



Log # 2024-0002921

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

At 10:23 pm on March 14, 2024, the Civilian Office of Police Accountability (COPA) received a web complaint from [REDACTED] [REDACTED] regarding alleged misconduct by members of the Chicago Police Department (CPD). The incident occurred at approximately 7:45 pm on March 14, 2024, at 4910 W Congress Pkwy.²

[REDACTED] (24) alleged that Officers Brian Burak, Brett Hon, and Michael Tanon stopped her vehicle, and detained her and passenger [REDACTED] (23) while they were sitting in the stopped vehicle on a residential street, without justification.³ [REDACTED] further alleged that Officers Hon and Tanon searched her vehicle without justification and the CPD officers failed to properly identify themselves when requested. Additionally, [REDACTED] alleged that Officer Burak handcuffed and arrested [REDACTED] without justification, while Sergeant Michael Holmes caused damage to [REDACTED] vehicle without justification.

COPA served additional allegations: that Officers Hon and Tannon searched the backpack found in [REDACTED] vehicle without justification, that Officer Hon failed to accurately detail the facts and circumstances of the traffic stop, and that Officers Hon and Tannon provided a false, misleading, inaccurate and/or incomplete statement in the Investigatory Stop Report (ISR) he completed regarding this incident. Additionally, COPA alleged that Sergeant Holmes failed to properly direct his subordinates and investigate their activities.

COPA sustained the allegations against Officers Hon and Tanon related to the inconsistencies in the ISR and regarding their failure to provide their identification when asked.

COPA either did not sustain the balance of the allegations or exonerated the accused officers therefrom, noting, however, both that the legal justification for the stop was extraordinarily tenuous and that the ISR filed by Officers Tanon and Hon (and reviewed by Sgt. Holmes) contained a statement with rendered it both misleading and inaccurate.

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 Att. 1.

³ Att. 38, pg. 7, lns. 1 to 24.

II. SUMMARY OF EVIDENCE⁴

On the evening of March 14, 2024, Officers Burak, Hon, and Tanon patrolled an area they characterized as associated with high crime and narcotic sales.⁵ The CPD officers were assigned to a 15th District tactical team, driving an unmarked CPD vehicle, and not in uniform. They patrolled with a second unmarked vehicle, which contained Officers Donovan, Grasz, Hernandez, and Piecyk.

██████████ and ██████████ were in ██████████ stationary vehicle, watching a movie on an iPad.⁶ Upon encountering ██████████ vehicle, Officers Burak, Hon, and Tanon observed the vehicle stopped with its headlights illuminated and decided to conduct an investigatory stop. Officers Donovan, Grasz, Hernandez, and Piecyk observed the rear CPD vehicle conduct a stop; they also stopped and provided security to the other officers.⁷ When approaching ██████████ vehicle, Officers Burak, Hon, and Tanon further observed ██████████ not wearing a seat belt, and making “stuffing motions,” towards his waistband and floorboard area of the vehicle.

Officer Tanon approached the driver’s side and spoke with ██████████ while his partners spoke with ██████████ on the passenger side. Upon initial contact, Officer Tanon asked ██████████ to roll her window down for an investigation but did not explain the reason for the stop. ██████████ and ██████████ were asked to get out of ██████████ vehicle; they refused. ██████████ then requested a sergeant come to the scene. She kept her window rolled up and called her mother using her cellphone.⁸ Officer Burek advised ██████████ that she cannot have her lights on when the car is parked.⁹

As ██████████ spoke to her mother to discuss what was happening, CPD officers stood around her vehicle and shined their flashlights inside ██████████ vehicle. ██████████ also kept his window rolled up and lifted his sweatshirt to show his waistband, indicating to Officer Hon that he was not concealing a firearm.¹⁰ The CPD officers stood around the vehicle for approximately 11 minutes and waited for Sergeant Holmes to arrive.¹¹

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 body worn camera (BWC) footage, an interview from the complainant, officer interviews, and various CPD reports.

⁵ Att. 35, pg. 9, lns. 3 to 7.

⁶ Att. 38, pg. 13, lns. 6 to 12.

⁷ Att. 37, pg. 9, lns. 1 to 22.

⁸ Att. 15 at 2:00.

⁹ Att. 17 at 21:49.

¹⁰ Att. 13 at 3:00.

¹¹ Att. 15 at 2:00 to 13:00.

██████████ and ██████████ then provided their identification when requested to do so. Officer Burak returned to his CPD vehicle to check their names in a CPD database, where Officer Burak discovered that ██████████ had an unserviceable warrant out of Georgia.¹² ██████████ mother arrived on scene and attempted to provide support to ██████████ who remained in her vehicle.

Sergeant Holmes arrived on scene (he was also in plain clothes). Sgt Holmes spoke to Officer Hon about the nature of the stop. Officer Hon stated that, “it was a lawful stop, the occupants were requested to get out of the vehicle, and they were not complying, and the passenger was observed making multiple stuffing motions.”¹³ Sgt. Holmes attempted to de-escalate the situation; he approached ██████████ at the driver’s side and asked her to exit the vehicle.

██████████ and ██████████ refused to exit the vehicle, ██████████ indicated that she did not consent to a search of her vehicle without a warrant and probable cause. Sgt. Holmes asked Officer Hon, words to the effect of, “How far do you want this to go? Do you want me to break the window?” Officer Hon responded, “Absolutely.”¹⁴ Sergeant Holmes told ██████████ that if there was any reason to believe there were weapons in the vehicle, CPD officers had a right to ask them out of the vehicle.¹⁵ Sgt Holmes further stated that if ██████████ and ██████████ refused to exit their vehicle, he would use a window breaking device to break the window and force them out.¹⁶

██████████ and ██████████ continued to delay, at which point Sergeant Holmes used a window breaking device to create a small crack the driver’s side window. ██████████ and ██████████ then expeditiously stepped out of the vehicle. ██████████ moved to the back of the vehicle, while Officer Burak immediately handcuffed ██████████ on the passenger side of the vehicle.¹⁷ Officer Tannon searched the driver’s side and backseat of ██████████ vehicle,¹⁸ while Officer Hon searched the passenger front seat. When ██████████ asked Officer Burak why they were stopped, he responded, “You can’t have your headlights on, parked, especially with overhead lamps on.”¹⁹

While searching the passenger front seat, Officer Hon also searched a backpack located on the front passenger floorboard, where he found ammunition.²⁰ Officer Hon informed ██████████ that it was illegal for a person with a felony to possess ammunition, while ██████████ argued that the backpack and ammunition belonged to ██████████ and that ██████████ had a valid Firearm Owner’s

¹² Att. 17 at 6:30.

¹³ Att. 16 at 2:00.

¹⁴ Att. 16 at 7:55.

¹⁵ Att. 16 at 2:45.

¹⁶ Att. 16 at 4:45.

¹⁷ Att. 17 at 20:40.

¹⁸ Att. 15 at 22:05.

¹⁹ Att. 15 at 21:45.

²⁰ Att. 17 at 21:50.

Identification (FOID) card. [REDACTED] mother arrived on the scene and asked for the CPD officers' names and badge numbers at the end of the stop, with little to no response from the CPD officers.²¹

Officers Samuel Degrane and Remik Bielecki arrived on scene to transport [REDACTED] to the 15th District. [REDACTED] was released on the scene without being arrested or cited. [REDACTED] was searched upon arriving at the 15th District, where 28 bags of suspected heroin were discovered in his waistband. [REDACTED] was subsequently processed at the 15th District.²²

III. ALLEGATIONS

A. Officer Tanon:

1. Stopping [REDACTED] vehicle, without justification.
- Not sustained
2. Detaining [REDACTED] without justification.
- Exonerated.
3. Detaining Philip [REDACTED] without justification.
- Exonerated.
4. Searching [REDACTED] bag, without justification.
- Not sustained.
5. Failing to properly identify yourself upon request.
- **Sustained**, in violation of Rule 37.
6. Searching [REDACTED] vehicle, without justification.
- Not sustained.
7. Providing a false, misleading, inaccurate and/or incomplete statement in the ISR by stating that the vehicle attempted to drive from the scene with the passenger's seat belt still unfastened.
- **Sustained**, in violation of Rules 2, 6, and 10.

B. Officer Hon:

²¹ Att. 15 at 24:40, Att. 19 at 4:00.

²² Att. 19 at 14:30.

1. Stopping [REDACTED] vehicle without justification.
- Not sustained.
2. Detaining [REDACTED] without justification.
- Exonerated.
3. Detaining [REDACTED] without justification.
- Exonerated.
4. Searching [REDACTED] backpack, without justification.
- Not sustained.
5. Failing to properly identify yourself when requested.
- **Sustained**; in violation of Rule 37.
6. Searching [REDACTED] vehicle without justification.
- Not sustained.
7. Failing to accurately detail the facts and circumstances of the traffic stop with [REDACTED]
[REDACTED] in an ISR.
- **Sustained**, in violation of Rules 2, 6, and 10.

C. Officer Burak:

1. Stopping [REDACTED] vehicle, without justification.
- Not sustained.
2. Detaining [REDACTED] without justification.
- Exonerated
3. Detaining [REDACTED] without justification.
- Exonerated
4. Handcuffing [REDACTED] without justification.
- Exonerated
5. Arresting [REDACTED] without justification.
- Exonerated

D. Sergeant Holmes:

1. Failing to properly direct subordinates and investigate police action.
- Not sustained.
2. Causing damage to [REDACTED] vehicle 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 caused COPA to question the honesty of [REDACTED] or her ability to recall events. Her statement to COPA²³ was consistent with BWC evidence.

The discrepancies between what is documented in the ISR and other evidence gave COPA concern regarding either the credibility of Officers Hon and Tanon, or at least doubt regarding their ability to accurately recollect events.²⁴ Also, in his statement to COPA, Officer Hon stated that he smelled the odor of cannabis emitting from [REDACTED] vehicle²⁵ as probable cause to search her vehicle. This factor was not mentioned by other officers, nor was it documented in the ISR. This also gave rise to credibility concerns.

V. ANALYSIS²⁶

A. There is insufficient evidence to conclude that Officers Burak, Hon, and Tanon committed misconduct in stopping and detaining [REDACTED] and [REDACTED]

BWC depicts [REDACTED] and [REDACTED] parked and seated in [REDACTED] vehicle with her headlights illuminated, when Officers Burak, Hon, and Tanon approached her vehicle. As the CPD officers approached her vehicle, Officer Tanon can be heard stating, "he's stuffing,"²⁷ referring to [REDACTED] actions. When [REDACTED] asked why she was stopped, Officer Tanon stated, "for an

²³ Atts. 10 and 38.

²⁴ See section D, below.

²⁵ Att. 39, pg. 14, lns. 22 to 24, pg. 15, lns. 1 to 4.

²⁶ For a definition of COPA's findings and standards of proof, see Appendix B.

²⁷ Att. 15 at 2:00.

investigation,” but did not elaborate further. ██████ was in the front passenger seat while not wearing a seatbelt.²⁸

An Investigatory Stop is “[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. The suspect may be detained only for the length of time necessary to confirm or dispel the suspicion of criminal activity. Officers must possess specific and articulable facts which, combined with rational inferences from these facts, reasonably warrant their belief.”²⁹

The ISR states that the vehicle was “stopped for having its headlights illuminated at night upon a lighted street, and passenger ██████ was not wearing a seatbelt.” The municipal ordinance related to headlights that is being referred,³⁰ however, only relates to an unoccupied vehicle; the definition of a parked vehicle which makes explicit that a vehicle is “parked” only if it is unoccupied is contained in another section of the same ordinance.³¹

The officers asserted that they had an independent lawful reason to detain and engage ██████ and ██████³² because ██████ was not wearing a seatbelt.³³ In their interviews with COPA, the CPD officers generally corroborated that ██████ and ██████ were subject to an investigatory stop for these reasons.³⁴

In this instance, Officers Burak, Hon, and Tanon were lawfully able to detain ██████ and ██████ because ██████ was observed making stuffing motions towards his waistband, which based on the CPD officers’ experience, could indicate the concealment of firearms or contraband. There was no evidence to contradict these assertions. In the circumstances, there is insufficient evidence to allow COPA to conclude that the stop here constituted misconduct.

²⁸ Att. 13 at 2:05.

²⁹ S04-13-09.

³⁰ Municipal Code of Chicago (MCC) 9-76-090 Parked Vehicles - Lighting Regulations: (a) Whenever a vehicle is lawfully parked at nighttime upon any lighted street within a business or residence district, no lights need be displayed upon such parked vehicle. (b) Whenever a vehicle is parked upon an unlighted street or highway during the hours between one-half hour after sunset and one-half hour before sunrise, such vehicle shall be equipped with one or more lamps which shall exhibit a white light on the roadway side visible from a distance of 500 feet to the front of the vehicle and a red light visible from a distance of 500 feet to the rear. (c) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

³¹ MCC Traffic Definitions and General Provisions (9-4-010): “Parking (to park) means the standing of an unoccupied vehicle otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

³² MCC 9-76-180.

³³ The MCC does not make an exception for the requirements of occupants of a *parked* vehicle to wear seat belts.

³⁴ Att. 35, pg. 9, lns. 3 to 16, Att. 39, pg. 8, lns. 3 to 14.; Att. 26. Driver and passengers required to use safety belts, exceptions and penalty. 625 ILCS 5/12-603.1(f).

B. There was insufficient evidence to conclude that Officers Hon and Tanon committed misconduct in searching [REDACTED] vehicle, and the backpack located in her vehicle.

Officer Hon immediately searched the front passenger side of [REDACTED] vehicle when [REDACTED] stepped out and was placed in handcuffs.³⁵ He then searched middle console compartment, and the backpack located on the passenger floorboard, where he found ammunition. Officer Tanon searched the driver's seat and back seat of [REDACTED] vehicle.³⁶

The seat belt violation could not form the basis for the search of the vehicle. State law (Illinois Statute 625 ILCS 5/12-603.1) regarding seatbelts states a violation shall be a petty offense and subject to a fine not to exceed \$25, and this is consistent with the municipal code provision. State law explicitly provides that "a law enforcement officer may not search or inspect a motor vehicle, its contents, the driver, or a passenger solely because of a violation of this Section."

In his statement to COPA Officer Tanon stated that, although he did not have consent to search [REDACTED] vehicle, but rather, they had "reasonable articulable suspicion that the occupant was concealing weapons or other contraband about his person and within the vehicle due to his exhibited actions. And then through the duration of the stop, his continued reaching motions throughout the vehicle, which are depicted in the body-worn camera."³⁷ Based on the officers' experience, these actions were indicative of the concealment of weapons or other contraband.³⁸

Officer Tanon further stated, "The probable cause was a search incident to arrest upon the findings of the ammunition within the backpack of the offender. I believed that there was a potential firearm within the vehicle as well."

Officer Hon also confirmed that they did not have consent to search [REDACTED] vehicle, but stated the probable cause to search [REDACTED] vehicle was due to it being a "high-crime area, the multiple stuffing motions, non-compliance when requested to exit the vehicle, and when I was speaking through the subject in the passenger seat, I could also smell the odor of burnt cannabis."³⁹ So for those reasons, it was -- it was going to get searched."⁴⁰ Officer Hon further stated that [REDACTED] displayed many indicators of the concealment of a weapon or contraband, such as; making stuffing motions towards his waistband and his demeanor was erratic, wide-eyed, and nervous.⁴¹

³⁵ Att. 13 at 21:15.

³⁶ Att. 15 at 22:25.

³⁷ Att. 35, pg. 18, lns. 23 to 34, pg. 19, lns. 1 to 8.

³⁸ Att. 35, pg. 10, lns. 1 to 5.

³⁹ The smell of burnt cannabis was not recorded on the ISR and was not independently recalled by other officers on scene.

⁴⁰ Att. 39, pg. 14, lns. 22 to 24, pg. 15, lns. 1 to 4.

⁴¹ Att. 39, pg. 15, lns. 17 to 24, pg. 16, lns. 1 to 24.

Officer Burak stated that he believed his partners smelled cannabis, but did not recall further details regarding the smell of cannabis.⁴² Officer Burak also stated that they searched the vehicle due to [REDACTED] stuffing motions, believing he may have been concealing a firearm or contraband. He stated that Officer Hon searched the backpack because they believed the backpack belonged to [REDACTED] and decided to search for possible firearms.⁴³

CPD standing orders state, “Police officers who have legitimately stopped an automobile and who have probable cause to believe that contraband is concealed somewhere within it may conduct a warrantless search of the vehicle that is as thorough as a magistrate could authorize by warrant.”⁴⁴ There is insufficient evidence for COPA determine that the officers searched the vehicle, and the backpack located therein, without probable cause.

C. Officer Burak was justified in handcuffing and arresting [REDACTED]

Handcuffs should not generally be used in an investigatory stop.⁴⁵ 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. When officers take measures such as handcuffing a suspect, they must be reasonable in light of the circumstances that prompted the stop, or that developed during its course.⁴⁶ To handcuff a person, officers must have a sufficiently *reasonable* concern for officer safety.⁴⁷ Whether or not an officer’s application of handcuffs to a member of the public during an investigatory stop was reasonable depends on the totality of the circumstances.⁴⁸ Officers must be able to articulate a reasonable suspicion that their safety is in danger.⁴⁹

When approaching [REDACTED] vehicle, Officer Tanon stated that the CPD officers observed [REDACTED] making stuffing motions, which could indicate the concealment of weapons or other contraband.⁵⁰ [REDACTED] was immediately placed in handcuffs when he exited [REDACTED] vehicle. In the circumstances, COPA concludes that the use of handcuffs before any decision to arrest [REDACTED] was made was justified due to [REDACTED] behavior and the manner of his non-compliance with the officers’ directions prior to exiting [REDACTED] vehicle.

⁴² Att. 34, pg. 22, lns. 8 to 14.

⁴³ Att. 34, pg. 9, lns. 9 to 18, pg. 10, lns. 7 to 22.

⁴⁴ *United States v. Ross*, 456 U.S. 798 (1982).

⁴⁵ *People v. Wells*, 403 Ill. App. 3d 849, 857 (1st Dist. 2010) (citing *People v. Arnold*, 394 Ill. App. 3d 63, 70 (2nd Dist. 2009)).

⁴⁶ *People v. Arnold*, 394 Ill. App. 3d 63, 71 (2nd Dist. 2009).

⁴⁷ See *People v. Johnson*, 408 Ill. App. 3d 107, 113 (2010), and the cases cited therein.

⁴⁸ *People v. Daniel*, 2013 IL App (1st) 111876, ¶ 40, 987 N.E.2d 470.

⁴⁹ *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)). Courts weigh factors such as the ratio of officers to persons during the incident, the confirmed or suspected presence of weapons, criminal activity in the neighborhood, and whether officers have reasonable articulable suspicion relating to a violent crime (*People v. Colyar*, 2013 IL 111835, ¶ 32).

⁵⁰ Att. 35, pg. 10, lns. 1 to 5.

In his statement to COPA, Officer Burak stated that ██████ was arrested when Officer Hon, “found live ammunition, 13 rounds, 9-millimeter. Officer Hon asked the passenger if he was a felon, at which point the passenger said yes. Officer Hon also found a piece of mail in the backpack that had the passenger's name on there. In Illinois, you cannot be a felon and possess ammunition. At that point, we already had probable cause to place the passenger under arrest.”⁵¹

COPA concludes that, in the circumstances, Officer Burek’s arrest of ██████ was not misconduct, as the officers reasonably concluded that ██████ was a felon in possession of ammunition.⁵²

D. The ISR submitted by Officers Hon and Tannon was misleading and inaccurate.

The relevant CPD standing order states that “[t]he reasons for completing the Investigatory Stop Report [are] to ensure sworn members document the facts and circumstances of: **a.** an Investigatory Stop, including a statement of the facts establishing Reasonable Articulate Suspicion to stop an individual; **b.** a Probable Cause stop when no other document captures the reason for the detention; **c.** a Protective Pat Down or other search, including a statement of the facts establishing Reasonable Articulate Suspicion to pat down an individual for potential weapons.”⁵³ In addition, making any false report is specifically prohibited by the Rules.

Officer Tannon wrote the ISR (Officer Hon was the secondary author of the ISR), and within it, he stated that ██████ attempted to drive from the scene with the passenger’s seat belt still unfastened.⁵⁴ Officer Hon, in his statement to COPA, maintained that the ██████ vehicle was in motion before the investigatory stop.⁵⁵ This directly contradicts what is depicted in BWC: ██████ *vehicle remains stationary throughout the interaction*. One unmarked CPD vehicle stations itself at the front of ██████ vehicle and another is positioned at the rear. The effect is to block her vehicle from moving. In her interview with COPA, ██████ corroborated that she would not have been able to move her vehicle during the encounter with police, due to the positioning of the CPD vehicles.⁵⁶

E. When asked, Officers Hon and Tannon did not provide their names and star numbers.

⁵¹ Att. 34, pg. 10, lns. 15 to 22.

⁵² 720 ILCS 5_24-1.1.

⁵³ S04-13-09 III (D) 1.

⁵⁴ Att. 2.

⁵⁵ Att. 39, pg. 18, ln. 17 to pg. 19, ln. 8.

⁵⁶ Att. 38, pg. 6, lns. 1 to 22.

The Rules of Conduct prohibit the “[f]ailure of a member, whether on or off duty, to correctly identify himself by giving his name, rank and star number when so requested by other members of the Department or by a private citizen.”⁵⁷

In their COPA interviews, Officers Hon and Tanon stated that they did not recall being asked for their identification.⁵⁸ Nonetheless, BWC footage depicts [REDACTED] mother asking for the names and badge numbers of several officers at the end of the investigatory stop; Officers Hon and Tanon did not provide their identifying information.⁵⁹

F. Damage to [REDACTED] vehicle.

Sgt. Holmes used a window breaking device to crack the driver’s side window of [REDACTED] car. The instrument did not shatter the window but caused some damage.⁶⁰

When assessing use of force, CPD standing orders state, “A strong partnership with the public is essential for effective law enforcement. Inappropriate or excessive uses of force damage that partnership and diminish the public trust that is a cornerstone of policing in a free society.”⁶¹ Further, “The main issue in evaluating every use of force is whether the amount of force used by the officer was objectively reasonable in light of the totality of the circumstances faced by the officer on the scene. Reasonableness is not capable of precise definition or mechanical application. Factors to be considered by the officer include but are not limited to: a. whether the subject poses an imminent threat to the officer or others. b. the risk of harm, level of threat or resistance presented by the subject. c. the subject’s proximity or access to weapons.”⁶²

In his interview with COPA, Sgt. Holmes referred to *Pennsylvania v. Mimms* as justification for breaking [REDACTED] window but stated that there was no CPD standing order that specifically authorized him to pursue that course of action. Sgt. Holmes further stated that the goal was always to encourage [REDACTED] and [REDACTED] to exit the vehicle, whether the window was broken or not.⁶³

COPA concludes that damaging [REDACTED] window was intended as a threat to [REDACTED] and [REDACTED] for the purpose of gaining their compliance. In the circumstances there is insufficient evidence for COPA to conclude that this action constituted misconduct.

⁵⁷ Rule 37.

⁵⁸ Att. 35, pg. 23, lns. 9 to 22. Att. 39, pg. 20, lns. 9 to 18.

⁵⁹ Att. 15 at 33:40, Att. 19 at 4:00.

⁶⁰ Att. 16 at 9:50.

⁶¹ G03-02 II (B).

⁶² G03-02 III (B) 1.

⁶³ Att. 40, pg. 16, lns. 1 to 23.

G. Sgt. Holmes direction of subordinates and investigation of police action.

CPD supervisors are responsible for holding officers accountable for their actions. Their duties include responding appropriately to each complaint or allegation of misconduct. This includes interacting with members of the community during a misconduct investigation.⁶⁴ CPD standing orders further encourage CPD supervisors to, “establish procedures consistent with the concepts of Procedural Justice and Legitimacy, with the goal of strengthening the relationship with the community and ultimately improving officer safety and efficiency. The concept of Procedural Justice and Legitimacy consists of the following four principles: **a.** Giving others a voice (listening); **b.** Fair and transparent decision making based on the facts; **c.** Respectful treatment; and **d.** Trustworthiness.”⁶⁵

At the scene Sgt. Holmes received information from the business officers before speaking to [REDACTED] and [REDACTED]. He was entitled to rely on their information when formulating a plan of action.

Back at the district police station, as the report’s reviewer, Sgt. Holmes was also responsible for overseeing the accuracy and completeness of the ISR submitted by Officers Hon and Tanon. Although the ISR in this case contained a material fact that makes the report misleading and inaccurate, in the circumstances there is insufficient evidence to allow COPA to conclude that the sergeant’s failure to uncover that fact constituted misconduct. Again, absent any reason to believe that the officers’ report might be inaccurate (such as a history of providing inaccurate reports or other history of inefficiency in the officers’ performance of their duties), Sgt. Holmes was entitled to rely on his officers’ recitation of the facts if the report was not incomplete or otherwise deficient on its face.

VI. DISCIPLINARY RECOMMENDATION⁶⁶

COPA only sustained allegations against two of the accused CPD members, Officers Tanon and Hon. In considering an appropriate disciplinary recommendation COPA is required to take into account, *inter alia*, the nature of the misconduct.

An initial consideration is that the investigative stop in this case was one that qualified as lawful by the barest of margins. Not only was the provision of the municipal code the officers relied on to initiate the stop, regarding the use of headlights while parking, inapplicable according

⁶⁴ G01-09, Supervisory Responsibilities.

⁶⁵ G01-09 II (B).

⁶⁶ COPA policy, Disciplinary and Remedial Recommendations (effective June 24, 2021), para. II.

to its plain terms, the only other cited violation of failing to wear a seatbelt is subject to an explicit prohibition in state law preventing law enforcement officers from using such a violation for the basis for any search. Contrary to what was reported in the ISR and in the arrest report, the officers did not observe the operation of the vehicle, so that the seatbelt violation on the part of the passenger was the merest of technicalities. It was only after the investigatory stop had been initiated for this reason that the officers were able to observe the passenger's (unarguably) suspicious movements that made the search and subsequent search and resulting arrest not misconduct.

Moreover, the facts found in the course of COPA's investigation raise concerns. The passage in the arrest report ("VEHICLE THEN ATTEMPTED TO DRIVE FROM THE SCENE WITH PASSENGER'S SEAT BELT STILL UNFASTENED")⁶⁷ appears manifestly and obviously untrue; there is an identical passage in the ISR⁶⁸ filed with respect to the driver. Also, in these circumstances, the officers' failure to identify themselves when asked to do so by a [REDACTED] mother reflects poorly on the officers and brings discredit upon the department.

A. Officer Bret Hon

1. Complimentary and Disciplinary History

Officer Hon has received 186 awards, to include two police officer of the month awards, four Superintendent's honorable mentions, one top gun arrest award, and two unit meritorious performance awards. He has no instances of sustained discipline as received from BIA in the "Five Years Sustained Complaints History Report" and no summary "SPAR" infractions in the period documented by the report received from BIA.⁶⁹

No additional instances of discipline were recorded on the "Sustained Complaints History Report" generated by COPA.⁷⁰

2. Recommended Discipline

COPA has found that Officer Hon violated Rules 2, 6, 10, and 37 when the officer filed a misleading and inaccurate report and when he failed to identify himself to a member of the public when asked. It is for these reasons, combined with the officer's complimentary and disciplinary

⁶⁷ Att. 3.

⁶⁸ Att. 2.

⁶⁹ Att. 49.

⁷⁰ Att. 51.

history and the factors listed, above, that COPA recommends the officer **be suspended for a period of two days.**

B. Officer Michael Tanon

1. Complimentary and Disciplinary History

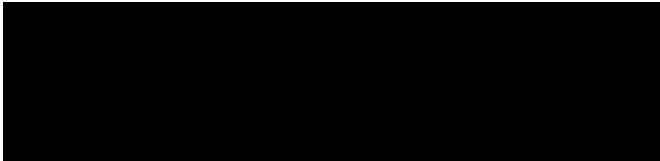
Officer Tanon has received 145 awards, to include a two police officer of the month awards, three Superintendent’s honorable mentions, one top gun arrest award, and three unit meritorious performance awards. He has one instance of sustained discipline as received from BIA in the “Five Years Sustained Complaints History Report”: a sustained violation in log 2020-0005232 for conduct unbecoming which resulted in a one-day suspension. The officer has no summary “SPAR” infractions in the period documented by the report received from BIA.⁷¹

No additional instances of discipline were recorded on the “Sustained Complaints History Report” generated by COPA.⁷²

2. Recommended Discipline

COPA has found that Officer Tanon violated Rules 2, 6, 10, and 37 when the officer filed a misleading and inaccurate report and when, and in the manner in which, he failed to identify himself to a member of the public when asked. It is for these reasons, combined with the officer’s complimentary and disciplinary history, and the factors listed above, that COPA recommends the officer **be suspended for a period of two days.**

Approved:



7-16-2025

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

⁷¹ Att. 49.

⁷² Att. 52.

Appendix A**Case Details**

Date/Time/Location of Incident:	March 14, 2024 / 7:45 p.m. / 4910 W Congress Parkway, Chicago, IL 60644
Date/Time of COPA Notification:	March 14, 2024 / 11:05 p.m. / Online complaint
Accused Officer #1:	Brian Burak, Star # 18457, Employee ID# [REDACTED] Date of Appointment: 18-Feb-2020, Unit of Assignment: 015, Male, White
Accused Officer #2:	Bret Hon, Star #6214, Employee ID # [REDACTED] Date of Appointment: 16-Oct-2017; Unit of Assignment: 015, Male, White
Accused Officer #3:	Michael Tanon, Star #6300, Employee ID # [REDACTED] Date of Appointment: 16-Oct-2017; Unit of Assignment: 015, Male, White
Accused Sergeant #4:	Michael Holmes, Star #1599, Employee ID # [REDACTED] Date of Appointment: 28-Aug-2006, Unit of Assignment: 015, Male, White
Involved Officer #5:	Remik Bielecki, Star #16074, Employee ID # [REDACTED] Date of Appointment: 27-Sep-2018, Unit of Assignment: 015, Male, White
Involved Officer #6	Samuel Degrane, Star #14866, Employee ID # [REDACTED] Date of Appointment: 31-Oct-2016, Unit of Assignment: 015, Male, White
Involved Officer #7	Thomas Donovan, Star #9895, Employee ID # [REDACTED] Date of Appointment: 27-Jun-2016, Unit of Assignment: 015, Male, White
Involved Officer #8	Daniel Grasz, Star #15652, Employee ID # [REDACTED] Date of Appointment: 17-Jan-2017, Unit of Assignment: 015, Male, White
Involved Officer #9	Eduardo Hernandez, Star #6838, Employee ID # [REDACTED] Date of Appointment: 18-Sep-2017, Unit of Assignment: 015, Male, White

Involved Officer #10	Andrew Piecyk, Star #10807, Employee ID # [REDACTED] Date of Appointment: 16-May-2017, Unit of Assignment: 015, Male, White
Involved Individual #1:	[REDACTED] Female, Black
Involved Individual #2:	[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 37:** Failure to correctly identify him or herself by giving his name, rank and star number when so requested by other members of the Department or by a private citizen.

Applicable Policies and Laws

- U.S. Const. amend. IV.
- Illinois Constitution, art. I, sec. 6.
- 720 ILCS 5_24-1.1 Unlawful Use of a Weapon.
- 725 ILCS 5/107-14: Temporary Questioning Without Arrest.
- 725 ILCS 5/108-1.10: Search During Temporary Questioning.
- Chicago Municipal Code: 9-76-090 Parked Vehicles – Lighting Regulations.
- Chicago Municipal Code: 9-4-010 Traffic Definitions and General Provisions.
- Chicago Municipal Code: 9-76-180 Safety Belts.
- G01-09: Supervisory Responsibilities; Effective Date: April 1, 2021.
- S04-13-09: Investigatory Stop System; Effective Date: July 10, 2017.

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.⁷³ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department 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.”⁷⁴

⁷³ 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).

⁷⁴ *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
- Reports: Failure to Submit ISR