



March 17, 2026

Mr. Max A. Caproni

Executive Director, Chicago Police Board
30 North LaSalle Street, Suite 1220
Chicago, Illinois 60602

Via Email and U.S. Mail

RE: Request for Review, Log #2024-0002320

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 #2024-0002320.¹

As set forth in detail in COPA's Final Summary Report (FSR) dated December 30, 2024, there is a compelling legal and evidentiary basis to support COPA's disciplinary recommendation of Police Officer Victor Lopez. COPA recommended Officer Lopez receive up to a 30-day suspension, based on findings that he (1) performed an unjustified pat down on [REDACTED] and (2) handcuffed [REDACTED] without justification.

I. BACKGROUND

A. Relevant Factual Background²

On January 17, 2024, Officer Lopez and two partners performed a traffic stop on [REDACTED] after observing him driving with an expired vehicle registration.³ Upon approach, Officer Lopez's

¹ As required by the Police Board Rules of Procedure, enclosed are copies of COPA's final summary report, the Department's non-concurrence letter, and the certificate of meeting.

² A more detailed factual summary is found in the FSR.

³ Att. 18, pg. 8, Ins. 19 to 24.

partners observed that ██████ had a temporary registration permit on the rear windshield of his vehicle.⁴ One of Officer Lopez's partners asked ██████ for his driver's license.⁵ ██████ acknowledged that he had a driver's license, but initially refused to provide it because the officers knew his vehicle was registered.⁶ Officer Lopez removed ██████ from the vehicle, and ██████ eventually provided his driver's license.⁷ ██████ asked for the officers' star numbers, and placed his wallet in his front sweatshirt pocket with his left hand while he held his cellphone in his right hand.⁸ Officer Lopez ordered him to keep his hands out of his pockets.⁹ ██████ explained he was holding his wallet and removed his hand, showing Officer Lopez his wallet, then placed it back in the pocket and removed his hand.¹⁰ ██████ said "you need another job", and Officer Lopez took ██████ cellphone out of his hand, handcuffed him and performed a pat-down.¹¹ After Officer Lopez's partner searched ██████ name in the Law Enforcement Agencies Data System, the officers issued ██████ an investigatory stop receipt and released him.¹²

B. Disputed Findings and Recommendations

The Superintendent disputes sustained Allegations #1 against Officer Lopez, that he performed a pat-down on ██████ and #2 that Officer Lopez handcuffed ██████ both without justification. The Superintendent recommends these allegations be Exonerated and that Officer Lopez not receive a penalty for his conduct.

The Superintendent also disputes sustained Allegation #3 against Officer Lopez, that he failed to use de-escalation techniques while interacting with ██████. The Superintendent argues this allegation should be Not Sustained. COPA agrees to the Superintendent's position regarding this allegation and to alter its findings for Allegation #3 to Not Sustained.

C. Applicable Department Policy

CPD Rule 1 prohibits violation of any law or ordinance. CPD Rule 2 prohibits any action or conduct which impedes CPD's efforts to achieve its policy and goals or brings credit upon CPD. CPD Rule 3 prohibits any omission or failure to act to promote CPD's efforts to implement its policy or accomplish its goals. CPD Rule 6 prohibits disobedience of any order or directive, whether written or oral. CPD Rule 8 prohibits disrespect to or maltreatment of any person, while on or off duty.

II. ARGUMENT

⁴ Att. 5, at 2:08 to 2:22.

⁵ Att. 5, at 2:22 to 2:53.

⁶ Att. 5, at 2:22 to 2:53.

⁷ Att. 5, at 4:32 to 5:42; Att. 6, at 4:32 to 5:39; Att. 13, at pg. 6, ln. 15 to pg. 7, ln.10

⁸ Att. 6, at 5:29 to 5:40.

⁹ Att. 6, at 5:40 to 5:48.

¹⁰ Att. 6, at 5:40 to 5:48

¹¹ Att. 6, at 5:45 to 6:05.

¹² Att. 5, at 5:59 to 40:55.

A. COPA proved that Officer Lopez lacked reasonable articulable suspicion that ██████ was armed and dangerous or presented danger of attack, and the Superintendent failed to meet the affirmative burden of showing otherwise.

The Superintendent argues Officer Lopez had reasonable articulable suspicion and probable cause necessary to perform a protective pat-down of ██████ because he observed ██████ commit a traffic offense.¹³ However, this misstates the Fourth Amendment, Illinois law, and CPD policy requirements to perform a protective pat-down.¹⁴ COPA does not dispute that Officer Lopez and his partner had reasonable articulable suspicion to stop ██████ or that Illinois law required ██████ to produce his driver's license.

To conduct a pat-down, officers “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.”¹⁵ 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.”¹⁶

To handcuff a person, officers must have a sufficiently reasonable concern for officer safety.¹⁷ Whether an officer's handcuffing was reasonable depends on the totality of the circumstances.¹⁸ Officers must have reasonable articulable suspicion to believe that their safety is in danger to handcuff persons.¹⁹ 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.²⁰

Here, Officer Lopez failed to articulate factors that would lead a reasonable officer to believe ██████ was armed and dangerous or presented a danger of attack. Officer Lopez justified his handcuffing and pat-down of ██████ to COPA by pointing to ██████ “demeanor . . . his hands in his pockets, bulges . . . I didn't know what he was going to do.”²¹ However, as addressed in the

¹³ Superintendent's Non-Concurrence, at pg. 2.

¹⁴ S04-13-09(II)(C)(2), Investigatory Stop System (effective July 10, 2017, to February 3, 2026); 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.).

¹⁵ S04-13-09(II)(C)(2).

¹⁶ *People v. Watson*, 145 Ill. App. 3d 492, 497 (1st Dist. 1986)

¹⁷ *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)).

¹⁸ *People v. Colyar*, 2013 IL 111835, ¶ 32.

¹⁹ *People v. Colyar*, 2013 IL 111835, ¶ 45 (“when an officer has reasonable suspicion during an investigatory stop that the individual may be armed and dangerous, the officer is permitted to take necessary measures to determine whether the person is armed and to neutralize any threat of physical harm,”) (citing *Terry v. Ohio*, 392, U.S. 1, 24 (1968)).

²⁰ Compare *People v. Delaware*, 314 App. 3d 363, 371 (1st Dist. 2000) (handcuffing was unreasonable when three officers had no reasonable basis to continue to detain one defendant after hearing gunshots and observing him flee officers into an apartment, but observing no additional facts arising to reasonable suspicion or probable cause); with *People v. Richardson*, 2017 IL App (1st) 130203-B, ¶ 29 (handcuffing was reasonable at dusk when officers had reasonable suspicion that one of the subjects they stopped was armed, and the subjects outnumbered the officers).

²¹ Att. 18, at p.10, lns. 9 to 21.

FSR, this explanation was not credible.²² First, while ██████ argued with Officer Lopez, he did so after Officer Lopez extended the stop after the officers realized ██████ had a valid temporary vehicle permit.²³ A person's irritation at being stopped by officers does not amount to reasonable articulable suspicion to believe that person is armed and dangerous. Second, ██████ wore tight fitting clothing with no observable bulge that could conceivably indicate a weapon.²⁴ The bulge Officer Lopez said he observed in ██████ front pocket occurred after he watched ██████ place his wallet there.²⁵ ██████ also explained to and showed Officer Lopez that he was holding his wallet, before removing his hand as instructed.²⁶ Third, Officer Lopez did not handcuff ██████ until after ██████ provided his driver's license.²⁷ In fact, Officer Lopez did not handcuff ██████ until ██████ asked for the officers' star numbers and said Officer Lopez needed another job.²⁸ Finally, Officer Lopez's statement to ██████ after removing his handcuffs undermines the Superintendent's argument. Officer Lopez told ██████ "The moment you failed to render your driver's license that's a form of disrespect."²⁹

As COPA established in the FSR, Officer Lopez lacked reasonable articulable suspicion to believe that ██████ was armed and dangerous, presented a danger of attack, or that there was a reasonable concern for officer safety. The Superintendent fails to identify any factors that would reasonably justify Officer Lopez's pat-down or handcuffing of ██████ under the Fourth Amendment. COPA's sustained findings for Allegations #1 and #2 were reasonable.

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,



LaKenya White
Chief Administrator
Civilian Office of Police Accountability

²² FSR, at pg. 3 to 4.

²³ Att. 5, at 2:08 to 2:22.

²⁴ Att. 6, at 4:35 to 5:48.

²⁵ Att. 6 at 5:40 to 5:49.

²⁶ Att. 6, at 5:40 to 5:49.

²⁷ Att. 6, at 5:22 to 5:49.

²⁸ Att. 6, at 5:30 to 6:05.

²⁹ Att. 6, at 8:39 to 8:44.