



Log # 2024-0001934

## FINAL SUMMARY REPORT<sup>1</sup>

### I. EXECUTIVE SUMMARY

On January 16, 2024, the Civilian Office of Police Accountability (COPA) received an Initiation Report from ██████████ on behalf of her son, ██████████ (██████████) alleging misconduct by members of the Chicago Police Department (CPD).<sup>2</sup> ██████████ alleged that on January 16, 2024, Officer Miguel Zamudio and Officer Eric Myers conducted a traffic stop without justification, searched ██████████ bag without justification and harassed him.<sup>3</sup> Upon review of the evidence, COPA served allegations that Officer Myers searched ██████████ bag without justification and that Officer Zamudio manipulated ██████████ wrist while he was handcuffed without justification. Following its investigation, COPA reached sustained findings regarding the allegation of excessive force against Officer Zamudio.

### II. SUMMARY OF EVIDENCE<sup>4</sup>

At approximately 3:43 pm on January 16, 2024, at 1300 S. Central Park Avenue, Officers Zamudio and Myers conducted a traffic stop of ██████████ ██████████ who was driving a ride-share vehicle in which ██████████ was a passenger.<sup>5</sup> Officer Myers told ██████████ that the officers stopped the vehicle because ██████████ was not wearing a seat belt.<sup>6</sup> Officer Zamudio asked ██████████ for his driver's license as well as asking for ██████████ information.<sup>7</sup> Initially, ██████████ did not give the officers his information.<sup>8</sup> ██████████ eventually exited the vehicle.<sup>9</sup> Officer Myers smelled cannabis in the back seat of the vehicle.<sup>10</sup> Officer Myers reached for ██████████ bag in the back

<sup>1</sup> 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.

<sup>2</sup> Att. 1.

<sup>3</sup> 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. COPA investigated the potential harassment allegation ██████████ mentioned in his complaint. Through the investigation it was determined that these officers have no had prior contact with ██████████ therefore the allegation they harassment was not served to the officers.

<sup>4</sup> 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, ICC, police reports and officer interviews. ██████████ and his mother declined to be interviewed for this investigation. See CMS notes CO-1378616; CO-1378624; CO-1379061; CO-1379938; CO-1379946.

<sup>5</sup> ██████████ was 17 years old at the time of this incident.

<sup>6</sup> Att. 2; Att. 53, pg. 9; Att. 54, pg. 8; Att. 3, at 3:05.

<sup>7</sup> Att. 53, pg. 12; Att. 54, pg. 8; Att. 3 at 3:08; Att. 4, at 2:20.

<sup>8</sup> Att. 3 at 3:05 to 4:00.

<sup>9</sup> Att. 53, pg. 9; Att. 54, pgs. 12 and 13; Att. 3 at 4:37; Att. 4 at 4:38; Att.43, the ICC video at 3:46.

<sup>10</sup> Att. 2; Att. 3 at 4:17; Att. 53, pg. 10; Att. 4 at 4:20.

seat of the vehicle to conduct a narcotics search of the bag. At the same time, ██████ lunged for the bag. The officers proceeded to detain ██████ who argued that he did not have cannabis on him or in his bag.<sup>11</sup>

Officer Zamudio forcefully moved ██████ wrist upwards while he was handcuffed.<sup>12</sup> Officer Myers raised his hand towards Officer Zamudio and said, “Okay, okay, okay.”<sup>13</sup> As a result, Officer Zamudio let go of ██████ wrist.<sup>14</sup> Officer Myers proceeded to search ██████ bag in the backseat and found a multicolored Ziploc-style baggie with an odor of cannabis.<sup>15</sup> Officer Myers put the baggie in the bag and put the bag back inside of the vehicle.<sup>16</sup> ██████ eventually provided the officers with his identification and the officers released him without charges.<sup>17</sup>



Figure 1: This still image, captured from Officer Myers’s BWC footage (Att. 3) depicts Officer Zamudio forcefully manipulating ██████ wrist upward while ██████ was already secured in handcuffs.

### III. ALLEGATIONS

#### A. Officer Miguel Zamudio:

1. Forcefully manipulated ██████ wrist while he was handcuffed, without justification.
  - Sustained, in Violation of Rules 2, 3, 8, and 9

<sup>11</sup> Att. 3 at 5:35 to 6:50; Att. 4 at 5:14 to 6:54; Att. 53, pg. 16; Att. 54, pgs. 13 and 14; Att. 43 at 6:01.

<sup>12</sup> Att. 3 at 6:54; Att. 4 at 6:55; Att. 5, at 2:15; Att. 43 at 6:02.

<sup>13</sup> Att. 3 at 6:54; Att. 4 at 6:55; Att. 5 at 2:16.

<sup>14</sup> Att. 3 at 6:56; Att. 4 at 6:57.

<sup>15</sup> Att. 2; Att. 53, pg. 27; Att. 54, pg. 15; Att. 3 from 7:00 to 8:17.

<sup>16</sup> Att. 3 at 8:30.

<sup>17</sup> Att. 3 at 8:50; Att. 53, pg. 19; Att. 54, pgs. 17 and 18; Att. 4 at 8:53.

**B. Officer Eric Myers:**

2. Searched [REDACTED] bag, without justification.
  - Exonerated

**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. In contrast, 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 Myers' statement was consistent with the other evidence. On the contrary, there were some inconsistencies in Officer Zamudio's statement; he indicated that [REDACTED] was flailing his arms, which would justify the officer's use of a wrist lock, but the BWC footage does not depict [REDACTED] flailing his arms. Although COPA found flaws with Officer Zamudio's statement, COPA does not find this to be an intentional attempt to be untruthful but rather a misperception of what was happening at the exact moment Officer Zamudio used force.<sup>18</sup>

**V. ANALYSIS<sup>19</sup>****A. In the circumstances the use of force against the handcuffed [REDACTED] was unreasonable and excessive**

COPA finds the allegation that Officer Zamudio manipulated [REDACTED] wrist without justification is **sustained**.

CPD's stated highest priority is the sanctity of human life. In all aspects of their conduct, CPD expects that its members act with the foremost regard for the preservation of human life and the safety of all persons involved.<sup>20</sup> CPD members are only authorized to use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, to ensure the safety of a member or a third person, stop an attack, make an arrest, control a person, or prevent escape.<sup>21</sup> This means that CPD members may use only the amount of force necessary to serve a lawful purpose. The amount and type of force used must be proportional to the threat, actions, and level of resistance a person offers.<sup>22</sup>

In his statement to COPA, Officer Zamudio explained he manipulated [REDACTED] wrist while [REDACTED] was handcuffed because [REDACTED] was an assailant by virtue of [REDACTED] moving

<sup>18</sup> COPA therefore did not serve a Rule 14 allegation in this investigation.

<sup>19</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

<sup>20</sup> G03-02 (II)(A), De-escalation, Response to Resistance, and Uses of Force (effective June 28, 2023, to present).

<sup>21</sup> G03-02 (III)(B)

<sup>22</sup> G03-02 (III)(B)(3).

body to avoid being in handcuffs.<sup>23</sup> Officer Zamudio recharacterized as an active resister based on flailing his arms back and forth.<sup>24</sup> Officer Zamudio defined this as a wrist lock, which is a technique used on active resisters to gain compliance.<sup>25</sup> Officer Myers also described that appeared to be an active resister.<sup>26</sup>

In this incident, was an active resister when he lunged and reached for his bag in the vehicle. After he was handcuffed, however, became cooperative.<sup>27</sup> BWC footage depicts as he was leaning over the trunk of the vehicle while the officers handcuffed him.<sup>28</sup> Neither legs nor arms were moving.<sup>29</sup> It was only after was secured in handcuffs that Officer Zamudio forcefully manipulated wrist upward.<sup>30</sup> CPD policy requires that “[m]embers will modify their force in relation to the amount of continued resistance offered by the person. As the person offers less resistance, the member will immediately lower the amount or type of force used.”<sup>31</sup> Officer Zamudio failed to do so in this instant and used force that would have been permissible for an active resister but not for a cooperative subject. COPA therefore finds that the force used by Officer Zamudio against was not reasonable, necessary and proportional under the totality of circumstances.

**B. The smell of fresh cannabis is sufficient to permit the search of the vehicle and its contents by police**

COPA **exonerates** Officer Myers from the allegation that he searched bag without justification. Cannabis can only be lawfully transported if it is in a sealed, odor-proof, child-resistant container.<sup>32</sup> Therefore, when a CPD member detects the odor of cannabis emitting from a vehicle, the officer has probable cause to conduct a search of a vehicle. This principle has been extended to permit searches of the driver and passengers of such a vehicle.<sup>33</sup>

Officer Myers stated he had probable cause to conduct a narcotics search of the bag because he smelled fresh cannabis emitting from the backseat of the vehicle.<sup>34</sup> During the search of the bag, he found a Ziploc-style baggie which he believed contain cannabis (due to the smell).<sup>35</sup>

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<sup>23</sup> Att. 54, pgs. 20 to 22.

<sup>24</sup> Att. 54, pg. 22.

<sup>25</sup> Att. 54, pg. 23.

<sup>26</sup> Att. 53, pgs. 25 and 26.

<sup>27</sup> Att. 57, Force Options Model, CPD-11.960 (11/17).

<sup>28</sup> Att. 3 from 6:49 to 6:56; Att. 4 at 6:54; Att. 43 at 6:01.

<sup>29</sup> Att. 3 from 6:49 to 6:56; Att. 5 at 2:15; Att. 43 at 6:02.

<sup>30</sup> Att. 54, pg. 23.

<sup>31</sup> Att. 43, G03-02-01(II)(F)(1).

<sup>32</sup> 625 ILCS 5/11-502.15(c); also see MCC 7-24-099(b)(4).

<sup>33</sup> *People v. Zayed*, 2016 IL App (3rd) 140780 (2016).

<sup>34</sup> Att. 53, pgs. 9 and 10. Officer Zamudio could not recall if the vehicle smelled like cannabis or not. See Att. 54, pg. 12.

<sup>35</sup> Att. 53, pg. 10.

Officer Myers did not open the baggie but explained that, as a function of his training and experience, he believed it to be cannabis.<sup>36</sup> The baggie was not a legal way to transport cannabis.<sup>37</sup>

The smell of fresh cannabis is sufficient to allow officers to search for narcotics within the vehicle. Accordingly, by clear and convincing evidence, COPA finds the search of the bag to be within policy.

**VI. DISCIPLINARY RECOMMENDATION<sup>38</sup>**

**A. Officer Miguel Zamudio**

**i. Complimentary and Disciplinary History**

Officer Zamudio has been with CPD since August 27, 2018. In that time, he has received 128 awards including a life-saving award, a top gun arrest award, and a traffic stop of the month award.<sup>39</sup> He received a SPAR in December 20024 related to an improper search of a person or property resulting in a reprimand but no other discipline.<sup>40</sup>

**ii. Recommended Discipline**

COPA recommends a suspension of 1-29 days and retraining on use of force directives. In mitigation, COPA notes that Officer Zamudio accepted responsibility for his actions (despite his confusion about the difference between an active resister and an assailant) and has both an extensive complimentary history and relative lack of disciplinary history. On the other hand, Officer Zamudio had been with CPD for over five years at the time of this incident, [REDACTED] was a minor at the time, both of which are aggravating factors to be considered.

Approved:

[REDACTED]

May 27, 2025

\_\_\_\_\_  
Shannon Hayes  
*Acting Deputy Chief Administrator – Chief Investigator*

\_\_\_\_\_  
Date

<sup>36</sup> Att. 53, pg. 28.

<sup>37</sup> Att. 53, pg. 14.

<sup>38</sup> COPA policy, Disciplinary and Remedial Recommendations (effective June 24, 2021).

<sup>39</sup> Att. 60.

<sup>40</sup> Att. 59, 61, 62.

Appendix ACase Details

Date/Time/Location of Incident:	January 16, 2024/3:4 P.M./ 1300 S. Central Park Avenue.
Date/Time of COPA Notification:	January 16, 2024/ 5:03 P.M.
Involved Member #1:	Miguel Zamudio, Star #13823, Employee ID# [REDACTED] Date of Appointment: 8/27/2018, Unit of Assignment: 009, Male, White.
Involved Member #2:	Eric Myers, Star # 4545, Employee ID# [REDACTED] Date of Appointment: 11/24/2018, Unit of Assignment: 014, Male, Black.
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. IV
- G03-02-01 IV(A), Response to Resistance and Force Options (effective April 15, 2021)
- G03-02-01 IV(A)(1-2), Response to Resistance and Force Options (effective April 15, 2021)
- 625 ILCS 5/11-502.15, Possession of Adult Use Cannabis in a Motor Vehicle

## 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.<sup>41</sup> 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.”<sup>42</sup>

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<sup>41</sup> 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).

<sup>42</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> 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