CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

INTEGRITY • TRANSPARENCY • INDEPENDENCE • TIMELINESS

Log # 2024-0006015

FINAL SUMMARY REPORT[1]

I. EXECUTIVE SUMMARY

[redacted] initiated a complaint with the Civilian Office of Police Accountability (COPA). During the course of providing a statement in regard to that incident, [redacted] alleged misconduct on other occasions involving officers of the Chicago Police Department (CPD) assigned to the same unit.[2]

[redacted] alleged that on September 21, 2023 CPD Officers Michael Ambrose, Alexandra Giampapa, Victor Pacheco, Sean Phelan, and Aubrey Webb detained him without justification, that Officer Ambrose searched his girlfriend's vehicle without justification, and that Officer Webb used unprofessional language while engaging in a verbal altercation with him.[3] After its investigation: COPA exonerated all the officers from the allegation that [redacted] was improperly detained, COPA found insufficient evidence to sustain the allegations regarding the propriety of search of the vehicle as against Officer Ambrose, and COPA sustained the unprofessional language and unjustified altercation allegations against Officer Webb.

COPA itself made additional allegations against the involved officers: that all the officers failed to submit an Investigatory Stop Report and failed to provide [redacted] with an Investigatory Stop Receipt in circumstances where they were required to do so. After its investigation, COPA sustained these additional allegations. COPA also served and sustained an allegation against all the accused officers that they failed to notify the Chicago Office of Emergency Management (OEMC) of a traffic stop. COPA served and sustained further allegations that Officer Pacheco failed to activate his Body Worn Camera (BWC) in a timely manner.

[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] The original incident about which [redacted] complained was separately investigated under Log #2024-0002537. One of the other encounters identified by [redacted] is the subject of this report; another was investigated separately under Log #2024-0005486. See Att. 47 for the timeline of [redacted] various encounters with the tactical team officers.

[3] 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.

II. SUMMARY OF EVIDENCE[4]

On the evening of September 21, 2023 CPD Officers Ambrose, Giampapa, Pacheco, Phelan, and Webb, patrolled an area known for high levels of gang violence.[5] While assigned to a CPD "tactical team", the officers patrolled the area in two unmarked CPD vehicles. They were not in uniform but were wearing vests over civilian clothes that identified them as police officers.

[redacted] was seated, alone, in his girlfriend's car, which was located at the side of the roadway, on a residential street, in front of their shared residence. Officer Ambrose approached the passenger side window of the car and informed [redacted] that he was being "stopped" because he wasn't wearing a seat belt and that his window tints were too dark. Using a window tint meter, Officer Ambrose demonstrated that [redacted] window tints were in violation of Illinois Vehicle Code and explained that this was a sufficient reason to detain [redacted].[6] Officer Ambrose explained that he has had training on window tints, is certified in window-tinting, and calibrates his testing device regularly.[7]

Officer Phalen then spoke with [redacted] at the driver's side of the vehicle and asked [redacted] for his driver's license. [redacted] did not produce his driver's license. [redacted] was then asked to get out of his vehicle and stand at the rear of the vehicle by the officers.[8] At this time, Officer Ambrose opened the passenger side door of the vehicle and searched the vehicle's interior, including interior compartments.[9] Officer Ambrose stated that he observed "open cannabis" that was not secured as required by law.[10] Officer Ambrose could not recall specifics about the cannabis, including the amount or how it was packaged.[11] Officer Ambrose's BWC video does not clearly show cannabis but at one point it appears he manipulates a small package that appears to have come from the vehicle's glove box.[12] Officer Ambrose then searched the driver's side of the vehicle. [redacted] objected to his vehicle being searched. Officer Ambrose responded, "I mean you've got weed in the car and everything else,"[13] but did not elaborate further.

[redacted] continued to stand at the rear of the vehicle and object to the stop, while refusing to produce his driver's license. In a frustrated tone, [redacted] stated to Officer Ambrose, "If you want

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[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, civilian and officer interviews, event queries, and third-party cell phone video.
[5] Att. 36, pg. 24, lns. 1 to 12.
[6] Att. 3 at 2:05.
[7] Att. 29 p. 10, lns. 5-9.
[8] Att. 5 at 2:45.
[9] Att. 3 at 3:03.
[10] Att. 29, p. 11, lns. 1-7.
[11] Att. 29, pp. 12-13, lns. 17-24, 1-4.
[12] Att. 3 at 3:13-3:23. The video includes sound of what appears to be PO Ambrose opening the vehicle's glove box and closing it after removing a package or paper.
[13] Att. 3 at 4:00.

to search the car, then go ahead." Officer Ambrose responded, "Well I'm already there, because I'm allowed to."[14] Officer Ambrose continued to search the back seat of [redacted] vehicle.

This image, from Officer Giampapa's BWC footage (Att. 2), depicts Officer Webb and [redacted] having a heated conversation at the rear of the vehicle in which [redacted] had been sitting; [redacted] is surrounded by all five officers during this conversation. In addition to Officer Giampapa (from whose perspective the image was taken), Officers Ambrose and Pacheco are depicted in the image. Officer Phelan was present, but is out of frame, at left (from his own BWC footage he appears to have been standing behind Officer Webb at the time).

[redacted] argued that he was parked, not driving, and was not committing any crime when he was detained. [redacted] stated that this was not a "real traffic stop" and felt targeted.[15] [redacted] sister, [redacted] then approached the scene and questioned the officers' reason for the stop. Officer Pacheco responded, "He's fine, he's just being loud for no reason."[16]

Once Officer Phelan checked [redacted] name against a CPD database on Officer Phelan's CPD mobile phone and the vehicle search had been completed, the officers returned to their police vehicles and left the area. [redacted] was not arrested or cited for any violation. As Officer Webb returned to the unmarked CPD vehicle in which he has been traveling, he directed profanities towards [redacted] stating, "Fuck that shit, man. I bet you can't whoop me though, mother fucker."[17]

An Investigatory Stop Receipt was not provided to [redacted] None of the officers completed an Investigatory Stop Report.

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[14] Att. 3 at 4:15.
[15] Att. 3 at 6:00. This was not [redacted] first encounter with the officers assigned to the district tactical team; he would be stopped by them at least two more times after this. See section I, above.
[16] Att. 1 at 4:00.
[17] Att. 4 at 6:50.

III. ALLEGATIONS

A. Officer Michael Ambrose:

1. Detaining [redacted] without justification.
   - **Exonerated.**

2. Searching [redacted] vehicle, without justification.
   - **Not sustained.**

3. Failing to notify OEMC of a traffic stop.
   - **Sustained**, in violation of Rule 6.

4. Failing to issue an Investigatory Stop Receipt to [redacted]
   - **Sustained**, in violation of Rules 2, 3, 5, 6, 10.

5. Failing to complete an Investigatory Stop Report.
   - **Sustained**, in violation of Rules 2, 3, 5, 6, 10.

B. Officer Alexandra Giampapa:

1. Detaining [redacted] without justification.
   - **Exonerated.**

2. Failing to notify OEMC of a traffic stop.
   - **Sustained**, in violation of Rule 6.

3. Failing to issue an Investigatory Stop Receipt to [redacted]
   - **Sustained**, in violation of Rules 2, 3, 5, 6, 10.

4. Failing to complete an Investigatory Stop Report.
   - **Sustained**, in violation of Rules 2, 3, 5, 6, 10.

C. Officer Victor Pacheco:

1. Detaining [redacted] without justification.
   - **Exonerated.**

2. Failing to activate his assigned body worn camera in a timely manner.
   - **Sustained**, in violation of Rules 2, 3, 5, 6, 10.

3. Failing to notify OEMC of a traffic stop.

- **Sustained**, in violation of Rule 6.

4. Failing to issue an Investigatory Stop Receipt to [redacted]
   - **Sustained**, in violation of Rules 2, 3, 5, 6, 10.

5. Failing to complete an Investigatory Stop Report.
   - **Sustained**, in violation of Rules 2, 3, 5, 6, 10.

D. Officer Sean Phelan:

1. Detaining [redacted] without justification.
   - **Exonerated**.

2. Failing to notify OEMC of a traffic stop.
   - **Sustained**, in violation of Rule 6.

3. Failing to issue an Investigatory Stop Receipt to [redacted]
   - **Sustained**, in violation of Rules 2, 3, 5, 6, 10.

4. Failing to complete an Investigatory Stop Report.
   - **Sustained**, in violation of Rules 2, 3, 5, 6, 10.

E. Officer Aubrey Webb:

1. Detaining [redacted] without justification.
   - **Exonerated**.

2. Directing unprofessional language at [redacted] without justification.
   - **Sustained**, in violation of Rules 2, 3, 6, 8, 9.

3. Engaging in a verbal altercation with [redacted] without justification.
   - **Sustained**, in violation of Rules 2, 3, 6, 8, 9.

4. Failing to notify OEMC of a traffic stop.
   - **Sustained**, in violation of Rule 6.

5. Failing to issue an Investigatory Stop Receipt to [redacted]
   - **Sustained**, in violation of Rules 2, 3, 5, 6, 10.

6. Failing to complete an Investigatory Stop Report.
   - **Sustained**, in violation of Rules 2, 3, 5, 6, 10.

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.

COPA found no reason to question the honesty of any person who provided a statement.[18] Officers Ambrose, Giampapa, Pacheco, Phelan, and Webb had no independent recollection of their encounter with [redacted] That inability to recall was exacerbated by the officers' failure to complete any documentation of the stop or to inventory the suspected cannabis. [redacted] had a clear recollection of the interaction; [redacted] recitation of events was corroborated by body worn camera (BWC) footage.

V. ANALYSIS[19]

A. Officers Ambrose, Giampapa, Pacheco, Phelan, and Webb, had a legally sufficient reason to detain [redacted]

Under the applicable CPD standing order, an Investigatory Stop is "[t]he temporary detention and questioning of a person in the vicinity where the person was stopped based on Reasonable Articulable 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."[20] In this instance, Officer Ambrose testified that [redacted] windows were tinted in violation of Illinois Vehicle Code[21] and that [redacted] was not wearing a seat belt while seated in the vehicle. Officer Ambrose used a tint meter, which indicated the tints on the vehicle were 10%.[22]

Illinois law limits the permissible amount of tinting.[23] Generally speaking, tinting must allow at least 35-50% of light to pass through depending on the level of tint on rear windows.[24] Given this state of the law, one Illinois court has stated that for an officer to have a reasonable basis to believe the tinting law has been violated, the officer (1) must be able to articulate the

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[18] In addition to the officers' statements (Atts. 25, 27, 31, and 33), COPA received statements from [redacted] (Att. 12), his sister [redacted] (Att. 11), and Ms. Cordijah Jones (Att. 13).
[19] For a definition of COPA's findings and standards of proof, *see* Appendix B.
[20] S04-13-09 II (A).
[21] 625 ILCS 5/12-503.
[22] Att. 3 at 2:20-2:25.
[23] *See* 625 ILCS 5/12-503(a-5).
[24] 625 ILCS 5/12-503(a-5).

differences between legal and illegal tinting and (2) explain how the particular windows at issue reasonably appear to be illegally tinted.[25]

Officer Ambrose was able to articulate the differences between legal and illegal tinting and also explained how the windows on [redacted] vehicle appear to be illegal. Therefore, the officers lawfully detained [redacted] on that basis.

Illinois law requires drivers and passengers of vehicles operated on a public way to wear a seat belt.[26] In a different part of the Illinois Vehicle Code, the word "operate" "means to have the vehicle in motion while it contains one or more passengers."[27] There is no evidence the officers saw [redacted] driving or otherwise operating the vehicle. Rather, it appears officers detained [redacted] as he sat in the vehicle idling next to the curb. COPA could not find any authority permitting, or not permitting, officers to detain a person not operating a vehicle while not wearing a seat belt. Given this ambiguity, COPA does not have a sufficient basis to find the officers' could not detain [redacted] on this basis. In any event, the officers had a basis to detain [redacted] based on the level of tint on the vehicle's windows.

For the reasons discussed above, COPA concludes that there were sufficient reasons for the officers to conduct an investigatory stop and the allegation is exonerated.

B. There is insufficient evidence to conclude that Officer Ambrose searched [redacted] vehicle without justification.

"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."[28]

In his statement to COPA Officer Ambrose stated that, "I observed that there was open cannabis inside of the vehicle. And so that's why I began searching for a narcotic search just because open cannabis, it has to be a lot like open alcohol. It has to be transported the same exact way, in a childproof, sealed container that's away from the driver that can't be open or the sealant broken by any means. Otherwise, it's a Class A misdemeanor for unlawful possession of a cannabis driver. And so that's why I immediately performed the narcotic search once he was out of the vehicle."[29]

While searching [redacted] vehicle, Officer Ambrose responded to [redacted] "You've got weed in the car and everything else,"[30] without further explanation. Later, [redacted] stated, "If you

[25] *People v. Dunmire*, 160 N.E.3d 113, 129-30 (Ill. App. 2019); *People v. Morrow*, 2024 IL App (4th) 230529-U, *17 (Apr. 25, 2024).
[26] 625 ILCS 5/12-603.1(a).
[27] 625 ILCS 5/12-813.1.
[28] *United States v. Ross*, 456 U.S. 798 (1982).
[29] Att. 29, pg. 11, lns. 1 to 11.
[30] Att. 3 at 4:00.

want to search the car, then go ahead." Officer Ambrose responded, "Well I'm already there, because I'm allowed to."[31] Although, in the circumstances, [redacted] statement was not an effective a consent to the search (the vehicle was already being searched when he made the statement), the uncontradicted statement of Officer Ambrose regarding the observed cannabis does not permit COPA to conclude that the search was unjustified. That said, Officer Ambrose was unable to describe where the cannabis was observed, and he did not inventory the cannabis.[32] COPA also notes the real possibility that Officer Ambrose found the suspected cannabis in the vehicle's glove box and that he did not observe signs of cannabis before that time. Notably, Officer Ambrose was unable to tell COPA when or where he first observed the "open cannabis" in [redacted] vehicle. He also did not say anything to other officers about cannabis until after he had searched [redacted] car. Officer Ambrose's failure to recall, compounded by his failure to document his search or inventory the cannabis frustrated COPA's investigation into this allegation. Given the available evidence, however, there is not sufficient evidence to prove this allegation by a preponderance of the evidence.

C. Officer Pacheco failed to activate his BWC in a timely manner.

Department members equipped with a BWC will electronically record all law-enforcement-related activities using the BWC while on-duty. The use of BWC to electronically record law-enforcement-related activities *i*s mandatory and is not discretionary. The Department member will activate the BWC to event mode at the beginning of an incident and will record the entire incident for all law-enforcement-related activities.[33]

Officer Pacheco's BWC footage began as he walked onto the scene and approached [redacted] vehicle, but the two-minute buffer period was not captured.[34] Officer Pacheco was unsure why this was the case.[35] The video shows two officers on either side of [redacted] vehicle, apparently engaging in discussion. Officer Pacheco had a duty to activate his BWC when officers initiated the traffic stop by activating the vehicle's emergency equipment.[36] COPA therefore finds this allegation Sustained.

D. Officer Webb engaged in a verbal altercation with, and directed unprofessional language towards, [redacted]

All members of the Department are required to interact with all members of the public in an unbiased, fair, and respectful manner, treat all persons with the courtesy and dignity which is inherently due every person as a human being, act, speak, and conduct themselves in a courteous, respectful and professional manner and maintain a courteous, professional attitude; they must

[31] Att. 3 at 4:15.
[32] The proper process for inventorying cannabis is articulated in S04-18-01. In this case, the officers did not arrest or cite [redacted] on any charge.
[33] S03-14 V (A).
[34] Att. 1 at 0:00.
[35] Att. 30, pg. 19, lns. 19 to 24, pg. 20, lns. 1 to 21.
[36] S03-14.II.I.2; V.A.2.c.

not exhibit a condescending attitude or direct any derogatory terms toward any person in any manner and will not use language or take action intended to taunt or denigrate an individual.[37]

When Officer Webb returned to his police vehicle, he directed profanities towards [redacted][38] The language used (*viz.*, calling [redacted] a "mother fucker") did not promote trust between CPD and members of the public. The derogatory language was not professional, nor was it courteous. The use of that language constitutes misconduct. Thus, the allegations are sustained.

E. Notification to OEMC of a traffic stop is required; the officers did not comply with this requirement.

Pursuant to CPD standing order, officers should inform OEMC of a traffic stop, advising the reason for, location, of and other details of the stop.[39] The officers' failure to do so in the circumstances constitutes misconduct.

The specific requirement as set out in the applicable CPD General Order, above, provides several benefits. Primarily, notifying OEMC of officers' location is a safety measure. If OEMC is aware of officers' location, they can monitor the safety and communication of the area in which the stop is occurring.[40] In addition, because OEMC was not notified there was no effective continuous radio contact with the tactical team and an event number and/or records division (RD) number was not generated. Thus, the allegation is sustained.

F. Officers did not complete an Investigatory Stop Report, nor did they provide [redacted] with an Investigatory Stop Receipt, in circumstances where they were required to do so.

Sworn members who conduct an Investigatory Stop are required to complete an Investigatory Stop Report.[41] The reasons for completing the Investigatory Stop Report is to ensure: 1. sworn members document the facts and circumstances of: a. *an Investigatory Stop*, including a statement of the facts establishing Reasonable Articulable 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 Articulable Suspicion to pat down an individual for potential weapons; 2. appropriate Investigatory Stop, Probable Cause to stop *when no other document captures the reason for detention*, Protective Pat Down, *or other search* information is entered and retained within the Investigatory Stop Database; and 3.

[37] G02-01(III)(B)(1, 2, 3, and 4).
[38] Att. 4 at 6:50.
[39] G03-01-01.II.M.
[40] G03-01 (G). "OEMC "1. receives all 9-1-1 calls for service. 2. coordinates the dispatch of assignments to police, fire, and emergency medical personnel. 3. maintains continuous radio contact with Department units via the police radio system. 4. coordinates and furnishes information available via the PCAD system. 5. assigns Records Division (RD) numbers."
[41] S04-13-09 III.C.

supervisors review the facts and circumstances of Investigatory Stops, Probable Cause stops, Protective Pat Downs, or other searches.[42]

Upon the completion of an Investigatory Stop that involves a Protective Pat Down or any other search, sworn members are required to provide the subject of the stop a completed Investigatory Stop Receipt. The Investigatory Stop Receipt will include the event number, the reason for the stop, and the sworn member's name and star number.[43]

All officers involved in a stop must complete an Investigatory Stop Report.[44] In this case, none of the involved officers completed an Investigatory Stop Report, nor did any officer provide [redacted] with an Investigatory Stop Receipt in circumstances where they were obligated to do so, given his detention and the search of his vehicle. Thus, the allegations are sustained.

VI. DISCIPLINARY RECOMMENDATION

In failing to properly document their interaction with [redacted] in which he was detained and berated by armed officers and during which his vehicle was searched, all the officers engaged in activities that serve to erode public trust and that complicated the subsequent investigation into alleged police misconduct.[45] The stop was not documented, nor was it reported over the radio, in marked non-compliance with CPD standing orders. The officers failed to take responsibility for the identified shortcomings in the performance of their duties.[46] [redacted] is a member of the public. These are additional aggravating factors weighing on the appropriate level of discipline to be imposed.[47]

These combined circumstances, especially if this behavior is repeated numerous times over the course of other interactions with members of the public, have the potential to frustrate judicially mandated police oversight and reform[48] as well as to undermine trust between CPD and members of the public. This latter consequence is in direct opposition to CPD policy, which provides that

[42] S04-13-09 III.D. Emphasis added.
[43] S04-13-09 VIII.A.3.
[44] Investigatory Stop System S04-13-09 VIII.A.1. "Sworn members who conduct an Investigatory Stop, Probable Cause stop when no other document captures the reason for the detention . . . are required to submit an Investigatory Stop Report into the Investigatory Stop Database."
[45] Pursuant to COPA policy (Disciplinary and Remedial Recommendations, effective June 24, 2021, at para. II.A.1.), the investigations section is obliged to take into account the nature of the misconduct when considering an appropriate disciplinary recommendation.
[46] Despite the fact that not Investigatory Stop Report was completed by any officer and no Investigatory Stop Receipt was provided to [redacted] by any officer in the face of a clear requirement, the officers denied these allegations against them. Officer Webb similarly denied that the words he spoke to [redacted] constituted misconduct.
[47] As set out in COPA policy (Disciplinary and Remedial Recommendations, effective June 24, 2021, at para. II.B.).
[48] Consent Decree dated September 13, 2018, *State of Illinois v. City of Chicago*, Case No. 17-cv-6260, US District Court for the Northern District of Illinois, Section III., subsection E., paras. 79-81 et seq.

the "daily interaction of Department members with members of the community presents a unique opportunity to strengthen community relations and build trust…"[49]

A. Officer Michael Ambrose

1. Complimentary and Disciplinary History[50]

Officer Ambrose has received 51 total awards, to include one unit meritorious performance award and a superintendent's honorable mention. His "Five Year Sustained Complaints History Report" received from BIA indicates "no records found." His "SPAR HISTORY REPORT (Sustained Findings)" as received from BIA indicates four instances of discipline over the past two years, resulting in three reprimands.

2. Recommended Discipline

Officer Ambrose initiated the stop and was, arguably, the "business officer." Although the requirement to complete an Investigatory Stop Report and to provide an Investigatory Stop Receipt applies to all officers, this is a larger consideration for the officer who initiated the stop or who has the greatest contact with the member of the public subject to police action. Given COPA's findings of misconduct, the nature of the misconduct, the complimentary and disciplinary history of the officer, as well as the applicable aggravating and mitigating factors as set out, above, COPA recommends a suspension of up to 30 days.

B. Officer Alexandra Giampapa

1. Complimentary and Disciplinary History

Officer Giampapa has received 44 total awards, to include one unit meritorious performance award and a superintendent's honorable mention. Her "Five Year Sustained Complaints History Report" received from BIA indicates "no records found." Her "SPAR HISTORY REPORT (Sustained Findings)" as received from BIA indicates "no records found."

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[49] Protection of Human Rights, General Order G02-01 (effective June 30, 2022), at subsection II.D. Similar guidance is repeated in the specific standing order related to traffic stops, S04-13-09: Investigatory Stop System, at subsection II.D.F. "The goal is to strengthen the police-community relationship through contact, which ultimately improves officer safety while reducing crime and disorder."

[50] The complimentary and disciplinary history of all the officers was provided by BIA in a single document (Att. 48). In so far as that document was incomplete (as it omitted the SPAR history of Officer Pacheco and an one instance of discipline from Officer Webb's recent history), the information was supplemented by the information previously provided to COPA by BIA regarding these officers in connection with Log 2024-0002537 (see Att. 55 to 2024-0002537).

2. Recommended Discipline

Officer Giampapa has since resigned from the Department.[51] Thus, COPA's disciplinary recommendation will be placed in a Close Hold status.

C. Officer Victor Pacheco

1. Complimentary and Disciplinary History

Officer Pacheco has received 54 total awards, to include two unit meritorious performance awards and a life saving award. His "Five Year Sustained Complaints History Report" received from BIA indicates "no records found." His "SPAR HISTORY REPORT (Sustained Findings)" as received from BIA indicates that was suspended for one day for a court appearance violation in 2024.

2. Recommended Discipline

Given COPA's findings of misconduct, the nature of the misconduct, the complimentary and disciplinary history of the officer, as well as the applicable aggravating and mitigating factors as set out, above, COPA recommends a suspension of up to 30 days and receive Fourth Amendment training and retraining regarding proper documentation.

D. Officer Sean Phelan

1. Complimentary and Disciplinary History

Officer Phalen has received 31 total awards, to include one unit meritorious performance award. His "Five Year Sustained Complaints History Report" received from BIA indicates "no records found." His "SPAR HISTORY REPORT (Sustained Findings)" as received from BIA indicates that he was disciplined twice so far in 2024; he received a reprimand in respect of each occasion.

2. Recommended Discipline

Officer Phalen requested [redacted] drivers license from [redacted] and ordered [redacted] out of the vehicle when [redacted] failed to provide the license. Although the requirement to complete an Investigatory Stop Report and to provide an Investigatory Stop Receipt applies to all officers, this is a larger consideration for the officer who has significant contact with the member of the public subject to police action. Given COPA's findings of misconduct, the nature of the misconduct, the complimentary and disciplinary history of the officer, as well as the applicable aggravating and

[51] Att. 52

mitigating factors as set out, above, COPA recommends a a suspension of up to 30 days and receive Fourth Amendment training and retraining regarding proper documentation.

E. Officer Aubrey Webb

1. Complimentary and Disciplinary History

Officer Webb has received 55 total awards, to include a unit meritorious performance award and a life saving award. His "Five Year Sustained Complaints History Report" received from BIA indicates "no records found." His "SPAR HISTORY REPORT (Sustained Findings)" as received from BIA indicates three instances of summary discipline in 2023 and 2024: an absence without permission (in respect of which Officer Webb was suspended for one day), a failure to perform assigned tasks (in respect of which he received a reprimand), and a parking violation (in respect of which he received a reprimand).

2. Recommended Discipline

Officer Webb's interaction with the involved member of the public was unprofessional and interfered with the accomplishment of important CPD policy goals. As an armed officer of the law, accompanied by other armed officers of the law, belittling and swearing at a member of the public in the course of his duties is wholly unnecessary, inappropriate, and constitutes a display of rank indiscipline which reflects poorly on the Department. Given COPA's findings of misconduct, the nature of the misconduct, the complimentary and disciplinary history of the officer, as well as the applicable aggravating and mitigating factors as set out, above, COPA recommends a a suspension of up to 30 days and receive Fourth Amendment training and retraining regarding proper documentation.

Approved:

[redacted]

Sharday Jackson

Deputy Chief Administrator – Chief Investigator

December 27, 2024

Date

Appendix A

Case Details

Date/Time/Location of Incident:	September 21, 2023 / 7:50 pm / 3039 W Lexington St., Chicago, IL 60640.
Date/Time of COPA Notification:	May 21, 2024 / 11:20 am.
Accused Member #1:	Officer Michael Ambrose, Star # 19607, Employee ID # [redacted] DOA: November 18, 2019, Unit: 011, Male, White.
Accused Member #2:	Officer Alexandra Giampapa, Star # 13853, Employee ID #[redacted] DOA: October 16, 2019, Unit: 011, Female, White.
Accused Member #3:	Officer Victor Pacheco, Star #18337, Employee ID # [redacted] DOA: October 29, 2018, Unit: 011, Male, Hispanic.
Accused Member #4:	Officer Sean Phelan, Star # 14271, Employee # [redacted] DOA: October 16, 2019, Unit 011, Male, White.
Accused Member #5:	Officer Aubrey Webb, Star #5105, Employee #[redacted] DOA: June 25, 2018, Unit 011, 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 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.

Applicable Policies and Laws

- 625 ILCS 5/12-503.
- G02-01, Protection of Human Rights (effective June 30, 2022, to present).
- G03-01, Communications Systems and Devices (effective May 30, 2014, to present).

- G03-02, De-escalation, Response to Resistance, and Use of Force (effective June 28, 2023, to present).
- G08-05, Prohibition of Retaliation (effective August 22, 2023, to present).
- S03-14, Body Worn Cameras (effective December 29, 2023 to August 7, 2024).
- S04-13-09, Investigatory Stop Systems (effective July 10, 2017, to present).
- S04-13-09, Investigatory Stop Systems (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.[52] 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."[53]

[52] *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).
[53] *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C

Transparency and Publication Categories

Check all that apply:

- ☒ Abuse of Authority
- ☐ Body Worn Camera Violation
- ☐ Coercion
- ☐ Death or Serious Bodily Injury in Custody
- ☐ Domestic Violence
- ☐ Excessive Force
- ☐ Failure to Report Misconduct
- ☐ False Statement
- ☐ Firearm Discharge
- ☐ Firearm Discharge – Animal
- ☐ Firearm Discharge – Suicide
- ☐ Firearm Discharge – Unintentional
- ☐ First Amendment
- ☒ Improper Search and Seizure – Fourth Amendment Violation
- ☐ Incidents in Lockup
- ☒ Motor Vehicle Incidents
- ☐ OC Spray Discharge
- ☐ Search Warrants
- ☐ Sexual Misconduct
- ☐ Taser Discharge
- ☐ Unlawful Denial of Access to Counsel
- ☐ Unnecessary Display of a Weapon
- ☐ Use of Deadly Force – other
- ☒ Verbal Abuse
- ☒ Other Investigation