



Log # 2024-7755

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On October 14, 2024, the Civilian Office of Police Accountability (COPA) received a civil lawsuit complaint alleging misconduct by a member of the Chicago Police Department (CPD).² The plaintiff, [REDACTED] alleged that on March 3, 2023, Officer Joseph Vecchio unjustifiably arrested [REDACTED] and impounded [REDACTED] vehicle.³ Upon review of the evidence and after interviewing [REDACTED] COPA also served allegations that Officer Justin Magnan arrested [REDACTED] without justification, that Officer Tyreon Davis searched [REDACTED] vehicle and/or backpack without justification, and that Sergeant (Sgt.) Dorian James participated in his subordinates' misconduct and failed to properly supervise them.⁴ Following its investigation, COPA reached sustained findings regarding the allegations of unjustified arrest, unjustified impoundment of [REDACTED] vehicle, and supervisory misconduct. The allegation against Officer Davis was exonerated.

II. SUMMARY OF EVIDENCE⁵

On March 3, 2023, at approximately 1:25 pm, Officers Vecchio and Magnan stopped a black Dodge Challenger, Indiana plate number [REDACTED] near 625 W 79th St.⁶ Officer Vecchio approached the driver's side of the vehicle and told the driver, [REDACTED] that the reason for the stop was that his vehicle's registration was expired as of "2 of 22," but [REDACTED] responded that Officer Vecchio's assertion was a "lie."⁷ At Officer Vecchio's request, [REDACTED] provided his Indiana Driver's License, his Indiana License to Carry Handgun card, and what appeared to be his vehicle

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 Att. 1. The civil suit, [REDACTED] v. *Vecchio*, No. 24-cv-4629, was filed in the United States District Court for the Northern District of Illinois on June 4, 2024. The civil suit was dismissed on March 7, 2025, after the parties agreed to a settlement. Att. 84.

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.

⁴ [REDACTED] civil attorney, Devlin Schoop, initially declined to consent to COPA interviewing [REDACTED] See CO-1416803. As a result, COPA sought and obtained an Affidavit Override from Chief Yolanda Talley of the CPD Bureau of Internal Affairs. Atts. 32 and 33. Later, after [REDACTED] civil suit was settled, he participated in an interview with COPA and signed an affidavit. Atts. 39 and 40.

⁵ 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 CPD member interviews, CPD reports, and records from the related criminal and administrative court proceedings.

⁶ Att. 6 at 2:00 to 2:15; Att. 2, pg. 2.

⁷ Att. 6 at 2:15 to 2:40.

registration. He also told Officer Vecchio that there was a firearm in his backpack.⁸ Officer Vecchio then told ██████ "You're also not wearing a seat belt, just to let you know."⁹

Officer Vecchio returned to his vehicle and called Sgt. James, asking about the "pink Indiana Concealed Carry" license and if it was valid in Illinois; he then gave the sergeant his location at 79th and Wallace and let him know the driver had a firearm in his vehicle.¹⁰ Officer Davis arrived on scene to assist and learned there was a loaded firearm in the vehicle, inside a backpack.¹¹ He went into ██████ vehicle through the passenger side door, located and searched the backpack, and removed a loaded black firearm.¹² Officer Davis cleared the firearm, then presented it to Officer Vecchio.¹³

Officer Magnan, at Officer Vecchio's direction, removed ██████ from his vehicle and placed him into handcuffs just as Sgt. James arrived on scene.¹⁴ Sgt. James approached ██████ and told him that because he was from Indiana, once he entered Illinois, his firearm had to go inside the glovebox or the trunk, the ammunition had to be separate from the firearm, and the firearm could not be loaded.¹⁵ Officer Vecchio then went back to his vehicle to check ██████ information using the portable data terminal (PDT).¹⁶

Sgt. James spoke with Officer Vecchio and advised that he should explain to ██████ that the issue they had with him was that he had a firearm inside his vehicle, "locked and loaded."¹⁷ Sgt. James also told Officer Vecchio that he could "take it in, at worst it would be a misdemeanor."¹⁸ Officer Vecchio told ██████ that he is not allowed to have a loaded firearm in Illinois.¹⁹ ██████ was arrested and transported to the 6th District police station, and he was charged with possessing a firearm without a valid FOID card, no valid registration, and not wearing a seatbelt.²⁰ Furthermore, his vehicle was impounded for possessing an unlawful firearm.²¹ ██████ also received citations for not having a valid state registration and failing to wear a seatbelt.²²

⁸ Att. 6 at 2:40 to 3:01. The documents that ██████ handed to Officer Vecchio are also visible later in Officer Vecchio's BWC recording. See Att. 6 at 7:56 to 8:23.

⁹ Att. 6 at 3:01 to 3:26.

¹⁰ Att. 6 at 3:26 to 4:50.

¹¹ Att. 7 at 1:55 to 2:17.

¹² Att. 7 at 2:17 to 3:24.

¹³ Att. 7 at 3:24 to 3:46.

¹⁴ Att. 6 at 7:16 to 7:40; Att. 5 at 7:23 to 8:10; Att. 9 at 1:46 to 2:25.

¹⁵ Att. 9 at 2:25 to 3:35. ██████ later explained his understanding of the law to COPA: he was allowed to carry his firearm while he and the firearm remained in his vehicle, but if he stepped out of his vehicle, he had to lock the firearm in his glove compartment or "out of reach/out of sight." Att. 42, pg. 7, lns. 2 to 9.

¹⁶ Att. 6 at 9:27 to 10:06.

¹⁷ Att. 6 at 10:07 to 10:23.

¹⁸ Att. 9 at 4:21 to 5:12.

¹⁹ Att. 6 at 11:15 to 12:00.

²⁰ Att. 2.

²¹ Atts. 2 and 25.

²² Att. 22.

The criminal charges against ██████ were dismissed on May 16, 2023, after ██████ attorney filed a motion to dismiss, arguing that non-Illinois residents are permitted to transport a concealed firearm within their vehicle if the firearm remains within the vehicle and the non-resident possesses a valid concealed carry license in their home state.²³

On May 25, 2023, ██████ appeared before an administrative law judge (ALJ) at the Department of Administrative Hearings regarding his impounded vehicle. The City called Officer Vecchio as a witness, and Officer Vecchio testified that he stopped ██████ after observing him driving without wearing a seatbelt.²⁴ Officer Vecchio then explained that ██████ admitted to having a loaded firearm in his backpack, and that ██████ produced an Indiana “gun card” that Officer Vecchio believed was not valid in Illinois.²⁵ Officer Vecchio testified that he then placed ██████ under arrest and impounded ██████ vehicle based on the presence of an unlawful firearm. On cross-examination, ██████ asked Officer Vecchio, “You stated that the reason you pulled me over was because of a seat belt. When you approached my vehicle that day, you stated to me that you originally pulled me over because . . . the vehicle’s validation on the car was not invalid. Is that correct?” and Officer Vecchio answered, “No.”²⁶ After continuing the matter to another date, the ALJ ruled in favor of ██████ finding that under the non-residents provisions of the Illinois Firearm Concealed Carry Act, ██████ could legally possess a concealed firearm inside his vehicle because he had a valid concealed carry license issued by the State of Indiana.²⁷

III. ALLEGATIONS

Officer Joseph Vecchio:

1. Arresting ██████ without justification.
 - Sustained, violation of Rules 2, 3, 6, 8, 10, and 11
2. Impounding ██████ vehicle, without justification.
 - Sustained, violation of Rules 2, 3, 6, 8, 10, and 11

Officer Justin Magnan:

1. Arresting ██████ without justification.
 - Sustained, violation of Rules 2, 3, 6, 8, 10, and 11

Officer Tyreon Davis:

1. Searching ██████ vehicle and/or backpack, without justification.
 - Exonerated.

²³ Att. 14; Att. 15, pg. 1.

²⁴ Att. 69, pg. 5, lns. 2 to 8.

²⁵ Att. 69, pg. 6, ln. 25, to pg. 8, ln. 16.

²⁶ Att. 69, pg. 15, lns. 4 to 10.

²⁷ Att. 70, pg. 6, ln. 21, to pg. 10, ln. 3. The hearing officer ordered the City to refund ██████ the \$2,225.00 in fines and fees he had paid to retrieve his vehicle from impound. Att. 46; Att. 70, pg. 10, lns. 22 to 25.

Sgt. Dorian James:

1. Arresting or directing officers under his supervision to arrest [REDACTED] without justification.
 - Sustained, violation of Rules 2, 3, 6, 8, 10, and 11
2. Impounding, or directing officers under his supervision to impound [REDACTED] vehicle, without justification.
 - Sustained, violation of Rules 2, 3, 6, 8, 10, and 11

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.

This investigation did not reveal any evidence that caused COPA to question the credibility of Officer Davis or Sgt. James. Officer Magnan was unable to recall many details about the incident, despite having viewed his BWC recording before the interview began. All three of these CPD members provided statements that were generally consistent with the available BWC recordings and CPD reports.

[REDACTED] also provided a statement that was consistent with the available BWC recordings and reports. COPA notes that when Sgt. James asked [REDACTED] if he had ever been arrested, [REDACTED] responded, "No."²⁸ However, [REDACTED] had been arrested on January 9, 2021, and charged with, among other things, aggravated unlawful use of a weapon.²⁹ [REDACTED] was not obligated to speak with Sgt. James while he was detained, and he was not under oath when he made this statement.

COPA finds that there is reason to doubt the credibility of Officer Vecchio's account. On March 3, 2023, Officer Vecchio curbed [REDACTED] vehicle, introduced himself, and then told [REDACTED] that reason for the stop was his registration plates were expired.³⁰ As it turned out, [REDACTED] plates were *not* expired, as evidenced by the registration that [REDACTED] handed to Officer Vecchio, and the license plates themselves.³¹ After some discussion about the firearm [REDACTED] admitted was in his vehicle, Officer Vecchio *then* stated, "You're also not wearing a seatbelt, just to let you know."³²

On May 25, 2023, [REDACTED] and Officer Vecchio attended [REDACTED] vehicle impoundment hearing.³³ Officer Vecchio testified that the reason he stopped [REDACTED] was because he was not

²⁸ Att. 9 at 4:00 to 4:11.

²⁹ Att. 67, pgs. 1 to 2. The disposition of the charges was *Nolle Prosequi*.

³⁰ Att. 6 at 2:15 to 2:40.

³¹ Atts. 59 and 65.

³² Att. 6 at 3:01 to 3:26.

³³ Att. 69.

wearing a seat belt.³⁴ At no time did he mention that [REDACTED] vehicle registration was expired. Officer Vecchio also failed to mention that when he asked [REDACTED] for his driver's license and insurance, he also asked for [REDACTED] vehicle registration, which showed an expiration date of February 14, 2024.³⁵ Officer Vecchio's shifting justifications for the traffic stop raise questions about his overall credibility. Additionally, when Sgt. James was interviewed by COPA, he mentioned that Officer Vecchio was "one of the hard-working officers that *wants to have the numbers* and do a good job."³⁶ While Sgt. James appears to have meant this as a compliment, Officer Vecchio's purported desire for "numbers" raises questions about his motivation for arresting [REDACTED]

V. ANALYSIS³⁷

a. Arresting [REDACTED] without justification.

COPA finds that the allegations against Officer Vecchio and Officer Magnan, that they arrested [REDACTED] without justification, are **Sustained**. CPD members must have probable cause to arrest a person. "Probable cause to arrest exists when the totality of the facts and circumstances known to a police officer would lead a person of reasonable caution to believe that the person apprehended has committed a crime, and its existence depends on the totality of the circumstances at the time of the arrest."³⁸ The officer's subjective belief is not determinative; rather probable cause is an objective standard.³⁹

Officers Vecchio and Magnan arrested [REDACTED] for possessing a firearm without a valid Firearm Owner's Identification Card issued by the Illinois State Police,⁴⁰ and their arrest report documented that [REDACTED] was arrested due to "not having a valid Illinois FOID card and CCL."⁴¹ However, the statute cited in the arrest report states, "The provisions of this Section regarding the possession of firearms... do not apply to... [n]on-residents who are currently licensed or registered to possess a firearm in their resident state."⁴² Additionally, the Illinois Firearm Concealed Carry Act provides, "Nothing in this Act shall prohibit a non-resident from transporting a concealed firearm within his or her vehicle... [if] the non-resident: (1) is not prohibited from owning or possessing a firearm under federal law; (2) is eligible to carry a firearm in public under the laws of his or her state or territory of residence, as evidence by the possession of a concealed carry

³⁴ Att. 69, pg. 4, ln. 18, to pg. 5, ln. 8.

³⁵ Att. 6 at 13:24:20-13:25:10.

³⁶ Att. 49, pg. 30, lns. 20 to 22, and pg. 32, ln. 19, to pg. 33, ln. 1 (emphasis added).

³⁷ For a definition of COPA's findings and standards of proof, *see* Appendix B.

³⁸ *People v. D. W. (In re D. W.)*, 341 Ill. App. 3d 517, 526 (1st Dist. 2003). Probable cause is also defined for CPD members in Special Order S04-13-09(II)(D), Investigatory Stop System (effective July 10, 2017, to February 3, 2026). Att. 82.

³⁹ *People v. Chapman*, 194 Ill. 2d 186, 218-19 (2000).

⁴⁰ Att. 2, pg. 1; 430 ILCS 65/2(a)(1).

⁴¹ Att. 2, pg. 2. The Arrest Report was attested to by Officer Magnan, with Officer Magnan listed as the first arresting officer and Officer Vecchio listed as the second arresting officer. Sgt. James was listed as an assisting arresting officer, and Sgt. James was the approving supervisor for the associated Original Case Incident Report. Att. 2, pgs. 3 and 5; Att. 3, pg. 2.

⁴² 430 ILCS 65/2(b)(10).

license or permit issued by his or her state of residence, if applicable; and (3) is not in possession of a license under the Act. If the non-resident leaves his or her vehicle unattended, he or she shall store the firearm within a locked vehicle or locked container within the vehicle...”⁴³

Officer Vecchio told COPA that he checked [REDACTED] license plate in the Law Enforcement Agency Data System (LEADS) and found that [REDACTED] registration was expired.⁴⁴ He subsequently curbed [REDACTED] vehicle and discovered that [REDACTED] was in possession of a loaded firearm, which was located in a bookbag on or near the front passenger side seat area of [REDACTED] vehicle. Officer Vecchio told COPA that because [REDACTED] did not possess an Illinois FOID card and CCL, the firearm needed to be cased, unloaded, and not immediately accessible to him.⁴⁵ Officer Vecchio went on to say that the Second Amendment allowed non-residents to carry a dismantled firearm in Illinois, without any sort of license from any state, if it is being carried in the manner he described.⁴⁶ Officer Magnan also told COPA that he and Officer Vecchio decided to arrest [REDACTED] when it was determined that he possessed a loaded firearm in his vehicle that was within his reach, but did not have an Illinois FOID card and CCL.⁴⁷

Although [REDACTED] did not possess what the officers believed to be the requisite Illinois FOID card and CCL, Illinois law did not prohibit [REDACTED] from possessing a concealed firearm inside his vehicle. At the time of the traffic stop, [REDACTED] firearm was concealed inside his vehicle, and he had a valid concealed carry license issued by the state of Indiana, allowing him to possess the firearm under the terms specified by Illinois law. The officers’ understanding of the law was incorrect,⁴⁸ and the arrest was based on their mistake of law. For these reasons, COPA finds by a preponderance of evidence that Officers Vecchio and Magnan arrested [REDACTED] without justification, in violation of Rules 2, 3, 6, 8, 10, and 11, and the allegation is **Sustained** as to both officers.

b. Impounding [REDACTED] vehicle, without justification.

COPA finds that the allegation against Officer Vecchio, that he impounded [REDACTED] vehicle without justification, is **Sustained**.

⁴³ 430 ILCS 66/40(e).

⁴⁴ Att. 57, pg. 33, ln. 10. [REDACTED] registration was *not* expired. The license plate on [REDACTED] vehicle, Att. 65, and the vehicle registration receipt that [REDACTED] presented to Officer Vecchio when he was first stopped, Att. 59, both showed that the registration was valid until February 14, 2024. Approximately 90 minutes later, a LEADS search was done by Streets and Sanitation when they prepared the paperwork for the impoundment of [REDACTED] vehicle. Att. 25, pg. 3. The LEADS search also showed that [REDACTED] registration was valid through February 14, 2024.

⁴⁵ Att. 57, pg. 23, lns. 13 to 18; Att. 58, pg. 15, ln. 22, to pg. 16, ln. 22. Before he spoke with Sgt. James, Officer Vecchio told Officer Davis that [REDACTED] had an Indiana CCL that was not valid in Illinois. Att. 6 at 7:50 to 8:00.

⁴⁶ Att. 57, pg. 24, lns. 1 to 8.

⁴⁷ Att. 58, pg. 15, lns. 17 to 21. Officer Magnan also mentioned that Sgt. James had been present and had explained that [REDACTED] needed an Illinois FOID card and CCL. Att. 58, pg. 15, lns. 10 to 16.

⁴⁸ In a Joint Status Report filed by Officer Vecchio’s attorney in the related civil matter, the attorney conceded, “Illinois law regarding the carrying of loaded firearms has changed significantly in recent years, creating new exceptions for out of state residents. If Officer Vecchio has done anything wrong, it appears to be an honest mistake due to a less than full understanding of the revised statutes” Att. 85, pg. 3 (citations omitted).

The Chicago Municipal Code authorizes the Department of Streets and Sanitation to tow and impound a vehicle that contains a firearm carried or possessed in violation of any applicable state or federal law, other than for the expiration of a FOID card or a conceal carry license of a person who otherwise remains qualified under Illinois law to lawfully possess or carry firearms.⁴⁹

On March 3, 2023, at approximately 2:44 pm, Streets and Sanitation towed and impounded [REDACTED] vehicle for the possession of an unlawful firearm. The tow/impoundment document drafted by Officer Vecchio stated that the police investigation yielded “a loaded firearm which was unlawfully carried/transported.”⁵⁰ However, as discussed in the allegation above, [REDACTED] firearm possession appeared to be lawful, and Officer Vecchio did not have evidence showing that [REDACTED] committed any other offense that would have warranted impounding his vehicle. For these reasons, COPA finds by a preponderance of evidence that Officer Vecchio impounded [REDACTED] vehicle without justification, in violation of Rules 2, 3, 6, 8, 10, and 11, and the allegation is **Sustained**.

c. Searching [REDACTED] vehicle and/or backpack, without justification.

COPA finds the allegation against Officer Davis, that he searched [REDACTED] vehicle and/or backpack without justification, is **Exonerated**.

When an officer initiates a traffic stop of a concealed carry licensee or a non-resident carrying a concealed firearm, upon request of the officer, the licensee or non-resident must disclose to the officer that he or she is in possession of a concealed firearm. The disclosure requirement is satisfied if a non-resident presents the officer with evidence that he or she is qualified to carry a firearm. The non-resident must also identify the location of the concealed firearm and permit the officer to safely secure the firearm for the duration of the investigation.⁵¹

In this case, Officer Davis responded to assist Officers Vecchio and Magnan, and he was one of the last officers to arrive on scene.⁵² Officer Davis walked to the passenger side of [REDACTED] vehicle and learned there was a firearm in the backpack located on the front passenger-side floor.⁵³ Officer Davis opened the passenger side door, retrieved the backpack, and then searched for and found [REDACTED] firearm.⁵⁴ Officer Davis then removed the magazine, cleared the chamber, and presented the firearm to Officer Vecchio.⁵⁵

⁴⁹ Municipal Code of Chicago § 8-20-070; Att. 83, S07-03-05(II)(A) and (III)(A)(1), Impoundment of Vehicles for Municipal Code Violations (effective October 1, 2022, to present).

⁵⁰ Att. 25, pg. 2.

⁵¹ 430 ILCS 66/10(h); Att. 86, S06-05-02, Firearm Concealed Carry Act (effective August 16, 2019, to present).

⁵² Att. 53, pg. 11, Ins. 16 to 21.

⁵³ Att. 7 at 1:55 to 2:15.

⁵⁴ Att. 7 at 2:15 to 3:24.

⁵⁵ Att. 7 at 3:25 to 3:46; Att. 53, pg. 33, Ins. 3 to 8.

Officer Davis told COPA that the only place he searched was [REDACTED] backpack, which was consistent with his BWC recording.⁵⁶ He also remembered hearing Officer Vecchio call out that there was a firearm in the vehicle.⁵⁷ Officer Davis did not recall whether Officer Vecchio or another officer was specifically speaking to him, but he performed the search for the firearm based on what he heard.⁵⁸ Officer [REDACTED] justified entering the vehicle by stating it was due to officer safety, and he went on to explain that he was taught not to talk to people with firearms in their possession during traffic stops. Officer Davis further explained that “there should not be any police interaction with someone that’s armed with a firearm because it can turn bad quickly.”⁵⁹

COPA asked Officer Davis if he knew whether it was legal for [REDACTED] to drive in Illinois with a firearm, and Officer Davis answered that he did not know. Officer Davis also stated that no other officer told him whether or not [REDACTED] possessed the firearm illegally, nor did he inquire.⁶⁰

Illinois law required [REDACTED] to disclose his possession of a firearm and the location of the firearm within his vehicle, and [REDACTED] complied. [REDACTED] was also required to permit officers to safely secure the firearm for the duration of the stop. [REDACTED] did not appear to object to Officer Davis securing his firearm, and Officer Davis did not search [REDACTED] vehicle beyond removing the backpack, securing the firearm, and turning the firearm over to Officer Vecchio. For these reasons, COPA finds there is clear and convincing evidence that Officer Davis’s actions were justified, and this allegation is **Exonerated**.

d. Arresting or directing officers under his supervision to arrest [REDACTED] without justification.

COPA finds the allegation against Sgt. James, that he arrested or directed officers under his supervision to arrest [REDACTED] without justification, is **Sustained**.

CPD supervisors are accountable for the performance of subordinate members directly observed or under their direct command.⁶¹ CPD supervisors must apply all CPD policies, procedures, directives, and orders consistently among other CPD members, watches, geographic areas of the city, and all units of CPD.⁶² Supervisors should further be knowledgeable about the law, CPD policies, and unit-level directives which apply to their positions, duties, and responsibilities in order to be a resource to other CPD members.⁶³ While in the field, supervisors must provide command and supervisory responses to incidents, and, when necessary, review and investigate incidents and member conduct.⁶⁴ Additionally, CPD supervisors are required to

⁵⁶ Att. 53, pg. 12, lns. 1 to 4.

⁵⁷ Att. 53, pg. 14, lns. 2 to 5.

⁵⁸ Att. 53, pg. 14, lns. 6 to 20.

⁵⁹ Att. 53, pg. 15, ln. 24, to pg. 16, ln. 10.

⁶⁰ Att. 53, pg. 20, ln. 19, to pg. 21, ln. 1.

⁶¹ Att. 81, G01-09(III)(B), Supervisory Responsibilities (effective May 10, 2021, to June 30, 2025).

⁶² Att. 81, G01-09(III)(A).

⁶³ Att. 81, G01-09(III)(A).

⁶⁴ Att. 81, G01-09(IV)(A)(1).

respond to inquiries from members under their command concerning any questions or interpretations regarding CPD directives.⁶⁵

When Sgt. James arrived on scene, he approached [REDACTED] and told him that because he was from Indiana, once he entered Illinois, his firearm had to go inside the glovebox or the trunk, the ammunition had to be separate from the firearm, and the firearm could not be loaded.⁶⁶ Shortly thereafter, Sgt. James spoke with Officer Vecchio and advised that he should explain to [REDACTED] that the issue they had with him was that he had a firearm inside his vehicle, “locked and loaded.”⁶⁷ Sgt. James also told Officer Vecchio that he could “take it in, at worst it would be a misdemeanor.”⁶⁸

Sgt. James explained to COPA that officers have discretion, and if Officers Vecchio and Magnan did not want to arrest [REDACTED] they could have given him a warning.⁶⁹ However, Sgt. James also said that he knew Officer Vecchio would not want to simply write a ticket or release [REDACTED] at the scene, but would probably make an arrest.⁷⁰ Sgt. James emphasized that he believed Officer Vecchio had legal justification to arrest [REDACTED] and he backed Officer Vecchio’s decision.⁷¹ When Officer Vecchio was asked who made the decision to arrest [REDACTED] his response was that he, Officer Magnan, and Sgt. James all made the decision.⁷²

During this traffic stop, there was discussion between Sgt. James and the officers about the situation with [REDACTED] and the loaded firearm in his vehicle. Sgt. James was incorrect about the Illinois law regarding non-resident conceal carry in a vehicle: he explained the law incorrectly to [REDACTED] and he improperly told Officer Vecchio that he could make an arrest. While Sgt. James did not arrest [REDACTED] himself and did not directly order the officers to arrest [REDACTED] he (1) advised Officer Vecchio that an arrest would be appropriate, (2) was present when the arrest was made, (3) approved the associated case report, and (4) was listed on the arrest report as an assisting arresting officer. For these reasons, COPA finds by a preponderance of evidence that Sgt. James arrested or directed officers under his supervision to arrest [REDACTED] without justification, in violation of Rules 2, 3, 6, 8, 10, and 11. Accordingly, this allegation is **Sustained**.

d. Impounding, or directing officers under his supervision to impound [REDACTED] vehicle, without justification.

COPA finds the allegation against Sgt. James, that he impounded or directed officers under his supervision to impound [REDACTED] vehicle, without justification, is **Sustained**.

⁶⁵ Att. 81, G01-09(III)(A)(5) and (B)(1).

⁶⁶ Att. 9 at 2:25 to 3:35.

⁶⁷ Att. 6 at 10:07 to 10:23.

⁶⁸ Att. 9 at 4:21 to 5:12.

⁶⁹ Att. 49, pg. 29, Ins. 18 to 22.

⁷⁰ Att. 49, pg. 30, Ins. 6 to 17.

⁷¹ Att. 49, pg. 34, Ins. 3 to 5.

⁷² Att. 57, pg. 32, Ins. 12 to 19.

As explained above, the impoundment of [REDACTED] vehicle was unjustified because [REDACTED] lawfully possessed a firearm within his vehicle. Sgt. James did not personally impound the vehicle, and he did not directly order officers under his supervision to impound it. Officer Vecchio told COPA that he decided to impound the vehicle because it was “standard procedure for an arrest [involving] a firearm.”⁷³ Sgt. James told COPA that [REDACTED] vehicle was impounded because of an unlawful firearm.⁷⁴ Sgt. James also stated that he did not have any discussion, nor did he suggest to Officer Vecchio, that he should impound the vehicle. The sergeant also agreed that impoundment of a vehicle for a firearm violation is standard practice.⁷⁵ However, Sgt. James gave Officer Vecchio inaccurate advice regarding the basis for impounding the vehicle, and most importantly, Sgt. James personally approved the Vehicle Impoundment/Seizure Report that improperly authorized the impoundment.⁷⁶

For these reasons, COPA finds by a preponderance of evidence that Sgt. James impounded, or directed officers under his supervision to impound [REDACTED] vehicle, without justification, in violation of Rules 2, 3, 6, 8, 10, and 11. Accordingly, this allegation is **Sustained**.

VI. DISCIPLINARY RECOMMENDATION

a. Police Officer Joseph Vecchio

i. Complimentary and Disciplinary History⁷⁷

Officer Vecchio has been employed by CPD since October 16, 2019. He has received 144 awards, the highlights of which include ten Department Commendation Awards, one Top Gun Arrest Award, one Recognition/Outside Governmental Agency Award, one Superintendent’s Honorable Mention Certificate, and 126 Honorable Mention Certificates. He has three prior sustained complaints, which are summarized below:

- A 15-day suspension for a domestic violence incident where he threw eggs at a vehicle, threw and/or kicked a cellphone, stepped on a vacuum cleaner, and made multiple threatening statements (2020-0001524);
- A Reprimand for failing to submit a Traffic Stop Statistical Study and for issuing a ticket without giving the motorist a copy after giving the motorist a verbal warning (2023-0000861); and

⁷³ Att. 57, pg. 33, lns. 10 to 12.

⁷⁴ Att. 49, pg. 34, lns. 6 to 11.

⁷⁵ Att. 49, pg. 34, lns. 12 to 22.

⁷⁶ Att. 25, pg. 2.

⁷⁷ Atts. 91 and 92. COPA or BIA also previously investigated Officer Vecchio under Logs 2023-0004908, 2023-0005027, 2023-0005907, 2023-0006064, 2024-0002875, 2024-0003378, 2024-0007034, 2024-0007408, and 2024-0008374. Each of these cases involved at least one sustained allegation of misconduct related to a failure to follow CPD policy during a traffic stop and/or a search. CPD agreed with these findings and imposed a penalty in each case ranging from a Reprimand up to a 20-day suspension. However, all of these cases are subject to the grievance process and have not yet been finalized.

- A two-day suspension for failing to immediately notify OEMC when he was involved in a traffic crash involving a CPD vehicle and for failing to complete the appropriate paperwork related to the accident (2024-0002494).

ii. Recommended Discipline

COPA has found that Officer Vecchio violated Rules 2, 3, 6, 8, 10, and 11 when he arrested [REDACTED] and impounded [REDACTED] vehicle without justification.

In aggravation, Officer Vecchio violated [REDACTED] right against unlawful seizure. Officer Vecchio also exposed CPD to civil liability. COPA also notes Officer Vecchio's serious disciplinary history as a significant aggravating factor.

In mitigation, COPA notes that Officer Vecchio relied, in part, on erroneous guidance provided by his supervisor, Sgt. James, when he arrested [REDACTED] and impounded [REDACTED] vehicle. COPA also recognizes Officer Vecchio's extensive complimentary history.

In consideration of these aggravating and mitigating factors, in light of the serious nature of Officer Vecchio's misconduct, and based on the principles of progressive discipline, COPA recommends that Officer Vecchio be **suspended for between 11 and 29 days**. Additionally, COPA recommends that Officer Vecchio receive **retraining** regarding the rights of non-Illinois residents under the Firearm Concealed Carry Act.

b. Police Officer Justin Magnan

i. Complimentary and Disciplinary History⁷⁸

Officer Magnan has been employed by CPD since August 16, 2019. He has received 144 awards, the highlights of which include six Department Commendation Awards, two Special Commendation Awards, the Police Officer of the Month Award, the Problem Solving Award, a Superintendent's Honorable Mention Certificate, and 126 Honorable Mention Certificates. He has one prior sustained complaint where he received a Reprimand for failing to submit a Traffic Stop Statistical Study and for issuing a citation without giving the motorist a copy after giving the motorist a verbal warning (2023-0000861).

ii. Recommended Discipline

COPA has found that Officer Magnan violated Rules 2, 3, 6, 8, 10, and 11 when he arrested [REDACTED] without justification.

⁷⁸ Atts. 87 and 88.

In aggravation, Officer Magnan violated [REDACTED] right against unlawful seizure. Officer Magnan also exposed CPD to civil liability.

In mitigation, COPA notes that Officer Magnan relied, in part, on erroneous guidance provided by his supervisor, Sgt. James, when he arrested [REDACTED]. COPA also recognizes Officer Magnan's extensive complimentary history.

In consideration of these aggravating and mitigating factors, and in light of the serious nature of Officer Magnan's misconduct, COPA recommends that Officer Magnan be **suspended for between 1 and 10 days**. Additionally, COPA recommends that Officer Magnan receive **retraining** regarding the rights of non-Illinois residents under the Firearm Concealed Carry Act.

c. Sgt. Dorian James

i. Complimentary and Disciplinary History⁷⁹

Sgt. James has been employed by CPD since June 26, 2006, and he was promoted to the rank of sergeant on October 16, 2021. He has received 112 awards, the highlights of which include six Department Commendation Awards, a Military Service Award, four complimentary letters, and 83 Honorable Mention Certificates. He has two prior sustained complaints, but both incidents occurred more than 15 years ago and were not similar to the misconduct found in this investigation.

ii. Recommended Discipline

COPA has found that Sgt. James violated Rules 2, 3, 6, 8, 10, and 11 when he arrested or directed officers under his supervision to arrest [REDACTED] and when he impounded or directed officers under his supervision to impound [REDACTED] vehicle, without justification.

In aggravation, Sgt. James violated [REDACTED] rights against unlawful seizure. Sgt. James also exposed CPD to civil liability.

In mitigation, COPA notes that Sgt. James had been a supervisor for less than two years at the time of this incident. Additionally, Sgt. James's misconduct appears to have resulted from a genuine mistake of law concerning the rights of non-Illinois residents under the Firearm Concealed Carry Act. Finally, COPA recognizes Sgt. James's extensive complimentary history.

In consideration of these aggravating and mitigating factors, and in light of the serious nature of Sgt. James's misconduct, COPA recommends that Sgt. James be **suspended for between 1 and 10 days**. Additionally, COPA recommends that Sgt. James receive **retraining** regarding the rights of non-Illinois residents under the Firearm Concealed Carry Act.

⁷⁹ Atts. 89 and 90.

Approved:



Steffany Hreno
Acting Deputy Chief Administrator

4/12/2026

Date

Appendix A**Case Details**

Date/Time/Location of Incident:	March 3, 2023 / 1:31 pm / 625 W 79th St., Chicago, IL 60620
Date/Time of COPA Notification:	October 14, 2024 / 1:50 pm
Involved Member #1:	Sgt. Dorian James, Star #2608, Employee ID # [REDACTED] DOA: June 26, 2006, Unit: 006, Male, Black
Involved Member #2:	Officer Justin Magnan, Star #18087, Employee ID # [REDACTED] DOA: August 16, 2019, Unit: 008, Male, White
Involved Member #3:	Officer Joseph Vecchio, Star #14469, Employee ID # [REDACTED] DOA: October 16, 2019, Unit: 006/376, Male, White
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 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 10:** Inattention to duty.
- ☒ **Rule 11:** Incompetency or inefficiency in the performance of duty.

Applicable Policies and Laws

- 4th Amendment, United States Constitution
- 430 ILCS 65/2, Firearm Owner's Identification Card Required; Exceptions
- 430 ILCS 66/10, Issuance of Licenses to Carry a Concealed Firearm
- 430 ILCS 66/40, Non-resident License Applications
- Special Order S04-13-09, Investigatory Stop System (effective July 10, 2017, to February 3, 2026)
- S07-03-05, Impoundment of Vehicles for Municipal Code Violations (effective October 1, 2022, to present)
- S06-05-02, Firearm Concealed Carry Act (effective August 16, 2019, to present)
- G01-09, Supervisory Responsibilities (effective May 10, 2021, to June 30, 2025)

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.⁸⁰ 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.”⁸¹

⁸⁰ See *Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill. 2d 100, 191 (2005) (“A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.”).

⁸¹ *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