



Log # 2025-1251

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

### I. EXECUTIVE SUMMARY

On March 17, 2025, the Civilian Office of Police Accountability (COPA) received a telephone complaint from [REDACTED] ([REDACTED] alleging misconduct by a member of the Chicago Police Department (CPD)).<sup>2</sup> In his statement to COPA,<sup>3</sup> [REDACTED] alleged that on March 3, 2025, Officer Saul Diaz made racist comments to [REDACTED].<sup>4</sup> Upon review of the evidence, COPA served allegations that Officer Saul Diaz detained [REDACTED] without justification, and failed to complete an Investigatory Stop Report documenting the interaction with [REDACTED]. Following its investigation, COPA reached sustained findings regarding the allegations of detaining [REDACTED] without justification and failing to complete an Investigatory Stop Report documenting the interaction with [REDACTED].

### II. SUMMARY OF EVIDENCE<sup>5</sup>

On February 17, 2025, at approximately 12:30 pm, Officer Saul Diaz and Officer Daniel Gonzalez arrested [REDACTED] for illegally selling cigarettes on a sidewalk in front of 501 N Kedzie Ave, Chicago, IL 60612.<sup>6</sup> While on scene, Officer Diaz approached [REDACTED] who was standing on the edge of a parking lot next to the sidewalk.<sup>7</sup> Officer Diaz asked [REDACTED] for his ID and [REDACTED] handed him his Illinois state identification card.<sup>8</sup> Officer Diaz handed the ID to Officer Gonzalez, who ran the ID on the PDT in a squad car.<sup>9</sup>

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<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> 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.

<sup>3</sup> Att. 1, [REDACTED] COPA statement transcript

<sup>4</sup> In COPA's review of the evidence, specifically the BWC footage of the incident on March 3, 2025 (Att. 10 and 11), there is no clear and convincing evidence supporting this allegation. Additionally, in his initial telephone complaint, [REDACTED] alleged that he was "harassed" by Officer Diaz; however, in COPA's review of the evidence, we found no clear and convincing evidence supporting this allegation.

<sup>5</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, police reports and an officer interview.

<sup>6</sup> Att. 21, [REDACTED] Arrest Report

<sup>7</sup> Att. 8, Officer Diaz Body Worn Camera footage at 0:50 to 1:00

<sup>8</sup> Att. 8, at 1:00 to 1:16

<sup>9</sup> Att. 8, at 1:16 to 1:20; Att. 12 Officer Gonzalez Body Worn Camera footage at 10:00 to 11:00

Officer Diaz asked [REDACTED] if he was updated on the register.<sup>10</sup> [REDACTED] said that he was neither a gun offender nor a sex offender.<sup>11</sup> Officer Gonzalez handed the ID back to Officer Diaz.<sup>12</sup> From inside the Department vehicle, Officer Gonzalez said something unintelligible to Officer Diaz, who responded, “no?”<sup>13</sup> Officer Diaz then handed the ID back to [REDACTED] and said that [REDACTED] was not up to date on “some info that was on your background but it’s not coming up right now.”<sup>14</sup> Officer Diaz eventually thanked [REDACTED] for his time and Officer Diaz left the scene.<sup>15</sup> Officer Diaz did not hand [REDACTED] any paperwork.<sup>16</sup>

### III. ALLEGATIONS

#### Officer Saul Diaz<sup>17</sup>

1. Detaining [REDACTED] without justification
  - **Sustained**, Violations of Rules 1, 2, 3, 5, 6, and 10
2. Failing to complete an Investigatory Stop Report documenting the interaction with [REDACTED]
  - **Sustained**, Violations of 2, 3, 5, 6, and 10

### IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual’s truthfulness and 2) the reliability of the individual’s account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual’s ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory.

In this case, Officer Diaz was forthcoming in his responses to COPA. He acknowledged that he had mistaken the identity of [REDACTED] and that he should have completed an ISR.<sup>18</sup> COPA found Officer Diaz’s testimony credible. [REDACTED] testimony regarding the February 17, 2025, incident included inaccurate representations of what was specifically said between him and Officer Diaz; however, his description of the incident appeared to be overall credible as it accurately reflected what happened on Officer Diaz’s BWC footage.

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<sup>10</sup> Att. 8, at 1:20 to 1:30

<sup>11</sup> Att. 8, at 1:30 to 1:40

<sup>12</sup> Att. 8, at 3:25 to 3:30

<sup>13</sup> Att. 8, at 3:25 to 3:30

<sup>14</sup> Att. 8, at 3:30 to 4:22

<sup>15</sup> Att. 8, at 3:30 to 4:22

<sup>16</sup> Att. 8, at 3:30 to 4:22

<sup>17</sup> Att. 20, Officer Diaz COPA Statement, at Pg. 6, Lns. 22 to 24, and Pg. 7, Lns. 1 to 3 (COPA did not serve any late activation BWC allegations because officers were not responding to a call for service nor engaged in a law enforcement activity prior to interacting with Complainant. At which point, officers properly activated their BWCs.)

<sup>18</sup> Att. 20, at Pg. 7, Lns. 6 to 14; and Pg. 20 to 21; Lns. 18 to 24 and Lns. 1 to 7

## V. ANALYSIS<sup>19</sup>

### a. Detaining ██████████ without justification

COPA finds the allegation that Officer Diaz detained ██████████ without justification is **Sustained**. A police officer may temporarily detain an individual for an investigatory stop when “the officer’s decision is based on specific, articulable facts which warrant the investigative stop intrusion.”<sup>20</sup> “The police officer must have an ‘articulable suspicion’ that the person has committed or is about to commit a crime.”<sup>21</sup> Officers must possess “specific and articulable facts which, combined with rational inferences from those facts, reasonably warrant” their belief.<sup>22</sup> Reasonable suspicion is less than probable cause, but more than a hunch.<sup>23</sup> Courts generally consider the following circumstances in determining whether an officer had reasonable suspicion to conduct an investigatory stop: a recent report of crime (“tips”), reputation, high crime area, time of day, behavior of person toward law enforcement, flight, investigative alerts, and anonymous tips.<sup>24</sup> None of these factors are necessarily sufficient on their own.<sup>25</sup> Reasonable suspicion is based on the totality of the circumstances.<sup>26</sup>

The Illinois Supreme Court has further explained the level of suspicion needed to justify a stop:

Viewed as a whole, the situation confronting the police officer must be so far from the ordinary that any competent officer would be expected to act

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

<sup>20</sup> *People v. Moore*, 286 Ill. App. 3d 649, 653 (3d Dist. 1997) (citing *Terry v. Ohio*, 392 U.S. 1, 21, (1968)); *People v. Stewart*, 242 Ill. App. 3d 599, 605 (1993).

<sup>21</sup> *People v. Moore*, 286 Ill. App. 3d 649, 653 (3d Dist. 1997) (internal citations omitted).

<sup>22</sup> *People v. Hackett*, 2012 IL 111781, ¶ 20 (citing *People v. Close*, 238 Ill. 2d 497, 505 (2010)).

<sup>23</sup> *United States v. Jones*, No. 22-3218, 2023 U.S. App. LEXIS 27841, at \*3 (7th Cir. Oct. 19, 2023) (citing *United States v. Richmond*, 924 F.3d 404, 411 (7th Cir. 2019)).

<sup>24</sup> See *Navarette v. California*, 572 U.S. 393, 397-398 (2014); see also *Florida v. J.L.*, 529 U.S. 266 (2000) (holding officers lacked reasonable articulable suspicion to perform a Terry stop when they acted on an anonymous tip matching the defendant’s description, but lacked predictive information they could corroborate); See also *Alabama v. White*, 496 U.S. 325 (holding an anonymous tip by itself did not give officers reasonable articulable suspicion to perform a Terry stop, but that officers developed reasonable articulable suspicion by corroborating details); But see *Adams v. Williams*, 407 U.S. 72 (1972) (holding an officer had reasonable articulable suspicion for a Terry stop when he acted based on a tip from an informant he knew, who had previously provided him with information); *Illinois v. Wardlow*, 528 U.S. 119, 124-125 (2000) (holding officers had reasonable articulable suspicion to perform a Terry stop based on the defendant’s unproved flight from officers in an area known for drug trafficking, and noting that “nervous, evasive behavior is a pertinent factor in determining reasonable suspicion.”).

<sup>25</sup> See *People v. Timmsen*, 2016 IL 118181, ¶ 12, ¶ 14 (rejecting a bright line rule that a person’s flight from police provided reasonable suspicion, instead stating that determination of reasonable suspicion depends on a review of the totality of the circumstances).

<sup>26</sup> *United States v. Arvizu*, 534 U.S. 266, 273 (2002) (citing *United States v. Cortez*, 449 U.S. 411, 417 (1981)); *People v. Timmsen*, 2016 IL 118181, ¶ 18 (citing *United States v. Arvizu*, 534 U.S. 266, 277 (2002); *United States v. Sokolow*, 490 U.S. 1, 8 (1989)).

quickly. The facts supporting the officer's suspicions need not meet probable cause requirements, but they must justify more than a mere hunch. The facts should not be viewed with analytical hindsight, but instead should be considered from the perspective of a reasonable officer at the time that the situation confronted him or her.<sup>27</sup>

Officers who perform investigatory stops must be able to explain their reasonable *articulable* suspicion and justify why they believed a person was committing criminal activity. The purpose of an investigatory stop is for officers to confirm or dispel their reasonable articulable suspicion that a person is engaged in criminal activity.<sup>28</sup> CPD policy places additional requirements beyond those required by the Fourth Amendment on officers performing investigatory stops.<sup>29</sup> Special Order S04-13-09 lists requirements for investigatory stops and stops based on probable cause (“probable cause stop”) when no other documents capture the reason for the detention.

In this case, Officer Diaz told COPA that he believed that [REDACTED] was a sex offender who failed to register but said that he was confused and [REDACTED] was not the person he was looking for.<sup>30</sup> Officer Diaz said that he was mistaken because the sex offender he believed was [REDACTED] is an individual that hangs out with [REDACTED] at this location.<sup>31</sup> Officer Diaz was asked whether there were any other factors that made him confuse the two individuals, however, Officer Diaz did not provide any additional factors.<sup>32</sup> Here, it is clear this stop was based on mistaken identity and Officer Diaz did not provide a reasonable factor why he confused the two individuals.<sup>33</sup> Simply, Officer Diaz failed to meet the ‘articulable suspicion’ standard that [REDACTED] had committed or was about to commit a crime, which would have permitted the investigatory stop.<sup>34</sup> Therefore, COPA finds the allegation is **Sustained**.

**b. Failing to complete an Investigatory Stop Report documenting the interaction with [REDACTED]**

COPA finds the allegation that Officer Diaz failed to complete an Investigatory Stop Report documenting the interaction with [REDACTED] is **Sustained**. Officers must submit an Investigatory Stop Report (ISR) following an investigatory stop, probable cause stop, and protective pat down “or other search in a public place”.<sup>35</sup> COPA found that no ISRs were completed for [REDACTED] on February 17, 2025.<sup>36</sup> In his statement, Officer Diaz stated that he forgot to do an ISR

<sup>27</sup> People v. Thomas, 198 Ill. 2d 103, 110 (2001).

<sup>28</sup> Terry v. Ohio, 392 U.S., 1, 28 (1968); See also Wayne R. LaFave, Search and Seizure § 9.3(g), at 559 to 563 (6th ed. 2020); See also People v. Cummings, 2016 IL 115769, ¶ 18.

<sup>29</sup> Special Order S04-13-09, Investigatory Stop System (current July 10, 2017, to present).

<sup>30</sup> Att. 20, Officer Diaz statement transcript, Pge. 11, Lns. 8 to 19

<sup>31</sup> Att. 20, pg. 11, Lns. 22 to 24

<sup>32</sup> Att. 20, lns. 3 to 8

<sup>33</sup> Att. 20, pg. 7, Lns. 9 to 10

<sup>34</sup> People v. Moore, 286 Ill. App. 3d 649, 653 (3d Dist. 1997) (internal citations omitted).

<sup>35</sup> Att. 22, S04-13-09 (VIII)(A)(1).

<sup>36</sup> Att. 33, ISR Search Results; and Att. 34, List of ISRs completed in 12<sup>th</sup> district





Appendix ACase Details

Date/Time/Location of Incident:	02/17/2025 / 501 N Kedzie Ave, Chicago, IL 60612
Date/Time of COPA Notification:	03/17/2025 / 11:55 am
Involved Member #1:	Saul Diaz / Star#17501 / Employee# [REDACTED] / Date of Appointment: 10/31/2016 / Male / Hispanic
Involved Individual #1:	[REDACTED] / Male / Black

Applicable Rules

- 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.
- Rule 1:** Violation of any law or ordinance.

Applicable Policies and Laws

- Special Order S-04-13-09 Investigatory Stop System (effective July 10, 2017 to present)

## Appendix B

### **Definition of COPA’s Findings and Standards of Proof**

For each Allegation, COPA must make one of the following findings:

1. Sustained – where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained – where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded – where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated – where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that a proposition is proved.<sup>39</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>40</sup>

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<sup>39</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>40</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