



Log # 2024-0007498

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On October 1, 2024, the Civilian Office of Police Accountability (COPA) received a referral from the City of Chicago Office of Inspector General of a complaint. [REDACTED] reported alleged misconduct by a member of the Chicago Police Department (CPD). [REDACTED] alleged that on September 23, 2024, Officer Timothy Lammert searched him without justification.² Upon review of the evidence, COPA served additional allegations that Officer Lammert failed to provide [REDACTED] with an Investigatory Stop Report (ISR) receipt, failed to accurately detail the facts and circumstances of the interaction, and prematurely deactivated his body worn camera (BWC). Following its investigation, COPA found the ISR receipt allegation to be not sustained and sustained the remaining allegations against Officer.

II. SUMMARY OF EVIDENCE³

On September 23, 2024, at approximately 7:55 p.m., Officers Timothy Lammert and Nino Macias were in an unmarked CPD vehicle and in civilian clothes. The officers had just concluded a traffic stop when they heard someone shout from across the street.⁴ They proceeded to park their police vehicle in front of Pullman Express Food & Grill, a local convenience store.⁵ Upon exiting the vehicle, the officers were informed by store employees that their assistance was not needed, and that the situation was a misunderstanding.⁶ The employees then returned inside the store.

While Officers Lammert and Macias remained standing outside, an individual later identified as [REDACTED] walked around the corner and entered the store.⁷ Officer Lammert turned to Officer Macias and remarked, “We might have one.”⁸ The officers then entered the store,

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 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.

³ 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, third-party video, police reports, civilian interviews, and officer interviews.

⁴ Att. 37 at timestamp 19:53:18.

⁵ Att. 14 at timestamp 19:54:18.

⁶ Att. 14 at timestamp 19:54:24.

⁷ Att. 15 starting at timestamp 19:54:51.

⁸ Att. 14 at timestamp 19:55:09.

where Officer Lammert approached ██████ asked if he had a firearm, and then lifted the front of ██████ hoodie-style sweatshirt.⁹

█████ questioned Officer Lammert's actions, asking Officer Lammert what he was doing.¹⁰ Officer Lammert attempted to explain, but ██████ spoke over him, requesting Officer Lammert's badge number.¹¹ As Officer Lammert exited the store, he provided his badge number. ██████ responded by saying, "That is not your number."¹²

Immediately afterward, Officer Lammert deactivated his body camera.¹³ ██████ followed Officer Lammert outside of the store and again requested the badge number.¹⁴ Officer Lammert repeated it, at which point ██████ began recording on his phone as both officers returned to their police vehicle.¹⁵

III. ALLEGATIONS

Officer Timothy Lammert:

1. Searching ██████ without justification
 - Sustained, Violation of Rules 2 and 6
2. Failing to provide ██████ with an investigatory stop receipt.
 - Not Sustained
3. Failing to accurately detail the facts and circumstances of the interaction with ██████ in an Investigatory Stop Report.
 - Sustained, Violation of Rules 2 and 10
4. Prematurely deactivating his body worn camera, without justification.
 - Sustained, Violation of Rules 2, 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.

█████ provided a statement to COPA. His account of the incident was consistent with the events depicted on the BWC footage and COPA found no evidence that would call into

⁹ Att. 15 starting at timestamp 19:55:21.

¹⁰ Att. 15 at timestamp 19:55:27.

¹¹ Att. 15 starting at timestamp 19:55:28.

¹² Att. 15 at timestamp 19:55:35.

¹³ Att.15 at timestamp 19:55:38.

¹⁴ Att. 14 starting at timestamp 19:55:39.

¹⁵ Att. 16.

question his credibility. The officers' statements were consistent with each other's. However, there is a conflict between Officer Lammert's ISR report and his statement to COPA, on the one hand, and the events depicted in the BWC footage, on the other. The ISR documents that ██████ looked in the direction of the officers, grabbed his waistband, and immediately went into the store, and Officer Lammert repeated that in his statement to COPA. The BWC footage, however, does not depict ██████ reaching for his waistband. This discrepancy diminishes the reliability of Officer Lammert's account.

V. ANALYSIS¹⁶

A. Officer Lammert's pat down search of ██████ was not justified.

Suspicion that a member of the public may be concealing a firearm is generally an insufficient reason to conduct an investigatory stop. The constitutionally protected conduct of carrying a concealed firearm in public cannot, by itself, serve as a basis for reasonable suspicion to believe criminal activity is afoot under *Terry*.¹⁷ In Illinois, as the mere possession of a gun in public is not necessarily unlawful, individuals do not commit a crime when they carry a concealed firearm while properly licensed under the Conceal Carry Act, 430 ILCS 66/10.¹⁸ Therefore, when encountering a subject with a firearm, "a mere possibility of unlawful use of a gun is not sufficient to establish reasonable suspicion."¹⁹ As such, "police cannot simply assume a person who possesses a firearm outside the home is involved in criminal activity."²⁰

Further, CPD's Training and Support Group publication ETB# 14-01, released March 2014 and revised April 2021, titled "Firearm Concealed Carry" reminds officers that, due to the provisions of the Illinois *Firearm Concealed Carry Act*, merely the appearance of being armed with a firearm does not in and of itself generate reasonable articulable suspicion for a stop nor for a pat down search.

An exception would be if the member of the public was too young to lawfully possess a concealed firearm. ██████ was just 18 at the time of the incident. Officer Lammert, in his statement to COPA, did allude to this.

A...And he is younger. So I do believe that he is under the age of 21, which would -- would make him ineligible.

Q. And did you confirm his age before you conducted a pat-down or -

¹⁶ For a definition of COPA's findings and standards of proof, see Appendix B.

¹⁷ *People v. Dorsey*, 2025 IL App (1st) 240933.

¹⁸ *People v. Aguilar*, 2013 IL 112116 (citing *District of Columbia v. Heller*, 554 U.S. 570 (2008), and *McDonald v. City of Chicago*, 561 U.S. 742, 791 (2010)).

¹⁹ *United States v. Watson*, 900 F. 3d 892, 896 (7th Cir. 2018) (applying the Fourth Amendment to Indiana law which allows firearms in public with a proper license).

²⁰ *People v. Thomas*, 2019 IL App (1st) 170474 ¶ 16 (citing *Terry v. Ohio*, 392 U.S. 1 (1968)).

A. No, I did not. I did not ask for his information.²¹

It is unclear if [REDACTED] youthful appearance was a factor that the officer registered and took into account when deciding to stop [REDACTED] or if [REDACTED] age was a fact that Officer Lammert learned later.

Important to COPA's conclusion here is the discrepancy between Officer Lammert's statement and the events as depicted in the BWC footage. Officer Lammert told COPA that as [REDACTED] turned the corner, [REDACTED] immediately saw the officers and grabbed his front waistband. BWC footage shows [REDACTED] walking with a cell phone in his right hand and his left-hand swinging at his side.²² [REDACTED] does not appear to reach for or adjust his waistband before entering the store.

Even assuming that the stop was valid due a conclusion Officer Lammert came to regarding [REDACTED] age before he initiated the stop, the officer's search of [REDACTED] person was not. Before an officer may conduct a pat down search of a member of the public, there must be a reasonable belief in the officer that the person is both armed and dangerous.²³

CPD policy defines a "Protective Pat Down" as "a limited search during an Investigatory Stop in which the sworn member conducts a pat down of the outer clothing of a person for weapons for the protection of the sworn member or others in the area."²⁴ To conduct a pat down, "a sworn member must possess specific and articulable facts, combined with rational inferences from these facts, that the suspect is armed and dangerous or reasonably suspects that the person presents a danger of attack to the sworn member or others in the area."²⁵ In other words, "the fact that an officer has reason to stop a citizen does not necessarily justify the further intrusion of a search for weapons; the officer may conduct a pat-down search only if he has reason to believe that he is dealing with an armed and dangerous individual."²⁶ An officer's subjective belief is not determinative, but is probative in determining the validity of the frisk.²⁷ The Supreme Court of Illinois has explained that "the sole justification for the search allowed by the *Terry* exception is the protection of the police officer and others in the vicinity, not to gather evidence."²⁸ Based on the available evidence, it would be unreasonable for Officer Lammert to have concluded that

²¹ Att. 33, at pg. 13, lns. 15 to 21.

²² Att. 15 at timestamp 19:54:51.

²³ *People v. Harris*, 2011 IL App (1st) 103382, ¶ 17 (quoting *Adams v. Williams*, 407 U.S. 143 (1972)).

²⁴ S04-13-09(II)(B), Investigatory Stop System (effective July 10, 2017, to present).

²⁵ S04-13-09(II)(C)(2); pursuant to 725 ILCS 5/108-1.01, officers are permitted to conduct a limited search on a person for weapons if the officer has lawfully stopped the person for temporary questioning and reasonably suspects that they are in danger of attack.

²⁶ *People v. Watson*, 145 Ill. App. 3d 492, 497 (1st Dist. 1986).

²⁷ *People v. Flowers*, 179 Ill. 2d 257, 264 (1997) ("Although the standard is an objective one, the officer's subjective belief regarding the safety of the situation is one of the factors that may be considered in determining whether a weapons frisk was valid under *Terry*."); *People v. Sorenson*, 196 Ill. 2d 425, (2001); *People v. Walker*, 2013 IL App (4th) 120118, ¶ 46.

²⁸ *People v. Flowers*, 179 Ill. 2d 257, 263 (1997) (citing *Minnesota v. Dickerson*, 508 U.S. 366, 373 (1993)).

██████████ posed a danger to anyone; Officer Lammert did not suggest otherwise in his statement to COPA.

Further, Officer Lammert's search of ██████████ went beyond a pat down search. CPD defines a protective pat down as a "limited search during an investigatory stop in which a sworn member conducts a pat down of the outer clothing of a person for weapons for the protection of the sworn member or others in the area."²⁹ So, even if the stop of ██████████ had been justified (and COPA accepts that it may have been³⁰), and even if a pat down search of ██████████ had been justified (and COPA concludes that it was not, according to the "armed and dangerous" standard), by lifting up ██████████ sweatshirt Officer Lammert in any event exceeded the bounds of a pat down search and engaged in something more invasive. Therefore, this allegation is Sustained.

B. Officer Lammert failed to provide a stop receipt to ██████████

CPD Special Order S04-13-09 requires officers to issue an Investigatory Stop Receipt to persons following "the completion of an Investigatory Stop that involves a Protective Pat Down or any other search."³¹ Here, Officer Lammert acknowledged that he did not provide a stop receipt to Mr. ██████████ because he felt that would further escalate the incident.³² Officer Lammert also noted he provided his badge number to ██████████ which he saw as the reason for providing a receipt. While COPA does not believe this absolves Officer Lammert of his responsibility to provide a receipt, COPA also does not believe his failure to do so amounts to misconduct. Therefore, this allegation is Not Sustained.

C. Officer Lammert failed to accurately document the interaction with ██████████

The narrative section of the ISR completed by Officer Lammert misdescribed what occurred. In the report, Officer Lammert wrote that ██████████ "looked at the direction of R/O's, grabbed his waistband, and immediately went into the liquor store."³³ Officer Lammert reported the officers stayed in their vehicle to continue observing ██████████ ultimately conducting an investigatory stop because they believed he had a firearm. As noted above, the BWC footage does not support this description. Instead, it shows ██████████ walking with a cell phone in his right hand and his left-hand swinging at his side.³⁴ In his statement to COPA, Officer Lammert described the movement of ██████████ left hand to be touching the front of his waistband.³⁵ He went on to say that he continued to watch ██████████ until he developed reasonable articulable suspicion to warrant an investigatory stop. While COPA does not believe Officer Lammert was purposely trying to deceive in his description of ██████████ actions, he is nonetheless incorrect.

²⁹ Att. 29, S04-13-09(II)(C), Investigatory Stop System (Effective July 10, 2017, to present).

³⁰ COPA did not serve an allegation about the stop itself.

³¹ Att. 29, S04-13-09 (VIII)(A)(3).

³² Att. 33, pg. 19, lns. 19 to 21.

³³ Att. 2, pg. 2. ██████████ did not provide his information to the officers and became verbally combative with them, so the name on the ISR is "John Doe."

³⁴ Att. 15 at timestamp 19:54:51.

³⁵ Att. 33, pg. 16, lns. 2 to 15.

In addition to the report not accurately reflecting ██████ movements in the moments leading up to the search of ██████ person by Officer Lammert, Officer Lammert's ISR contained a second inaccuracy: the ISR states that Officer Lammert was seated in his vehicle at the time he initially observed ██████ when the officer was in fact standing on the sidewalk. Officer Lammert pointed out this error in his statement to COPA and attributed it to an oversight.³⁶ Taken as a whole, COPA finds this allegation to be Sustained.

D. Officer Lammert prematurely deactivated his BWC.

CPD policy requires officers to not deactivate their BWC's "event mode" unless the entire incident has been recorded and the member is no longer engaged in a law-enforcement-related activity, the member has cleared the assignment, or the member leaves the scene of the incident.³⁷

In this case, Officer Lammert deactivated his BWC while speaking with ██████ Officer Lammert told COPA that he believed the stop had concluded once ██████ walked away.³⁸ He also stated that after deactivating his BWC, he was no longer interacting with ██████³⁹ However, Officer Macias BWC footage shows ██████ following the officers outside of the store and captures Officer Lammert continuing to speak with ██████⁴⁰ While the initial deactivation may have been a good faith error on the part of Officer Lammert, he had an opportunity to re-activate his camera to cure the error but did not do so. This allegation is therefore Sustained.

VI. DISCIPLINARY RECOMMENDATION

A. Officer Timothy Lammert

1. Complimentary and Disciplinary History⁴¹

Officer Lammert joined CPD on November 25, 2013. Since that time, he has received 228 awards, including two police officer of the month awards, one special commendation award, one top gun arrest award, one traffic stop of the month award, 202 honorable mention certificates, 12 department commendation awards, and one honorable mention ribbon award. He received a reprimand in 2023 arising from a failure to file an ISR and notify OEMC of a traffic stop (log 2021-0002761), and a second reprimand in 2024 for neglect of duty that led to a SPAR. Officer Lammert also received a five-day suspension in 2021 in connection with an incident in lock up

³⁶ Att. 33, pg. 15, lns. 4 to 8.

³⁷ Att. 30, S03-14 (V)(C)(1)(a) (1 to 2), Body Worn Cameras (Effective August 08, 2024, to present).

³⁸ Att. 33, pg. 24, lns. 17 to 22.

³⁹ Att. 33, pg. 24, lns. 23 to 24, pg. 25, lns. 1 to 4.

⁴⁰ Att. 14 starting at timestamp 19:55:39.

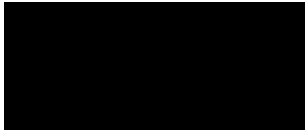
⁴¹ Att. 38, 39.

(2019-0002883),⁴² as well as a three-day suspension in 2023 related to an incident in which another officer discharged a firearm (2020-0001671).⁴³

2. Recommended Discipline

There is no indication that Officer Lammert acted in an intentionally malicious way in his interaction with ██████████ COPA notes Officer Lammert apologized to ██████████ when it turns out that the officer's suspicions regarding ██████████ possession of a firearm proved to be mistaken. That said, this does not excuse the disregard of ██████████ Constitutional rights. In addition, there are significant aggravating factors which apply here, to include conduct that suggests a lack of candor and serves to erode public trust related to the narrative in Officer Lammert's report and his statement to COPA, both which purport to establish cause for the search of ██████████ person which was at variance with the BWC footage; the fact that the victim is a member of the public; the fact that Officer Lammert's misconduct exposed CPD to civil liability; as well as a disregard of training expectations, especially given Officer Lammert's experience. COPA also notes Officer Lammert was previously disciplined for prematurely deactivating his BWC, which he also did in this case. In mitigation, COPA has considered Officer Lammert's numerous awards and service history. Based on this, COPA recommends that Officer Lammert be suspended for 1 to 29 days.

Approved:



Shannon Hayes
Acting Deputy Chief Administrator – Chief
Investigator

January 2, 2026

Date

⁴² This case, investigated by CPD, involved a deficient search of an arrestee which resulted in the arrestee bringing a pistol into lock up, a violation of Rule 11. Officer Lammert was also found to have failed to have completed an ISR as required, a violation of Rule 10.

⁴³ COPA investigated this case and sustained allegations that Officer Lammert failed to preserve a crime scene by removing the firearm of the arrestee, interviewed witness(es) in violation of General Order G03-06, handcuffed a subject and searched his vehicle without justification, and prematurely deactivated his BWC. The Final Summary Report for this case is published on COPA's website.

Appendix A**Case Details**

Date/Time/Location of Incident:	September 23, 2024 / 7:55 pm / 11858 S. State St. Chicago, IL 60628
Date/Time of COPA Notification:	October 1, 2024 / 9:14 am
Involved Member #1:	Timothy Lammert, Star #17995, Employee ID# [REDACTED] DOA: November 25, 2013, Unit of Assignment: 005, Male, White
Involved Member #2:	Nino Macias, Star #5130, Employee ID# [REDACTED] DOA: February 19, 2013, Unit of Assignment: 005, Male, Hispanic
Involved Individual #1:	[REDACTED] Male, Black

Applicable Rules

- Rule 1:** Violation of any law or ordinance.
- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.

Applicable Policies and Laws

- U.S. Const. amend. IV
- S04-13-09, Investigatory Stop System (Effective July 10, 2017, to present)
- S03-14, Body Worn Cameras (Effective August 08, 2024, 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.⁴⁴ 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.”⁴⁵

⁴⁴ 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).

⁴⁵ *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