



March 25, 2026

Mr. Max A. Caproni  
Executive Director, Chicago Police Board  
30 North LaSalle Street, Suite 1220  
Chicago, Illinois 60602

Via Email

RE: Request for Review, Log #2024-0002774

Dear Mr. Caproni,

Pursuant to the Municipal Code of Chicago Section 2-78-130 and Police Board Rules of Procedure Section VI, please consider this letter a Request for Review of a non-concurrence between the Civilian Office of Police Accountability (COPA) and the Superintendent of the Chicago Police Department (CPD) in Log #2024-0002774.<sup>1</sup>

As set forth in detail in COPA's Final Summary Report (FSR) dated January 17, 2025, there is a compelling legal and evidentiary basis to support COPA's findings and disciplinary recommendations for Police Officers Luiz Nunez,<sup>2</sup> Arnulfo Luna Jr.,<sup>3</sup> and Raymond Zhu.<sup>4</sup>

## I. BACKGROUND

### A. Relevant Factual Background<sup>5</sup>

On March 3, 2024, Officer Marcus Turner was watching the live video from a Police Observation Device (POD) camera that captured the outside of a busy car wash, with individuals talking as they waited for their vehicles to be washed. Officer Turner noticed a Black male, now known to be [REDACTED] who was dressed in all black, accessorized in gold jewelry, and smoking a cigar. Once the camera zoomed in, the officer noticed an "L" shaped bulge in [REDACTED] left waist area, similar to the outline of a firearm. Officer Turner then called a 22nd District tactical team, which included Officers Nunez, Luna, and Zhu, to relay his observations. Officers Nunez, Luna, and Zhu relocated to the car wash after receiving the call.

Upon arrival, the responding officers observed and "L-shaped" object that appeared to resemble the shape of a handgun, and they believed it was a firearm.<sup>6</sup> As Officer Nunez walked toward [REDACTED] he called out words to the effect of, "Let me talk to you bro. Hands up, hands up. Don't run."<sup>7</sup> [REDACTED] who was holding a car

---

<sup>1</sup> As required by the Police Board Rules of Procedure, enclosed are copies of COPA's final summary report, CPD's non-concurrence letter (Non-Concurrence), and the certificate of meeting.

<sup>2</sup> Star # 18229

<sup>3</sup> Star # 18047

<sup>4</sup> Star # 14064

<sup>5</sup> A more detailed factual summary can be found in the FSR.

<sup>6</sup> Att. 26, pg. 8, lns. 11 to 13; Att. 29, pg. 8, lns 22 to 24; Att. 32, pg. 7, lns. 13 to 15.

<sup>7</sup> Att. 12 at 14:51:41.

wash brochure in one hand and a cigar in the other hand, remained calm and did not make any movements.<sup>8</sup> Officer Nunez immediately grabbed ██████ left arm, while Officer Zhu grabbed ██████ right arm and conducted a pat down of ██████ waist area. The officers placed ██████ in handcuffs and asked if he had a Firearm Owners Identification (FOID) Card or Concealed Carry License (CCL), to which ██████ replied “yes I do.”<sup>9</sup> Officer Nunez then located the firearm in a holster in ██████ left waistband and disarmed him. The officers kept ██████ in handcuffs while Officer Nunez ran ██████ driver’s license and CCL, and the results came back as valid.

## B. Disputed Findings and Recommendations

The Superintendent argues the officers had reasonable articulable suspicion to detain ██████.

## C. Applicable Law

Illinois law permits a person with a license to carry a firearm in public.<sup>10</sup> The firearm may be fully or partially concealed. Courts have ruled that mere possession of a firearm does not provide reasonable articulable suspicion to detain a person or probable cause to arrest a person.<sup>11</sup> Rather, officers seeking to detain a person for illegal possession of a firearm must have specific and articulable reasons to believe the person does not have a license to carry the firearm and is otherwise engaged in criminal activity.<sup>12</sup>

## II. ARGUMENT

### A. The officers did not have a reasonable basis to believe ██████ had committed or was about to commit a crime.

COPA does not dispute that the officers had a basis to believe ██████ was armed. They observed ██████ with a bulge in his waistband that was shaped like a firearm or an “L,” which, in their experience, indicated that ██████ was carrying a firearm. But the officers had no reason to believe that ██████ unlawfully possessed that firearm before detaining him.<sup>13</sup> The law is clear that mere possession of a firearm does not provide reasonable articulable suspicion to detain a person or probable cause to arrest a person.<sup>14</sup> Rather, officers seeking to detain a person for illegal possession of a firearm must have specific and articulable reasons to believe the person does not have a license to carry the firearm and is otherwise engaged in criminal activity.

The officers made statements that ██████ was “hypervigilant” and “look[ing] for a path of escape.”<sup>15</sup> First, the objective evidence does not support those statements. Rather, the evidence shows that when the officers

---

<sup>8</sup> Att. 12 at 14:51:41; Att. 9.

<sup>9</sup> Att. 12 at 14:51:51.

<sup>10</sup> 430 ILCS 66/10(c).

<sup>11</sup> *United States v. Watson*, 900 F.3d 892, 896 (7th Cir. 2018) (analyzing 4<sup>th</sup> Amendment to Indiana law, which allows firearms in public with a license and stating that “a mere possibility of unlawful use” of a gun is not sufficient to establish reasonable suspicion.) (citing *United States v. Paniagua-Garcia*, 813 F.3d 1013, 1014-15 (7th Cir. 2016)).

<sup>12</sup> *In re Jarrell C.*, 2017 IL App (1st) 170932, ¶¶ 20-22 (holding officers did not have reasonable articulable suspicion to detain person who officers observed clutching his waistband because there was no evidence the person was engaged in criminal activity); *In re Rafael E.*, 2014 IL App (1st) 133027, ¶ (holding officers did not have reasonable basis to believe person was committing a crime where person was in a “high crime area” and clutching waistband).

<sup>13</sup> *People v. Spain*, 2019 IL App (1st) 163184, ¶¶ 28, 37 (holding that carrying a firearm in public is not necessarily unlawful and that officers must have cause to believe that the gun is possessed unlawfully).

<sup>14</sup> *United States v. Watson*, 900 F.3d 892, 896 (7th Cir. 2018) (analyzing 4<sup>th</sup> Amendment to Indiana law, which allows firearms in public with a license and stating that “a mere possibility of unlawful use” of a gun is not sufficient to establish reasonable suspicion.) (citing *United States v. Paniagua-Garcia*, 813 F.3d 1013, 1014-15 (7th Cir. 2016); see also *People v. Horton*, 2019 IL App (1st) 142019-B, ¶ 57-59 (finding no probable cause to believe person was committing a crime where officer observed a metal object they believed to be a gun but where person may have been standing in their own or a friend’s yard and stating “[a] belief that a defendant ‘may or may not’ possess a weapon is simply a hunch and does not reach the threshold of probable cause.”).

<sup>15</sup> Att. 29, pg. 9, lns. 1 to 6.

approached [REDACTED] he was calm and cooperative, did not make any sudden movements or look away, and did not appear to alter his behavior or demeanor. Second, even if true, that behavior would be expected of any person approached and immediately grabbed by officers while standing on the street.<sup>16</sup>

### III. CONCLUSION

For these reasons, COPA maintains that the Superintendent has failed to meet his affirmative burden of showing COPA's recommendations in this case are unreasonable. Accordingly, COPA respectfully requests that the Chicago Police Board reject the Superintendent's non-concurrence in this matter and accept COPA's findings and recommendations.

Respectfully,

[REDACTED]

LaKenya White  
Chief Administrator  
Civilian Office of Police Accountability

---

<sup>16</sup> *Cf. People v. Randall*, 2022 IL App (1st) 210846, ¶38 (stating, “to the extent defendant was nervous, nervousness would be expected of any citizen pulled over for a purported minor traffic infraction, who was removed from the car, handcuffed and patted down within less than one minute and 30 seconds of the stop.”).