evidence:** None

d. **Documentary Evidence:**

**Number Plate Search Results:** This document reflects that on March 4, 2020, at approximately 6:15 p.m., Officer Parisi, queried LEADS for a Honda Civic automobile, temporary registration permit # [REDACTED], registered to [REDACTED], [REDACTED]. A name check was also conducted at 6:21 p.m. for [REDACTED].<sup>35</sup>

**ISR and Contact Card Search Results for Accused Officers relative to March 4, 2020:**<sup>36</sup> Investigation has determined that for March 20, 2020, the date of the incident in question, no ISRs, nor Contact Cards, were found for any of the involved accused officers.

## V. ANALYSIS

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;

<sup>31</sup> Attachment #19 at 3:34

<sup>32</sup> See Attachments #12, 19, 20, 21 and 22 for [REDACTED] DOB: [REDACTED]-02 and JB 226 294.

<sup>33</sup> Attachment #19 at 8:40

<sup>34</sup> Attachment #19 at 8:48

<sup>35</sup> Attachment #2

<sup>36</sup> See Attachments Nos. 16, 17 and 18.

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 the conduct occurred and violated Department policy. 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 has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, 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. See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). 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." *Id.* at ¶ 28.

Investigation in this matter has determined that [REDACTED] Complainant, was detained on March 4, 2020, by officers of the CPD for failing to properly activate his turn signal.

**A. There Is Not a Preponderance of Evidence to Show That [REDACTED] Was Unlawfully Detained:** BWC evidence in this matter has shown that Officer Parisi, informed [REDACTED] that the reason he stopped [REDACTED] vehicle was that [REDACTED] failed to properly activate his turn signal. This is a traffic violation for which a vehicle can be lawfully stopped. However, are no reports that document this violation, so it is simply the accounts of the officers that must be weighed against [REDACTED] denial of improperly activating his turn signal. Since the account of each accused officer in this matter is the same (i.e.: that [REDACTED] failed to properly activate his turn signal), there is insufficient evidence to allow for a sustained finding. Further, BWC evidence also shows that [REDACTED] did not display a rear license plate on his vehicle, which is also a traffic violation, and which also provides reasonable suspicion to stop his vehicle, making the stop lawful. As such, **Allegation #1** alleged against **Officer Parisi and Officer Lammert**, should be deemed **Not Sustained**.

**B. [REDACTED] Was Forcibly Removed from His Vehicle, without Justification:** Officers making a lawful traffic stop, as in this case, may require a vehicle's occupants to exit the vehicle because danger to an officer is likely to be greater when there are passengers present, in addition to the driver stopped in the vehicle.<sup>37</sup> As such, Officer Parisi was acting lawfully when he told [REDACTED] to exit his vehicle. As such, **Allegation # 2**, alleged against **Officer Matthew J. Parisi**, should be **Not Sustained**.

**C. The Search of [REDACTED] Vehicle Was Not Justified:** [REDACTED] was stopped for a minor traffic violation, failing to properly use a turn signal. He was removed from

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<sup>37</sup> *Maryland v. Wilson*, 519 U.S. 408, 414-15, 117 S.Ct. 882, 137 L.Ed.2d 41 (1997)

his vehicle. Officer Parisi then searched his car.<sup>38</sup> In order for the search of [REDACTED] vehicle to be justified there must be probable cause to believe that the vehicle contained evidence of criminal activity.<sup>39</sup> In this case, probable cause did not exist to search the vehicle. The officers had no knowledge that the vehicle contained evidence or contraband; moreover, it is well-settled that evidence of a mere traffic violation does not fall under the Automobile Exception to the Search Warrant Requirement.<sup>40</sup> Officers who have stopped a vehicle to issue a routine traffic citation, as in this case, may conduct a limited search of the vehicle for weapons if there was reasonable suspicion that the occupants were armed and dangerous, unless the driver was arrested instead of issuing a traffic citation.<sup>41</sup> That is simply not the case here. As such, the search of [REDACTED] vehicle by Officer Parisi was unjustified. As a result, **Allegation #3** alleged against **Officer Matthew J. Parisi**, should be **Sustained**.

**D. [REDACTED] Was Verbally Abused by Officer Matthew J. Parisi:** From BWC evidence in this matter, it is clear and convincing that Officer Parisi verbally abused [REDACTED] by repeatedly referring to him as a piece of shit;<sup>42</sup> by repeatedly calling him boy;<sup>43</sup> calling him a fucking animal;<sup>44</sup> referring to him as a fucking baby;<sup>45</sup> and calling him a fucking cocksucker.<sup>46</sup> In his statement to COPA, Officer Parisi acknowledged the verbal abuse and affirmed the verbal abuse allegations. He apologized for his actions, which he deemed to be unprofessional and unjustified. He further stated that he has undergone anger-management training. Nonetheless, **Allegations #4, #5, #6 #7 and #8** alleged against **Officer Matthew J. Parisi**, respectively, should be **Sustained**.

**E. The Investigative Detention of [REDACTED] Was Not Properly Documented:** [REDACTED] was detained, forcibly removed from his vehicle, and handcuffed. He was not arrested. This is an investigative detention. As no Investigatory Stop Report (ISR) was prepared and submitted by the officers, and no justification was presented by the officers for failing to do so, this is a clear violation of Special Order SO-4-13-09.<sup>47</sup> As such, **Allegation #9**, alleged against **Officer Matthew J. Parisi**, and **Allegation #2**, alleged against **Officer Timothy M. Lammert**, respectively, should be **Sustained**.

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<sup>38</sup> See BWC of Officer Choy at 06:12, where Officer Parisi reaches into [REDACTED] vehicle through the driver's side door and shines his flashlight into the vehicle.

<sup>39</sup> *People v. James*, 163 Ill.2d 302, 312 (1994); *People v. Contreras*, 2014 Ill. App. (1st) 131889 P 28, 22 N.E.3d 368 and *United States v. Forker*, 928 F.2d 365, 368 (11<sup>th</sup> Cir. 1991)

<sup>40</sup> *People v. Stroud*, 392 Ill.App.3d 776, 803 (2009); *Redwood v. Lierman*, 331 Ill.App.3d 1073, 1082 (2002)

<sup>41</sup> See *Knowles v. Iowa*, 525 U.S. 113 (1998), where an Iowa statute permitting a full-blown search of an automobile incident to a traffic citation was declared invalid.

<sup>42</sup> Attachment #4 BWC at 08:32

<sup>43</sup> Attachment #4 BWC at 08:46

<sup>44</sup> Attachment #4 BWC at 05:30

<sup>45</sup> Attachment #4 BWC at 08:52

<sup>46</sup> Attachment #4 BWC at 05:53

<sup>47</sup> Investigatory Stop System

Further, since no Investigatory Stop Receipt was provided to [REDACTED] by any of the involved officers, this is in violation of SO3-14.<sup>48</sup> In his statement to COPA, Officer Lammert affirmed the allegations. In his statement to COPA, Officer Parisi affirmed the allegations. As such, **Allegation #10**, alleged against **Officer Matthew J. Parisi**, and **Allegation #3**, alleged against **Officer Timothy M. Lammert**, respectively, should be **Sustained**.

**F. Officer Matthew J. Parisi and Officer Timothy Lammert Failed to Deescalate the Encounter with [REDACTED] in Violation of General Order G03-02:**<sup>49</sup> BWC evidence in this matter clearly shows that Officer Parisi throughout the encounter with [REDACTED] was escalating the conflict through his derogatory language and loud tone of voice. Rather than deescalating the conflict, as CPD policy dictates, Officer Parisi escalated the conflict. Further, there is no effort observed on the part of the other two involved officers to intervene and quell Parisi's language aimed at [REDACTED]. As such, none of the officers attempted to deescalate the heated encounter that took place between Officer Parisi and [REDACTED]. In his interview with COPA, Officer Parisi admitted that his actions tended to escalate the encounter with [REDACTED] rather than to deescalate it. He affirmed the allegation made against him for failure to deescalate. Thus, **Allegation #11** alleged against **Officer Matthew J. Parisi**, and **Allegation #4** alleged against **Officer Timothy M. Lammert**, should respectively be **Sustained**.

**G. The Investigative Detention of [REDACTED] Was Not Properly Documented:** BWC evidence clearly shows that [REDACTED] was detained, removed from the backseat of [REDACTED] vehicle, and then handcuffed to an unknown, African American female, who had been removed from the front seat of the vehicle, by Officer Timothy Lammert Star #17995. No ISRs, nor Contact Cards have been located for either of these two detentions. As such, this is a clear violation of CPD policy.<sup>50</sup> In his statement to COPA, Officer Lammert affirmed the allegations. Thus, **Allegations #7 and #8**, alleged against **Officer Timothy Lammert, Star**, should be **Sustained**.

**H. The Investigative Detention of the Unknown African-American Female Was Not Properly Documented:** BWC evidence clearly shows that the unknown, African-American female, who was seated in the front seat of [REDACTED] vehicle, was detained, removed from the vehicle, and then handcuffed to [REDACTED] who had been removed from the backseat of the vehicle, by Officer Timothy Lammert, Star #17995. No ISRs, nor Contact Cards have been located for either of these two detentions. As such, this is a clear violation of CPD policy.<sup>51</sup> In his statement to COPA, Officer Lammert affirmed the allegations. Thus, **Allegations #12 and #13** alleged against **Officer Timothy Lammert**, should be **Sustained**.

**I. The Detention of [REDACTED] and the Detention of the Unknown, African American Female Passenger Were Unlawfully Prolonged by Handcuffing Them:** The initial detention of both passengers was arguably lawful based upon a minor traffic violation as the initial detention of the driver extends to the passengers for the duration of the stop. Furthermore,

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<sup>48</sup> Investigatory Stop System

<sup>49</sup> De-Escalation, Response to Resistance, And Use of Force

<sup>50</sup> See Special Order SO4-13-09 – Investigatory Stop System.

<sup>51</sup> See Special Order SO4-13-09 – Investigatory Stop System.

passengers may be removed from the stopped vehicle and detained.<sup>52</sup> As a result, **Allegations #6 #10 and #11**, alleged against **Officer Timothy M. Lammert** should be **Not Sustained**.

**J. The Pat Down Search of [REDACTED] by Officer Timothy M. Lammert Was Not Justified:** [REDACTED] was detained, removed from [REDACTED] vehicle, and then handcuffed to another passenger by Officer Lammert, who then conducted a pat down search of [REDACTED] was a passenger in a vehicle that was legally stopped for failure to timely activate a turn signal. Thus, there arguably was probable cause to stop the vehicle. Officers making a traffic stop on probable cause may require a vehicle's occupants, of which [REDACTED] was one, to exit the vehicle due to officer safety reasons.<sup>53</sup> As a result, [REDACTED] was not only seized within the meaning of the 4<sup>th</sup> Amendment, as both the driver and any passengers in the vehicle are deemed detained,<sup>54</sup> he was also subject to removal from the vehicle. This was a pretext stop, as evidence from Officer Matthew Parisi's BWC indicates that the officers involved in the stop of [REDACTED] vehicle were investigating a double-homicide. In Officer Lammert's statement to COPA, he did not recall that the officers were investigating a double homicide. Pretext stops, however, are not prohibited under the 4<sup>th</sup> Amendment.<sup>55</sup> The real question then is whether there was reasonable suspicion to conduct a pat down search of [REDACTED]. To justify a pat down search<sup>56</sup> of an individual, the officer must have reasonable suspicion that an individual is acting suspiciously and poses a present danger to the officer. A pat down search can then be conducted to determine if the individual, in fact, is carrying a weapon. In this case, [REDACTED] was not acting suspiciously. He was simply a 17-year-old male who was sitting in the backseat of a vehicle that was pulled over for a minor traffic violation. Because the stop was not documented properly, there is no factual basis describing why [REDACTED] vehicle was stopped in the first place; nor is there any documentation describing [REDACTED] appearance or mannerisms that would justify searching him. In Officer Lammert's statement to COPA, he said that he had observed a bulge in [REDACTED] waistband when [REDACTED] exited the vehicle, and he suspected that the bulge was a weapon.<sup>57</sup> Since no documentation of the stop exists, it is impossible to corroborate Lammert's statement. As such, **Allegation #7 and #5** alleged against **Officer Timothy Lammert**, should be **Not Sustained**.

**K. Officer Matthew J. Parisi, Deactivated His BWC Prematurely in Violation of CPD Special Order SO3-14, Without Justification:** Officer Parisi's BWC clearly is deactivated prior to [REDACTED] being released from custody. The BWC of Officer Lammert clearly shows all three detainees being unhandcuffed and released. This is not observed on Officer Parisi's BWC, as it was deactivated prematurely. Thus, Officer Parisi's BWC was deactivated prior to the law enforcement incident being concluded, which is in violation of the BWC order. In his statement to COPA, Officer Parisi provided no justification for deactivating his BWC prematurely and admitted

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<sup>52</sup> *Maryland v. Wilson*, 519 U.S. 408, 414-15, 117 S.Ct. 882, 137 L.Ed.2d 41 (1997)

<sup>53</sup> *Pennsylvania v. Mims*, 434 U.S. 106, 98 S.Ct. 330, 54 L.Ed.2d 331 (1997); *Maryland v. Wilson*, 519 U.S. 408, 414-15, 117 S.Ct. 882, 137 L.Ed.2d 41 (1997).

<sup>54</sup> *Brendilin v. California*, 551 U.S. 249, 257 (2007); *United States v. Starks*, 769 F.3d 83, 89 (1<sup>st</sup> Cir. 2014).

<sup>55</sup> *Wren v. United States*, 517 U.S. 806, 812-23 (1996); *People v. Lewis McKelvy and Fabian T. Harden*, 2019 IL App (2d) 180630.

<sup>56</sup> A patdown is a search under the 4<sup>th</sup> Amendment; See *United States v. Manjarrez*, 348 F.3d 881, 886 (10<sup>th</sup> Cir. 2003).

<sup>57</sup> Attachment #27 at 11:22

the allegation. As such, this is a clear violation of CPD policy, and **Allegation #12** should be **Sustained** against **Officer Matthew J. Parisi**.

## VI. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

### a. Officer Matthew J. Parisi, Star #9649

i. **Complimentary and Disciplinary History:** This information has been obtained and uploaded to the case file.<sup>58</sup>

a. **Disciplinary History:** 1. SPAR Log#563284, Incident Date: October 7, 2021, Completed Date: November 5, 2021, Disciplinary Action: Reprimand, Transgression Type: 005- Court Violation Appearance. 2. SPAR Log#563089, Incident Date: February 3, 2021, Completed Date: November 18, 2021, Disciplinary Action: Reprimand, Transgression Type: 022- Failure to perform any duty. 3. SPAR Log#562749, Incident Date: August 17, 2021, Completed Date: September 22, 2021, Disciplinary Action: Reprimand, Transgression Type: 025 – Preventable Action.

b. **Complimentary History:** 1. 2019 Crime Reduction Award (1); 2. Attendance Recognition Award (2); 3. Department Commendation (4); 4. Honorable Mention (88); and 5. Traffic Stop of the Month Award (2). **Total Awards = 97.**

ii. **Recommended Penalty: 20-Day Suspension**

### b. Officer Timothy M. Lammert, Star #17995

i. **Complimentary and Disciplinary History:** This information has been obtained and uploaded to the case file.<sup>59</sup>

a. **Disciplinary History:** SPAR Log#563339, Incident Date: June 23, 2021, Completed Date: November 12, 2021, Disciplinary Action: Reprimand, Transgression: 019A- Reports - Failure to submit. **Sustained Complaints:** 2019-0002883; Case Status: Case Final; Status Reason: Closed Final; Incident Date: July 29, 2019; Compliant Date: July 29, 2019; Completed Date: October 22, 2021; Final Finding: Sustained; Final Category: Arrest/Lockup Incidents Search Person/Property; Disciplinary Action Taken: 005 – 5 Day Suspension; Suspension Dates: July 26, 2021.

b. **Complimentary History:** 1. 2019 Crime Reduction Award (1); 2. Attendance Recognition Award (10); 3. Department Commendation (4); 4. Emblem of Recognition – Physical Fitness

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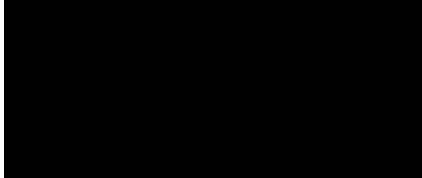
<sup>58</sup> Attachment #28

<sup>59</sup> Attachment #28

(1); **5**. Honorable Mention (83); **6**. Honorable Mention Ribbon Award (1); **and 7** Traffic Stop of the Month Award (1). **Total Awards = 92**

**i. Recommended Penalty: 5-Day Suspension**

Approved:



Matthew Haynam  
Deputy Chief Administrator

Date: 12/11/2023