



Log # 2024-0007385

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On September 24, 2024, the Civilian Office of Police Accountability (COPA) received a web complaint from [REDACTED] alleging misconduct by Chicago Police Department (CPD) Officers Joseph Vecchio, Mario Fuentes, and Nicu Tohatan (collectively, “the officers”), and Sergeant (Sgt.) Erick Seng.² [REDACTED] reported that on September 23, 2024, at approximately 6:44 pm, he was seated in his vehicle, which was stopped in a 15-minute standing zone near 147 E Superior Street. He alleged the officers conducted an improper traffic stop, used unjustified force to remove him from his vehicle, unlawfully searched both his person and his vehicle, and verbally threatened and mocked him.³ [REDACTED] stated that he formally complained to Sgt. Seng, who assured him that the officers would be disciplined.⁴

After reviewing the evidence, COPA served allegations against Officers Fuentes, Tohatan and Vecchio for 1) detaining [REDACTED] without justification, 2) searching [REDACTED] vehicle without justification, 3) forcefully removing [REDACTED] from his vehicle without justification, 4) searching [REDACTED] without justification, 5) directing verbal abuse at [REDACTED] 6) failing to accurately detail the facts or circumstances of their interaction with [REDACTED] in CPD reports, and 7) failing to provide [REDACTED] with an Investigatory Stop Receipt. Sgt. Seng was served with allegations for 1) failing to timely activate his body-worn camera (BWC), and 2) failing to initiate a Log Number Investigation after receiving [REDACTED] complaint.

Following its investigation, COPA reached sustained, not sustained and unfounded findings for the allegations against Officers Vecchio, Fuentes, and Tohatan. In addition, COPA sustained both allegations against Sgt. Seng.

II. SUMMARY OF EVIDENCE⁵

On September 23, 2024, at approximately 6:44 pm, near 147 E Superior Street, the officers were on duty together in an unmarked CPD vehicle working on a tactical team (Beat 1863).⁶ The

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 CPD relieved Officers Vecchio and Tohatan of their police powers in unrelated cases and reassigned them to Unit 376 prior to the conclusion of this investigation. Officer Fuentes resigned from CPD on February 5, 2026. *See* Att. 82.

³ Att. 1. 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 Note: Sgt. Seng did not initiate a Log Number related to [REDACTED] complaint.

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 BWC video, CPD reports, [REDACTED] complainant interview, officer interviews, and documents from [REDACTED] civil lawsuit.

⁶ Atts. 7, 16, 17, and 18.

officers conducted a traffic stop involving [REDACTED] who was seated in his vehicle, which was stationary in a designated 15-minute standing zone.⁷ [REDACTED] was parked a few feet away from a 15-minute parking sign.⁸ He was the sole occupant and seated in the driver's seat of his vehicle. As the officers' vehicle approached and drove past [REDACTED] vehicle, Officers Fuentes and Tohatan both turned their heads toward the right, in the direction of [REDACTED] vehicle.⁹

Officer Tohatan exited the patrol vehicle and approached [REDACTED] at his driver's window, while Officer Vecchio simultaneously advanced to the passenger side. Officer Tohatan's BWC video captured a frontal view of the vehicle's interior as he exited his police vehicle and moved toward the driver's side of [REDACTED] vehicle.¹⁰ [REDACTED] was seated in the driver's seat, holding a cell phone in his right hand and using his left hand to fully lower the driver's window as Officer Tohatan arrived.¹¹

Upon initial contact, Officer Tohatan informed [REDACTED] that the interaction was being recorded and that vehicles parked in that area were required to have their hazard lights activated.¹² When [REDACTED] began to explain, Officer Tohatan interrupted and asked if he owned the vehicle.¹³ [REDACTED] confirmed that he did and stated he had just returned from a nearby store, pointing to a shopping bag on the passenger seat.¹⁴ Officer Tohatan then requested his driver's license and proof of insurance.¹⁵

When [REDACTED] asked why the documents were needed,¹⁶ Officer Tohatan quickly reiterated that [REDACTED] was parked in a tow zone without hazard lights, and he again requested [REDACTED] license and insurance and asked that [REDACTED] lower his vehicle windows.¹⁷ [REDACTED] then removed his wallet from his left pants pocket and attempted to retrieve his driver's license.¹⁸

While [REDACTED] was in the process of producing his driver's license and insurance, Officer Tohatan issued an additional command directing him to lower the rear windows.¹⁹ Almost simultaneously, Officer Fuentes, positioned at the rear driver's side door, tapped on the window and repeated the order. [REDACTED] responded that no other occupants were inside the vehicle. As [REDACTED] was attempting to provide Officer Tohatan with his license and insurance, Officer Fuentes told [REDACTED] to come out of the vehicle. [REDACTED] responded, "No, I don't have to

⁷ Atts. 16, 17, and 18, at 18:56:37.

⁸ Atts. 16, 17, 18 at 18:56:31 to 18:56:38.

⁹ Att. 18 at 18:56:30 to 18:45:37.

¹⁰ Att. 16 at 18:56:37 to 18:56:40.

¹¹ Att. 16 at 18:56:40 to 18:57:12.

¹² Att. 16 at 18:56:52.

¹³ Att. 16 at 18:56:53 to 18:56:55.

¹⁴ Att. 16 at 18:56:57 to 18:56:59.

¹⁵ Att. 16 at 18:57:00.

¹⁶ Att. 16 at 18:57:02.

¹⁷ Att. 16 at 18:57:10 to 18:57:14.

¹⁸ Att. 16 at 18:57:14 to 18:57:31.

¹⁹ Att. 16 at 18:57:19.

come out.”²⁰ He also requested that the officers call for a sergeant. Officer Fuentes immediately opened the driver’s door and stated, “Come on out or we’ll rip you out.”²¹

Approximately seven seconds after Officer Fuentes first told [REDACTED] to exit his vehicle, Officer Fuentes reached into the vehicle and forcibly grabbed [REDACTED] with both hands, while Officers Tohatan and Vecchio assisted in pulling him from the vehicle.²² The three officers then spun [REDACTED] around, forced him against the side of his vehicle, and pinned him there.²³ During his removal, [REDACTED] stated, “I’m not doing anything!” Officer Fuentes responded in essence, “Then listen! Are you crazy? When we say get out, you get out!”²⁴ Officer Tohatan added, “You ask me why I’m asking for your license, are you stupid?”²⁵

Officer Fuentes used an underarm control hold and applied a pressure-point wrist lock, while Officer Tohatan grabbed [REDACTED] right wrist and Officer Vecchio grasped the upper rear portion of his sweatshirt. Collectively, the three officers then held [REDACTED] pinned against his vehicle.²⁶

The officers subsequently placed [REDACTED] in handcuffs and Officer Tohatan conducted a pat-down search.²⁷ Following the handcuffing, Officer Fuentes told him, “You’re going to jail.”²⁸ Officer Vecchio then escorted [REDACTED] behind his vehicle, where [REDACTED] sat down on the curb. The officers proceeded to search the entire vehicle, including the trunk and closed containers.²⁹ When [REDACTED] asserted his right to question the basis for the stop, Officer Fuentes shouted, “No! You don’t have the right! You have the right to go to jail!”³⁰ Officer Fuentes, after learning [REDACTED] father was a police officer, further remarked that his “father should have raised [him] better.”³¹ [REDACTED] again requested a sergeant, and Officer Vecchio responded sarcastically, “Yeah, I’m going to start listening to everything that you want me to do.”³²

During the vehicle search, Officer Vecchio removed a closed but unsealed bottle of tequila from the trunk and poured it onto the street, later telling [REDACTED] words to the effect, “Guess you’re gonna learn to listen today, man.”³³ The officers continued berating [REDACTED] during and after the vehicle search. Officer Fuentes stated, “When we say roll down the windows, you roll ‘em down—you don’t question us.” Officer Vecchio, after learning that [REDACTED] possessed a Commercial Driver’s License (CDL) and a Concealed Carry License (CCL), stated, “Wait, man, you got your CDL? And you got all the liquor? You drive for a living and you’re gonna act like

²⁰ Att. 16, 17, and 18 at 18:57:26.

²¹ Att. 16 at 18:57:31.

²² Att. 16 at 18:57:28.

²³ Atts. 16, 17, and 18 at 18:57:28 to 18:57:58.

²⁴ Att. 17 at 18:57:35 to 18:57:43.

²⁵ Att. 17 at 18:57:48.

²⁶ Atts. 16, 17, and 18 at 18:57:35 to 18:57:58.

²⁷ Atts. 16, 17, and 18 at 18:57:57.

²⁸ Atts. 16, 17, and 18 at 18:57:57.

²⁹ Atts. 16, 17, and 18 at 18:58:57 to 19:00:22.

³⁰ Att. 17 at 18:58:42.

³¹ Att. 17 at 18:58:55.

³² Att. 18 at 18:58:29 to 18:58:34.

³³ Att. 18 at 19:00:26.

this with the liquor?”³⁴ When ██████ attempted to explain, Officer Vecchio interrupted, stating, “Really. How about you lose your job today then?” Officer Vecchio then asked, “Are you sorry?”³⁵ When ██████ responded, “No,” Officer Vecchio stated, “Wrong answer. You’re a punk.”³⁶

Officer Vecchio further berated ██████ regarding his CCL, stating, “I think we’re gonna revoke that after this. For this behavior. That’s bad behavior. Scary behavior.”³⁷ Officer Fuentes added, “You seem like a clear and present danger,” and further stated, “Dude, we do this about 100 times a night. You think you’re the only one?”³⁸ The officers eventually decided to let ██████ go. As Officer Vecchio unlocked the handcuffs, he asked ██████ “Are you sorry?” and ██████ quietly replied, “Yeah, I’m sorry.”³⁹ The officers began to walk away, and Officer Fuentes remarked to Officer Vecchio that he should ask ██████ if he wanted a receipt.⁴⁰ Officer Tohatan then asked ██████ if he wanted an ISR receipt. ██████ did not respond to the question about an ISR receipt but continued expressing his displeasure about something else when Officer Tohatan deactivated his camera.⁴¹ Following the incident, the officers completed an ISR but wrote that ██████ refused an ISR receipt.⁴²

After the officers departed, ██████ observed that his vehicle had been left in disarray, with items dumped out and personal belongings disturbed. He called 911 to report the incident and file a complaint.⁴³ Sgt. Seng, who was the officers’ direct supervisor and the sergeant of the 1863 tactical team, notified dispatch that he would take the assignment.⁴⁴ Sgt. Seng responded to the scene and contacted ██████. However, Sgt. Seng did not activate his BWC either when he accepted the assignment or during his initial contact and conversation with ██████.⁴⁵

Sgt. Seng’s BWC video, which remained in buffer mode for the first two minutes of the video, recorded the end of his initial interaction with ██████. The buffered video only captured Sgt. Seng as he stood in front of ██████ and then walked back to his patrol vehicle.⁴⁶ Upon entering the patrol vehicle, Sgt. Seng’s BWC video, still buffering, captured his in-car Portable Data Terminal (PDT) screen, which displayed information about the current assignment along with a highlighted banner in all caps reading “TURN ON BODY WORN CAMERA.”⁴⁷ Next, the buffered BWC video captured Sgt. Seng placing a cellphone call to Officer Vecchio.⁴⁸

³⁴ Att. 18 at 19:01:21 to 19:01:34.

³⁵ Att. 18 at 19:01:32.

³⁶ Att. 18 at 19:01:32 to 19:01:47.

³⁷ Att. 18 at 19:02:10 to 19:02:35.

³⁸ Att. 17 at 19:03:58 to 19:04:41.

³⁹ Att. 18 at 19:05:23 to 19:05:27.

⁴⁰ Att. 17 at 19:05:28 to 19:05:31.

⁴¹ Att. 16 at 19:05:50 to 19:06:01.

⁴² Att. 7.

⁴³ Att. 11.

⁴⁴ Att. 12, at the 59-minute mark.

⁴⁵ Att. 22 at 20:16:49 to 20:18:49.

⁴⁶ Att. 22 at 20:16:49 to 20:18:49.

⁴⁷ Att. 22 at 20:17:29 to 20:18:24.

⁴⁸ Att. 22 at 20:17:34 to 20:18:20.

After the call, Sgt. Seng exited the patrol vehicle and walked back to where [REDACTED] was waiting.⁴⁹

Upon his return to [REDACTED] Sgt. Seng activated his BWC for the first time. He began the recording with a formal introduction, stating words to the effect of, "This is Sgt. Erick Seng, my star number is 2677, 18th District, 1863, -- ok, you were stopped earlier by the police...what happened?"⁵⁰ [REDACTED] provided a comprehensive statement regarding his interaction with the officers while Sgt. Seng recorded the statement and contemporaneously took written notes. During the statement, Sgt. Seng told [REDACTED] that the officers were part of his team and attributed their actions to the more aggressive policing posture in the downtown area.⁵¹ Sgt. Seng later explained the roles of CPD's Bureau of Internal Affairs (BIA) and COPA, and stated that he also had the option to investigate on his own.⁵² Sgt. Seng went so far as to explain the possible sanctions the officers could face, including suspension.⁵³ On multiple occasions during the recorded statement, Sgt. Seng told [REDACTED] he would pull a Log Number and contact him the following night.⁵⁴ Sgt. Seng stated he wanted to watch all the officers' BWC videos first.⁵⁵

In his statement to COPA, [REDACTED] reported that he had just returned to his parked vehicle after purchasing a shirt.⁵⁶ He stated that his vehicle was parked in a 15-minute standing zone with the hazard lights activated.⁵⁷ Upon entering his vehicle, he began inputting an address into his GPS and was preparing to leave. According to [REDACTED] he deactivated his hazard lights and was about to pull off when, without prior notice, the officers arrived in an unmarked vehicle, stopped in front of his car, and approached his vehicle aggressively from the front.⁵⁸

According to [REDACTED] one officer approached the driver's side window and instructed him to roll it down, which he did.⁵⁹ [REDACTED] stated that the officers informed him they initiated the stop because his hazard lights were not activated while his vehicle was parked in a 15-minute standing zone. He explained to the officers that he had just re-entered his vehicle and was preparing to leave.⁶⁰

The officer then requested [REDACTED] driver's license and proof of insurance.⁶¹ [REDACTED] stated that he asked, "What's the problem? What - what do you need my license and insurance for? Like, what did I do?"⁶² At that point, [REDACTED] stated, the officers began yelling

⁴⁹ Att. 22 at 20:18:27 to 20:18:51.

⁵⁰ Att. 22 at 20:18:52 to 20:19:07.

⁵¹ Att. 22 at 20:24:42 to 20:25:04.

⁵² Att. 22 at 20:23:40 to 20:23:51, 20:25:34 to 20:25:56, 20:30:56 to 20:31:30.

⁵³ Att. 22, at 20:28:35 to 20:29:34.

⁵⁴ Att. 22 at 20:25:21 to 20:25:53; 20:30:56 to 20:31:52.

⁵⁵ Att. 61, pg. 10, lns. 4 to 5.

⁵⁶ Att. 6, pg. 4, lns. 22 to 24.

⁵⁷ Att. 6, pg. 5, lns. 5 to 6.

⁵⁸ Att. 6, pg. 4, ln. 22 to pg. 5, ln. 12, pg. 21, lns. 3 to 11, pg. 19, lns. 2 to 13.

⁵⁹ Att. 6, pg. 5, lns. 13 to 35.

⁶⁰ Att. 6, pg. 21, lns. 8 to 11.

⁶¹ Att. 6, pg. 5, lns. 16 to 17.

⁶² Att. 6, pg. 5, ln. 18.

at him back and forth, issuing multiple simultaneous and conflicting commands, including orders to provide his license and insurance, to roll down the rear windows, and to exit his car.⁶³

██████████ reported that at this point, he felt unsafe and requested that the officers summon a sergeant to the scene.⁶⁴ He stated that the officers refused his request and instead ordered him to exit the vehicle. ██████████ recalled that, almost immediately thereafter, the officers forcibly removed him from the vehicle, slammed him against his car, and told him he was going to jail.⁶⁵

██████████ stated that the officers proceeded to search his entire vehicle, including the interior and trunk, and several closed containers, without his consent or justification.⁶⁶ He described the officers' behavior as aggressive and demeaning, and stated that he was treated like a dog.⁶⁷ He reported that the officers repeatedly threatened and insulted him, stating that they would have his CCL and CDL revoked, that he would be going to jail and getting a DUI, and that he would be jobless.⁶⁸

██████████ recalled that Officer Vecchio, after searching the interior of his vehicle, went into the trunk. Officer Vecchio then searched the trunk and removed a bottle of Patron tequila, which was in a closed but unsealed bottle. Officer Vecchio opened the bottle and poured it out on the street.⁶⁹ After the vehicle search, ██████████ stated the officers openly bantered about whether to arrest him or let him go; they eventually uncuffed him and quickly departed before he could get their names.⁷⁰ ██████████ upset about the encounter, called 911 to report the incident and request a supervisor.⁷¹

According to ██████████ Sgt. Seng responded to the scene and informed ██████████ he was being recorded.⁷² Sgt. Seng eventually conducted a formal interview concerning ██████████ complaint⁷³ and told him he would follow up and contact him by phone the following day. ██████████ stated that Sgt. Seng contacted him the following day and informed him that he had watched the involved officer's video footage, which he found "extremely disturbing," and apologized for the officer's behavior.⁷⁴ According to ██████████ Sgt. Seng told him that he would discipline the officers himself, but ██████████ said he was still going to file a complaint.⁷⁵ ██████████ added that Sgt. Seng told him that it would take COPA weeks to get back to him, and commented that ██████████ was only looking for a big payout.⁷⁶

⁶³ Att. 6, pg. 5, ln. 21 to pg. 6, ln. 13.

⁶⁴ Att. 6, pg. 6, lns. 12 to 17.

⁶⁵ Att. 6, pg. 22, lns. 19 to 23.

⁶⁶ Att. 6, pg. 7, lns. 11 to 17.

⁶⁷ Att. 6, pg. 17, lns. 21 to 22.

⁶⁸ Att. 6, pg. 9, ln. 20 to pg. 10, ln. 11; pg. 28, ln. 16 to pg. 29, ln. 24.

⁶⁹ Att. 6, pg. 32, lns. 13 to 19.

⁷⁰ Att. 6, pg. 33, lns. 2 to 4.

⁷¹ Att. 11; Att. 6, pg. 11, ln. 20 to pg.

⁷² Att. 6, pg. 13, lns. 16 to 21.

⁷³ Att. 6, pg. 12, lns. 13 to 19; pg. 13, lns. 16 to 21.

⁷⁴ Att. 6, pg. 12, lns. 13 to 19.

⁷⁵ Att. 6, pg. 12, ln. 17 to 22.

⁷⁶ Att. 6, pg. 12, lns. 24 to pg. 13, ln. 8.

In his statement to COPA, Officer Fuentes stated that the officers conducted a traffic stop because [REDACTED] vehicle was parked in an area that is a no parking zone.⁷⁷ Officer Fuentes was unclear about the signage and could not recall if it was a 15-minute standing zone.⁷⁸ COPA inquired into Officer Fuentes' understanding of the City of Chicago's Municipal Code definition of a "parked" vehicle. When asked to state the City's definition of "parked," Officer Fuentes said, "Your vehicle not moving, ignition in park."⁷⁹ Officer Fuentes acknowledged that he had never looked up the Municipal Code's definition of the term "parked."⁸⁰

Officer Fuentes acknowledged making remarks during the encounter, including statements such as "Your father should have raised you better," after learning that [REDACTED] father was a police officer.⁸¹ Officer Fuentes described this as an "eye-opener" rather than an insult, but conceded it was not courteous or appropriate.⁸² He also confirmed telling [REDACTED] words to the effect of, "Get out or we'll rip you out,"⁸³ and calling him "crazy."⁸⁴ When asked if such remarks aligned with CPD's standards of professionalism, Officer Fuentes answered, "No."⁸⁵ Officer Fuentes also acknowledged failing to provide [REDACTED] with an ISR receipt.

In his statement to COPA, Officer Vecchio stated that he was assigned to the 18th District as a tactical officer on the date of this incident, and that he had held that assignment for the previous two years.⁸⁶ Officer Vecchio stated that he was investigating a vehicle that was parked without flashers.⁸⁷ He added that he was trained on the Municipal Code, writing tickets, and parking violations, but he was unsure if he had had a copy of the Municipal Code in his patrol vehicle.⁸⁸ When asked for the definition of the term "parked," Officer Vecchio replied, "car's stopped, parked."⁸⁹ Officer Vecchio stated that he had previous experience with writing similar violations, but did not know the Municipal Code's definition of "parked."⁹⁰

Officer Vecchio confirmed that he participated in "assisting" [REDACTED] out of his vehicle⁹¹ and handcuffing him;⁹² he could not recall whether he personally conducted a protective pat-down or observed anyone else do so.⁹³ Officer Vecchio further confirmed that he searched [REDACTED] vehicle, including the trunk. Officer Vecchio stated that a rear pull-down latch on

⁷⁷ Att. 46, pg. 15, lns. 9 to 14.

⁷⁸ Att. 46, pg. 15, lns. 15 to 17.

⁷⁹ Att. 46, pg. 28, ln. 2.

⁸⁰ Att. 46, pg. 28, lns. 5 to 8.

⁸¹ Att. 46, pg. 48, lns. 4 to 7.

⁸² Att. 46, pg. 49, ln. 11 to pg. 50, ln. 1.

⁸³ Att. 46, pg. 50, lns. 6 to 8.

⁸⁴ Att. 46, pg. 47, lns. 18 to 19.

⁸⁵ Att. 46, pg. 49, ln. 22 to pg. 50, ln. 1.

⁸⁶ Att. 45, pg. 6, lns. 1 to 11.

⁸⁷ Att. 45, pg. 13, lns. 3 to 5.

⁸⁸ Att. 45, pg. 13, lns. 6 to 10.

⁸⁹ Att. 45, pg. 13, lns. 14 to 20.

⁹⁰ Att. 45, pg. 14, lns. 1 to 10.

⁹¹ Att. 45, pg. 24, lns. 20 to 24.

⁹² Att. 45, pg. 29, lns. 2 to 3.

⁹³ Att. 45, pg. 29, lns. 15 to 19.

the back seat allowed the trunk to be accessed from the passenger area.⁹⁴ After completing a search of the passenger compartment, he reported that he opened the trunk from the exterior of the vehicle and retrieved a bottle of Patron tequila.⁹⁵

When asked about the justification for the vehicle search, Officer Vecchio repeatedly cited the “furtive movement” he claimed to have observed [REDACTED] make while approaching his vehicle.⁹⁶ When asked to articulate specific facts supporting a belief that [REDACTED] was armed, Officer Vecchio again referenced the same “furtive movement.”⁹⁷ In further explanation of the vehicle search, Officer Vecchio stated that the single furtive movement he observed led him to believe that contraband was possibly being concealed.⁹⁸ When Officer Vecchio was asked what he was searching for, he replied, “contraband,” which he defined as anything illegal.⁹⁹

Officer Vecchio stated that he did not personally tender an ISR receipt to [REDACTED] but claimed he viewed a BWC video from one of his partners in which the partner offered [REDACTED] an ISR receipt.¹⁰⁰

In his statement to COPA, Officer Tohatan explained that at the time of the incident, he was assigned to the 18th District as a tactical officer¹⁰¹ and was working with Officers Vecchio and Fuentes. Officer Tohatan was presented with the ISR related to the incident, and he acknowledged he was the author of the ISR and had prepared the report on the night of the incident, while everything was fresh in his memory.¹⁰² He confirmed that the ISR documented the reason he initiated the stop of [REDACTED] vehicle was due to it being parked in a tow zone with no flashing lights.¹⁰³ Officer Tohatan stated he was unsure of the exact signage and restrictions in effect at the location.¹⁰⁴ Officer Tohatan stated he was familiar with the area involved in the stop and estimated he had conducted in excess of 100 stops in that area.¹⁰⁵

Due to the stop being predicated on the vehicle being parked, COPA asked Officer Tohatan about his definition and understanding of the term “parked,” and he responded, “stationary.”¹⁰⁶ After being afforded the opportunity to review his BWC video, Officer Tohatan was questioned about the legal basis for forcibly removing [REDACTED] from his vehicle, and for conducting searches of both [REDACTED] and the vehicle. Officer Tohatan stated that, prior to fully exiting his patrol vehicle and while his door was partially open, he turned his head and observed [REDACTED] inside his vehicle making what he described as “furtive movements,” specifically moving his

⁹⁴ Att. 45, pg. 26, ln. 19 to pg. 27, ln. 1.

⁹⁵ Att. 45, pg. 28, lns. 1 to 6.

⁹⁶ Att. 45, pg. 31, lns. 11 to 13.

⁹⁷ Att. 45, pg. 31, lns. 19 to 21.

⁹⁸ Att. 45, pg. 32, ln. 17 to 19, pg. 34, lns. 2 to 13.

⁹⁹ Att. 45, pg. 33, ln. 1 to 10.

¹⁰⁰ Att. 45, pg. 35, ln. 20 to pg. 36, ln. 16. Note: Officer Vecchio had previously reviewed the BWC video from this case with the attorney representing the City of Chicago in [REDACTED] lawsuit. *See also* Att. 45, pg. 6, lns. 19 to 24.

¹⁰¹ Att. 74, pg. 3, lns. 3 to 4.

¹⁰² Att. 74, pg. 14, lns. 3 to 23.

¹⁰³ Att. 74, pg. 11, lns. 1 to 20.

¹⁰⁴ Att. 74, pg. 11, lns. 14 to 20.

¹⁰⁵ Att. 74, pg. 16, lns. 13 to 23.

¹⁰⁶ Att. 74, pg. 15, ln. 23 to pg. 16, ln.

hands and upper body toward the rear seat area.¹⁰⁷ He indicated that approximately half of [REDACTED] body, including both of his hands, appeared to be reaching toward the back seat.¹⁰⁸ Officer Tohatan stated that as he exited his patrol vehicle and approached, [REDACTED] returned to a normal seated driving position.¹⁰⁹

Upon making contact at the driver's side window, Officer Tohatan observed [REDACTED] seated with a cell phone in his hand and a bag positioned on the adjacent seat. Officer Tohatan stated that although he was the contact officer and did not observe anything in [REDACTED] hands that posed a threat, his partner Officer Fuentes ordered [REDACTED] to exit the vehicle.¹¹⁰ Officer Tohatan recalled that [REDACTED] refused the request to exit the vehicle. He characterized [REDACTED] removal from the vehicle as being "assisted" rather than "pulled out."¹¹¹ Officer Tohatan insisted that at the point [REDACTED] was "assisted" out of his vehicle, the officers had reasonable suspicion to believe he had concealed contraband in the vehicle due to his movements when the police pulled in front of him.¹¹²

Officer Tohatan stated that he participated in frisking [REDACTED] as he was removed from the vehicle because [REDACTED] had a sweatshirt that appeared to be "bulgy around the waist."¹¹³ Officer Tohatan said he handcuffed [REDACTED] because he was under arrest for failure to produce his license and obstruction of justice.¹¹⁴ When asked about the justification for searching the vehicle, Officer Tohatan stated there were multiple reasons: 1) [REDACTED] being placed under arrest, 2) an inventory search, and 3) the original pre-contact furtive movements.¹¹⁵

In his statement to COPA, Sgt. Seng acknowledged that he responded to a CPD radio dispatch regarding [REDACTED] 911 call and request for a supervisor.¹¹⁶ He acknowledged that before responding and speaking with [REDACTED] he knew the involved officers were members of his team, who were the subject of multiple civilian complaints involving traffic stops, and stated, "It's like, a hot issue."¹¹⁷

Sgt. Seng repeatedly stated that he intentionally did not activate his BWC video when he initially met and spoke with [REDACTED] Sgt. Seng claimed he had discretion regarding activating his camera and stated, "I like to leave my body camera off because a lot of times, people don't want to be recorded for whatever reason."¹¹⁸ When asked about compliance with CPD rules and

¹⁰⁷ Att. 74, pg. 22, ln. 19 to pg. 23, ln. 3.

¹⁰⁸ Att. 74, pg. 29, ln. 22 to pg. 30, ln. 18.

¹⁰⁹ Att. 74, pg. 23, lns. 3.

¹¹⁰ Att. 74, pg. 40, lns. 3 to 13; *See also*, pg. 49, lns. 14 to 22.

¹¹¹ Att. 74, pg. 39, lns. 19 to pg. 40, ln. 2.

¹¹² Att. 74, pg. 40, lns. 3 to 13.

¹¹³ Att. 74, pg. 40, lns. 14 to 20. Note: [REDACTED] was wearing a hooded sweatshirt with a front pocket across his abdomen.

¹¹⁴ Att. 74, pg. 48, lns. 11 to 19.

¹¹⁵ Att. 74, pg. 51, lns. 6 to 12; pg. 60, lns. 2 to 6.

¹¹⁶ Att. 61, pgs. 8, ln. 19 to pg. 9, ln. 4.

¹¹⁷ Att. 61, pg. 48, lns. 10 to 12; *See also* Att. 38.

¹¹⁸ Att. 61, pg. 9, lns. 5 to 10, pg. 12, ln. 15 to pg. 13, ln. 4.

regulations, Sgt. Seng reiterated that, “Based on my discretion and my experience, that’s how I-- that’s how I engage initiation reports.”¹¹⁹

Sgt. Seng acknowledged that after his initial unrecorded contact and conversation with [REDACTED] he went back to his police vehicle and called Officer Vecchio from his personal cell phone.¹²⁰ After his phone call with Officer Vecchio, Sgt. Seng returned to [REDACTED] and turned his BWC on, stating that [REDACTED] wanted to be recorded.¹²¹ As previously detailed, Sgt. Seng took a formal, detailed statement from [REDACTED] regarding a complaint against an officer.¹²² During his interview with [REDACTED] Sgt. Seng reviewed the complaint process, including the roles of COPA and BIA.¹²³ Sgt. Seng stated, “...due to the amount of complaints that my team has received,” he wanted to continue the investigation on his own.¹²⁴

Although Sgt. Seng acknowledged awareness of CPD’s mandatory reporting requirements related to allegations of misconduct, he admitted he did not prepare an Initiation Report, contact COPA or CPD’s Crime Prevention and Information Center (CPIC), or obtain a Log Number for the complaint.¹²⁵ Sgt. Seng said that he took the statement for his own inquiry, but told [REDACTED] he would “pull a log” and follow up, providing his personal phone number to show he was not disregarding the issue.¹²⁶

When asked to explain his failure to comply with CPD’s policy requiring him to report misconduct, Sgt. Seng offered several justifications, including repeatedly stating that his primary responsibility was to “protect my officers,” and citing the wellness problem that CPD currently faces.¹²⁷

Sgt. Seng further explained that immediately pulling a complaint number “is kind of a slap in the face to the guys that I supervise,” and asserted that he preferred to use his discretion in such situations.¹²⁸ Sgt. Seng acknowledged that he did not document or report [REDACTED] complaint, or provide him with a Log Number.¹²⁹

III. ALLEGATIONS

Officer Joseph Vecchio:

1. Detaining [REDACTED] without justification.
 - **Sustained**, in violation of Rules 2, 3, and 6.
2. Searching [REDACTED] vehicle without justification.
 - **Sustained**, in violation of Rules 2, 3, and 6.

¹¹⁹ Att. 61, pgs. 13, ln. 18 to pg. 14, ln. 1.

¹²⁰ Att. 61, pg. 30, ln 11 to pg. 31, ln. 18.

¹²¹ Att. 61, pg. 33, lns. 2 to 7.

¹²² Att. 61, pg. 29, ln. 24 to pg. 30, ln. 7.

¹²³ Att. 61, pg. 33, ln. 23 to pg. 34, ln. 8.

¹²⁴ Att. 61, pg. 17, ln. 19 to pg. 18, ln. 7; pg. 24, lns. 9 to 16.

¹²⁵ Att. 61, pg. 23, lns. 13 to 19.

¹²⁶ Att. 61, pg. 10, ln. 4 to 5.

¹²⁷ Att. 61, pg. 39, lns. 9 to 12.

¹²⁸ Att. 61, pg. 39, lns. 21 to 23.

¹²⁹ Att. 61, pg. 13, ln. 23 to pg. 14, ln. 1.

3. Forcefully removing [REDACTED] from his vehicle without justification.
 - **Sustained** in violation of Rules 2, 3, 6, 8, and 9.
4. Searching [REDACTED] without justification.
 - **Unfounded.**
5. Directing verbal abuse at [REDACTED]
 - **Sustained**, in violation of Rules 2, 3, 6, 8, and 9.
6. Failing to accurately detail the facts or circumstances of his interaction with [REDACTED] in Department Reports.
 - **Not Sustained.**
7. Failing to provide [REDACTED] with an ISR receipt.
 - **Sustained**, in violation of Rules 2, 3, 5, 6 and 10.

Officer Mario Fuentes:¹³⁰

1. Detaining [REDACTED] without justification.
 - **Sustained**, in violation of Rules 2, 3, and 6.
2. Searching [REDACTED] vehicle without justification.
 - **Sustained**, in violation of Rules 2, 3, and 6.
3. Forcefully removing [REDACTED] from his vehicle without justification.
 - **Sustained** in violation of Rules 2, 3, 6, 8, and 9.
4. Searching [REDACTED] without justification.
 - **Unfounded.**
5. Directing verbal abuse at [REDACTED]
 - **Sustained**, in violation of Rules 2, 3, 6, 8, and 9.
6. Failing to accurately detail the facts or circumstances of his interaction with [REDACTED] in Department Reports.
 - **Not Sustained.**
7. Failing to provide [REDACTED] with an ISR receipt.
 - **Sustained**, in violation of Rules 2, 3, 5, 6 and 10.

Officer Nicu Tohatan:

1. Detaining [REDACTED] without justification.
 - **Sustained**, in violation of Rules 2, 3, and 6.
2. Searching [REDACTED] vehicle without justification.
 - **Sustained**, in violation of Rules 2, 3, and 6.
3. Forcefully removing [REDACTED] from his vehicle without justification.
 - **Sustained** in violation of Rules 2, 3, 6, 8, and 9.
4. Searching [REDACTED] without justification.
 - **Sustained**, in violation of Rules 2, 3, and 6.
5. Directing verbal abuse at [REDACTED]
 - **Sustained**, in violation of Rules 2, 3, 6, 8, and 9.

¹³⁰ Att. 82. Note: Officer Fuentes resigned from CPD on February 5, 2026.

6. Failing to accurately detail the facts or circumstances of his interaction with [REDACTED] in Department Reports.
 - **Not Sustained.**
7. Failing to provide [REDACTED] with an ISR receipt.
 - **Sustained**, in violation of Rules 2, 3, 5, 6 and 10.

Sgt. Erick Seng:

1. Failing to timely activate his body-worn camera without justification.
 - **Sustained**, in violation of Rules 2, 3, 5, 6, and 10.
2. Failing to initiate a Log Number investigation after receiving [REDACTED] complaint.
 - **Sustained**, in violation of Rules 2, 3, 5, 6, 10, 11, and 22.

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 of the event. 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. Common sense, corroborative evidence, and demeanor are essential to credibility.

In this case, Officers Fuentes, Tohatan, and Vecchio all provided statements to COPA that were generally consistent with one another and their ISR and BWC videos. However, there are aspects of each officer's account that raise questions about their credibility. For example, Officer Tohatan told COPA that he arrested [REDACTED] for obstructing justice due to his failure to produce his license, but the BWC footage clearly shows that [REDACTED] was attempting to comply by tendering his license at the time the officers escalated the encounter. Officer Tohatan also provided inconsistent explanations during his COPA statement, such as vacillating over whether the vehicle search was a protective sweep, a search incident to arrest, or an inventory search.

Additionally, Officer Vecchio initially denied having any phone contact with Sgt. Seng immediately after the traffic stop. However, after being confronted with BWC video evidence confirming that the call was captured on Sgt. Seng's buffered BWC, Officer Vecchio requested a break in his statement, after which he changed his account and indicated that he could not recall whether the phone contact occurred. Officer Vecchio was also uncooperative during his statement to COPA, refusing to answer questions in more than one instance. COPA found that Officer Vecchio's resistance to answer questions during a compelled statement, in addition to the discrepancies in his statement, negatively impacted his credibility.

Sgt. Seng, by contrast, was forthright and candid in his statement to COPA. He stated that he failed to generate the required Log Number in an effort to reduce the number of civilian misconduct complaints attributed to his team. He also admitted willfully failing to activate his BWC during his initial interaction with [REDACTED]. Although Sgt. Seng's conduct raises serious

questions about his judgment as a CPD supervisor, the sergeant's admissions bolster the credibility of the statement he provided to COPA.

Finally, COPA found [REDACTED] statement to be credible. He provided consistent accounts of the incident during his statement to Sgt. Seng (recorded on BWC), his statement to COPA, and in his web complaint. Additionally, [REDACTED] description of what occurred during the incident is corroborated by the BWC footage.

V. ANALYSIS

a. Detaining [REDACTED]

COPA finds that **Allegation #1** against Officers Vecchio, Tohatan, and Fuentes for detaining [REDACTED] without justification is **sustained**.

Traffic stops are seizures under the Fourth Amendment, and are thus subject to the Fourth Amendment reasonableness requirement.¹³¹ A lawful traffic stop requires “at least [an] articulable and reasonable suspicion that the particular person stopped is breaking the law”, including traffic law.¹³² Articulable and reasonable suspicion means that the police “must be able to identify some particularized and objective basis for thinking that the person to be stopped is or may be about to engage in unlawful activity,” amounting to more than a hunch.¹³³ Police need not meet the higher threshold of probable cause to perform a traffic stop, but if the stop is supported by probable cause, its lawfulness is still evaluated under *Terry v. Ohio*.¹³⁴ The *Terry* test is: “(1) whether the officer’s action was justified at its inception, and (2) whether it was reasonably related in scope to the circumstances which justified the interference in the first place.”¹³⁵ An officer’s subjective intent does not enter into the analysis; even where officers hope to effectuate a goal unrelated to addressing a traffic violation (such as uncovering criminal activity), intent alone does not invalidate a stop that is otherwise objectively justified by reasonable articulable suspicion.¹³⁶

In addition, the Municipal Code of Chicago differentiates between “parking” and “standing.” Parking is defined as, “the standing of an *unoccupied* vehicle otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.”¹³⁷ Standing means, “the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers,

¹³¹ *Whren v. United States*, 517 U.S. 806, 809-10 (1996).

¹³² *United States v. Rodriguez-Escalera*, 884 F.3d 661, 667-68 (7th Cir. 2018) (citing *Delaware v. Prouse*, 440 U.S. 648, 663 (1979)).

¹³³ *United States v. Miranda-Sotolongo*, 827 F.3d 663, 666 (7th Cir. 2015) (quoting *United States v. Cortez*, 449 U.S. 411, 417 (1981)).

¹³⁴ *Rodriguez v. United States*, 135 S. Ct. 1609, 1617-18 (2015). See also *People v. Cosby*, 231 Ill. 2d 262, 274 (2008) (“this court and many other courts have analyzed traffic stops under *Terry* principles, regardless of whether the initial stop was supported by probable cause”); *People v. Jones*, 215 Ill. 2d 261, 271 (2005) (analyzing reasonableness under *Terry* where the officer’s “initial stop of the vehicle was supported by probable cause”).

¹³⁵ *People v. Bunch*, 207 Ill. 2d 7, 14 (2003) (citing *Terry v. Ohio*, 392 U.S. 1, 19-20 (1968)).

¹³⁶ See *Whren v. United States*, 517 U.S. 806, 812 (1996).

¹³⁷ Att. 81, Municipal Code of Chicago 9-4-010 Definitions (emphasis added).

provided that an operator is either in the vehicle or in the immediate vicinity, so as to be capable of immediately moving the vehicle at the direction of a police officer or traffic control aide.”¹³⁸

In applying this framework to the present case, COPA must first determine whether the officers’ actions were justified at their inception. To effectuate a lawful stop, an officer must point to specific and articulable facts, along with any rational inferences from those facts. In this case, the available evidence shows that [REDACTED] was seated in the driver’s seat of his vehicle, which was lawfully positioned in what was described as a 15-minute standing zone. As such, [REDACTED] vehicle was occupied and not parked. Further, there is no evidence that the vehicle violated the allotted 15-minute time limitation. Additionally, [REDACTED] tried to inform the officers that he had just turned his flashers off, as he was about to drive off. Finally, COPA notes that the officers could have told [REDACTED] to move along, as opposed to using his standing vehicle as a pretext to initiate a traffic stop involving a pat-down and vehicle search.

Simply stated, the officers possessed no evidence that [REDACTED] had violated any municipal ordinance or criminal law when they surrounded and detained him, and demanded his license. Therefore, COPA finds by the preponderance of the evidence that the officers lacked any legal basis to stop and detain [REDACTED] or his vehicle, and Allegation #1 against Officers Vecchio, Tohatan, and Fuentes is sustained, in violation of Rules 2, 3, and 6.

b. Searching [REDACTED] vehicle.

COPA finds **Allegation #2** against Officers Vecchio, Tohatan, and Fuentes that they searched [REDACTED] vehicle without justification, is **sustained**.

Generally, if officers discover probable cause of a crime during an investigatory traffic stop, they may search the vehicle for evidence related to the crime.¹³⁹ Under the “automobile exception” to the search warrant requirement, “law enforcement officers may undertake a warrantless search of a vehicle if there is probable cause to believe that the automobile contains evidence of criminal activity that the officers are entitled to seize.”¹⁴⁰ The scope of a warrantless search depends on the “object of the search and the places in which there is probable cause to believe that it may be found.”¹⁴¹ “When officers have such probable cause, the search may extend to all parts of the vehicle in which contraband or evidence could be concealed, including closed compartments, containers, packages, and trunks.”¹⁴² However, officers with probable cause to believe a vehicle contains evidence must limit their search to the areas where such evidence may be found.¹⁴³

¹³⁸ Att. 81, Municipal Code of Chicago 9-4-010 Definitions.

¹³⁹ *People v. Clark*, 92 Ill. 2d 96, 99 (1982) (citing *United States v. Ross*, 456 U.S. 798 (1982)).

¹⁴⁰ *People v. James*, 163 Ill. 2d 302, 312 (1994) (citing *Carroll v. United States*, 267 U.S. 132 (1925)).

¹⁴¹ *United States v. Ross*, 456 U.S. 798, 824 (1982).

¹⁴² *United States v. Richards*, 719 F.3d 746, 754 (7th Cir. 2013) (quoting *United States v. Williams*, 627 F.3d 247, 251 (7th Cir. 2010)).

¹⁴³ *United States v. Ross*, 456 U.S., 798, 824 (1982) (“Just as probable cause to believe that a stolen lawnmower may be found in a garage will not support a warrant to search an upstairs bedroom, probable cause to believe that undocumented aliens are being transported in a van will not justify a warrantless search of a suitcase.”).

Additionally, during a traffic stop, officers may sometimes conduct a limited investigative search for weapons within the passenger compartment of a vehicle without arresting the person.¹⁴⁴ To conduct such a search, officers must reasonably believe, supported by specific and articulable facts, that the person is “dangerous and could gain control of a weapon.”¹⁴⁵ In *People v. Colyar*, the Illinois Supreme Court applied this rule, which the U.S. Supreme Court held in *Michigan v. Long*. The *Colyar* and *Long* courts found that officers may conduct a limited search of the passenger compartments of a vehicle where a weapon may be reasonably located.¹⁴⁶ The *Colyar* court noted that:

[u]nder *Long*, the investigative search of the passenger compartment should be limited to the area where a weapon may be located or hidden. The search is permissible only when the officers possess a reasonable belief, based on specific and articulable facts and reasonable inferences from those facts, that the individual was dangerous and could gain control of a weapon.¹⁴⁷

In *Long*, the court clarified that the officer’s search was permitted as it was limited “to those areas to which [the person] would generally have immediate control, and that could contain a weapon.”¹⁴⁸

In this case, even assuming the officers had a lawful basis for the initial stop, and that [REDACTED] alleged pre-contact reaching movements occurred, those observations did not provide a lawful basis for the vehicle search. Courts have repeatedly ruled that furtive movements alone are insufficient to establish probable cause under the automobile exception, because they are often susceptible to an innocent explanation.¹⁴⁹ Additionally, none of the officers was able to describe with specificity what [REDACTED] was allegedly reaching for or manipulating, limiting any probative value of these claimed observations.

The officers did not identify any objective facts establishing that [REDACTED] was armed and dangerous, or that his vehicle contained evidence of criminal activity. Absent such articulable facts, [REDACTED] alleged movements toward the rear passenger area, standing alone, were insufficient to justify the search.

As outlined above, COPA finds, by a preponderance of the evidence, that there was no credible or lawful justification for the search of [REDACTED] vehicle. Accordingly, Allegation #2 against Officers Vecchio, Fuentes, and Tohatan is **sustained**, constituting violations of Rules 2, 3, and 6.

¹⁴⁴ *Michigan v. Long*, 463 U.S. 1032, 1049 (1983).

¹⁴⁵ *People v. Colyar*, 2013 IL 111835, ¶ 39 (citing *Michigan v. Long*, 463 U.S. 1032, 1049-50 (1983)). This is the same requirement for specific and articulable facts officers need to perform a protective pat-down during an investigatory stop.

¹⁴⁶ *People v. Colyar*, 2013 IL 111835, ¶ 39 (citing *Michigan v. Long*, 463 U.S. 1032, 1049-50 (1983)).

¹⁴⁷ *People v. Colyar*, 2013 IL 111835, ¶ 39 (citing *Michigan v. Long*, 463 U.S. 1032, 1050 (1983)).

¹⁴⁸ *Michigan v. Long*, 463 U.S. 1032, 1050 (1983).

¹⁴⁹ See, e.g., *People v. Creagh*, 214 Ill. App. 3d 744, 748 (1991) (no probable cause where officer observed person lift themselves off of car seat as if sticking something in their pants and stating “looks, gestures, and movements taken alone are insufficient to establish probable cause.”)

c. Forcefully removing [REDACTED] from his vehicle.

COPA finds Allegation #3 against Officers Vecchio, Tohatan, and Fuentes that they forcibly removed [REDACTED] from his vehicle without justification, is **sustained**, in violation of Rules 2, 3, 6, 8, and 9.

First, COPA analyzes whether the officers' removal of [REDACTED] from his vehicle was permissible. Officers may routinely order occupants – including drivers and passengers – out of a vehicle during a valid traffic stop.¹⁵⁰ The Illinois Supreme Court applied this standard in *People v. Gonzalez*, holding officers may control the movement of both the driver and passenger when conducting a lawful traffic stop.¹⁵¹ The court maintained that officers are allowed to order driver and passenger out of the car or restrict from leaving the vehicle during a lawful traffic stop in the interest of safety of the officers.

As discussed above, COPA has found that the officers lacked the necessary legal basis to stop and detain [REDACTED] or his vehicle. The Illinois Supreme Court has held that officers may control the movement of a driver when conducting a *lawful* traffic stop.¹⁵² Given that this was not a lawful traffic stop, COPA finds that the officers were not permitted to remove [REDACTED] from his vehicle.

Second, COPA considers the level of force the officers used when removing [REDACTED] from his vehicle. CPD members are only authorized to use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, to ensure the safety of a member or a third person, stop an attack, make an arrest, control a person, or prevent escape.¹⁵³ This means that CPD members may use only the amount of force necessary to serve a lawful purpose. The amount and type of force used must be proportional to the threat, actions, and level of resistance a person offers.¹⁵⁴

CPD policy also requires officers to “use de-escalation techniques to prevent or reduce the need for force, unless doing so would place a person or a Department member in immediate risk of harm, or de-escalation techniques would be clearly ineffective under the circumstances at the time”.¹⁵⁵ General Order G03-02 provides a non-exhaustive list of examples of de-escalation techniques officers must consider. These include (a) issuing warnings and attempting to persuade subjects prior to using force; (b) stabilizing the situation through the use of time, distance, or

¹⁵⁰ See *Pennsylvania v. Mims* 434, U.S. 106 (1977) (holding officers may remove a driver during a lawful traffic stop); see also *Maryland v. Wilson*, 519 U.S. 106 (1997) (holding officers may remove passengers during a lawful traffic stop, even without reasonable articulable suspicion the passengers were involved in a crime).

¹⁵¹ *People v. Gonzalez*, 184 Ill. 2d. 402, 418 (1998) (“It is clear under the rationale of *Mims* and *Wilson*, that the movements of occupants of a vehicle which is legitimately stopped by be subject to control by the police officer conducting the stop, even though the officer has no suspicion that the individuals have been involved in criminal behavior.”).

¹⁵² *People v. Gonzalez*, 184 Ill. 2d. 402, 418 (1998).

¹⁵³ Att. 96, G03-02 (III)(B) De-escalation, Response to Resistance, and Uses of Force (effective June 28, 2023, to present).

¹⁵⁴ Att. 96, G03-02 (III)(B)(3).

¹⁵⁵ Att. 97, General Order G03-02-01 (II)(C), Response to Resistance and Force Options (effective June 28, 2023, to present).

positioning to isolate and contain a subject; and (c) requesting additional officers or “specialized units or equipment including Crisis Intervention Team (CIT) trained officers”.¹⁵⁶

Here, COPA finds that the officers’ level of force when removing [REDACTED] from his vehicle was disproportionate, and furthermore, that the officers failed to use de-escalation techniques prior to using force. While it is true that [REDACTED] did not immediately comply with the officers’ order to exit his vehicle, he offered, at most, passive resistance, by sitting calmly in his seat. Less than ten seconds after ordering [REDACTED] to exit his vehicle, Officers Tohatan and Fuentes forcefully pulled [REDACTED] out of his vehicle, turning him around, pushing him against his vehicle, and putting him in handcuffs. Despite the minimal resistance offered by [REDACTED] all three officers put their hands on him. Moreover, COPA finds that the officers made no meaningful attempt to use de-escalation techniques prior to going hands on with [REDACTED] or even after they had done so. Indeed, when [REDACTED] objected to being pulled out of his vehicle, Officer Vecchio responded by yelling over him while Officer Fuentes called him crazy.

To put it simply, the circumstances presented no immediate threat that would have prevented the officers from utilizing additional verbal communication, allowing sufficient time for compliance, or stabilizing the encounter through distance and positioning. The record reflects no attempt to slow down or reassess the situation before force was applied. Given this, COPA finds that the level of force the officers used when removing [REDACTED] from his vehicle was not necessary or proportionate.

Accordingly, COPA finds by the preponderance of the evidence that Allegation #3 against Officers Vecchio, Tohatan, and Fuentes, that they forcibly removed [REDACTED] from his vehicle without justification, is **sustained**, in violation of rules 2, 3, 6, 8, and 9.

d. Searching [REDACTED] without justification.

COPA finds that **Allegation #4** against Officer Tohatan, that he searched [REDACTED] without justification, is **sustained**. However, COPA also finds Allegation #4 against Officer Fuentes and Officer Vecchio is **unfounded**.

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.”¹⁵⁷ 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.”¹⁵⁸ 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

¹⁵⁶ Att. 96, G03-02 (II)(D)(2).

¹⁵⁷ Att. 92, Special Order S04-13-09(II)(B), Investigatory Stop System (effective July 10, 2017, to February 3, 2026).

¹⁵⁸ Att. 92, 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.

dealing with an armed and dangerous individual.”¹⁵⁹ An officer’s subjective belief is not determinative but is probative in determining the validity of the pat-down.¹⁶⁰ 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.”¹⁶¹

During their statements to COPA, the officers failed to articulate specific and articulable facts, taken together with rational inferences from those facts, to establish reasonable suspicion that [REDACTED] was armed and dangerous. COPA finds that, even if the officers had a lawful basis for the initial stop, and that [REDACTED] alleged pre-contact reaching movements occurred, those observations did not provide a lawful basis for the search of [REDACTED].¹⁶² The officers did not identify any objective facts establishing that [REDACTED] was armed or dangerous. Absent such articulable facts, [REDACTED] alleged movements toward the rear passenger area were insufficient to justify the pat-down of his person.

For these reasons, COPA finds by a preponderance of the evidence that there was no credible or lawful justification for the search of [REDACTED]. Officer Tohatan was the CPD member who conducted the pat-down search; accordingly, Allegation #4 is **sustained** against Officer Tohatan, in violation of Rules 2, 3, and 6.

However, COPA also notes that it was Officer Tohatan alone who conducted the pat-down search of [REDACTED].¹⁶³ Because Officer Vecchio and Officer Fuentes did not conduct the pat-down search, Allegation #4 against them is **unfounded** by clear and convincing evidence.

e. Verbal abuse.

COPA finds that Allegation #5 against Officers Vecchio, Tohatan, and Fuentes, that they directed verbal abuse at [REDACTED] is **sustained**.

CPD General Order G01-01 lists CPD’s core values as professionalism, integrity, courage, dedication, and respect.¹⁶⁴ In addition, General Order G02-01 requires CPD members to ... “interact with all members of the public in an unbiased, fair, and respectful manner,”¹⁶⁵ “treat all persons with the courtesy and dignity which is inherently due to every person as a human being,”¹⁶⁶ and “act, speak, and conduct themselves in a courteous, respectful, and professional manner.”¹⁶⁷ This order also mandates that officers will “not exhibit a condescending attitude or direct any

¹⁵⁹ *People v. Watson*, 145 Ill. App. 3d 492, 497 (1st Dist. 1986).

¹⁶⁰ *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.

¹⁶¹ *People v. Flowers*, 179 Ill. 2d 257, 263 (1997) (citing *Minnesota v. Dickerson*, 508 U.S. 366, 373 (1993)).

¹⁶² See *People v. Smith*, 2015 IL App (1st) 131307, ¶¶ 29-36, 393 Ill.Dec. 164, 33 N.E.3d 908.

¹⁶³ Att. 17 at 18:57:53 to 18:57:56.

¹⁶⁴ Att. 91, General Order G01-01(IV), Vision, Mission Statement, and Core Values (effective May 21, 2019, to present).

¹⁶⁵ Att. 90, General Order G02-01(III)(B)(1), Protection of Human Rights (effective June 30, 2022, to present).

¹⁶⁶ Att. 90, G02-01(III)(B)(2).

¹⁶⁷ Att. 90, G02-01(III)(B)(3).

derogatory terms towards any person in any manner and will not use language or take action intended to taunt or denigrate an individual, including racist or derogatory language.”¹⁶⁸

CPD’s Rules of Conduct further stress the requirement that CPD members treat all individuals in a respectful manner. CPD Rule 2 prohibits any action or conduct which impedes CPD’s policy and goals or brings discredit upon CPD, and it expressly applies to both the professional and private conduct of all CPD members.¹⁶⁹ Rule 3 prohibits actions that fail to promote CPD’s efforts to implement its policy or accomplish its goals.¹⁷⁰ Rule 8 prohibits any disrespect or maltreatment of any person.¹⁷¹ Finally, Rule 9 prohibits CPD members from engaging in any unjustified verbal or physical altercation with any person, while on or off duty.¹⁷²

In the present case, the BWC footage corroborates [REDACTED] allegation that the officers treated him in a demeaning manner and directed verbal abuse at him. The videos show that throughout the entire encounter, the officers, both individually and collectively, repeatedly berated and belittled [REDACTED] making abusive comments and threats related to the loss of his employment and the revocation of his CCL and CDL. Officer Fuentes, for example, remarked to [REDACTED] “you seem like a clear and present danger,” which is a reference to the legal standard for immediately revoking an individual’s right to possess a firearm. Other examples of the officers’ inappropriate comments include when they threatened [REDACTED] with arrest, when Officer Vecchio called him a “punk,” and when Officer Tohatan asked him, “Are you stupid?” Officer Fuentes further escalated the exchange by telling him, “your father should have raised you better,” and asking [REDACTED] if he was crazy. Officer Fuentes admitted during his statement to COPA that his comment was inappropriate and not in accordance with CPD directives and goals of professionalism.¹⁷³

The officers’ interaction with [REDACTED] lacked basic professionalism and human decency. Throughout the entire encounter, the officers collectively used language and exhibited behavior that was unprofessional, disrespectful, and inconsistent with the standards expected of law enforcement personnel. The conduct was not limited to a single officer; rather, all three accused officers engaged in grossly inappropriate behavior.

Based on a review of the above evidence, COPA finds by the preponderance of the evidence that Allegation #5 against Officers Vecchio, Tohatan, and Fuentes is sustained, constituting a violation of Rules 2, 3, 6, 8, and 9.

f. The Accuracy of the ISR.

COPA finds that Allegation #6 against Officers Vecchio, Tohatan, and Fuentes, that they failed to accurately detail the facts or circumstances of their interaction with [REDACTED] in official Department reports, is **not sustained**.

¹⁶⁸ Att. 90, G02-01(III)(B)(4).

¹⁶⁹ Att. 93, Rule 2, Rules and Regulations of the Chicago Police Department (effective April 16, 2015, to present).

¹⁷⁰ Att. 93, Rule 3.

¹⁷¹ Att. 93, Rule 8.

¹⁷² Att. 93, Rule 9.

¹⁷³ Att. 46, pg. 49, ln. 22 to pg. 50, ln. 1.

In this instance, the officers completed an ISR after the traffic stop of [REDACTED] CPD policy states that the purpose of completing an ISR is to, “document the facts and circumstances of...an Investigatory Stop, including a statement of the facts establishing Reasonable Articulate Suspicion to stop an individual,” and, “a Protective Pat Down or other search, including a statement of the facts establishing Reasonable Articulate Suspicion to pat down an individual for potential weapons.”¹⁷⁴ The ISR is to include several details, including, “narrative sections that include a statement of facts to establish Reasonable Articulate Suspicion in order to justify an Investigatory Stop of an individual and, if applicable, to justify a Protective Pat Down.”¹⁷⁵ Moreover, CPD Rule 10 forbids members from being inattentive to duty, while Rule 11 prohibits members from performing their duties in an incompetent or ineffective manner.¹⁷⁶

To begin, COPA notes that the ISR narrative contains descriptions of events that are neither completely corroborated nor fully refuted by other objective verifiable evidence. First, the ISR narrative states that as the officers initially approached, they observed [REDACTED] reaching towards the backseat area and making furtive movements.¹⁷⁷ All three officers, in their statements to COPA, gave similar accounts.¹⁷⁸ In addition, BWC video shows that Officer Fuentes and Officer Tohatan both turned their heads in the direction of [REDACTED] vehicle in the moments before exiting their patrol vehicle, which, at the very least, could have allowed them to see what [REDACTED] was doing.¹⁷⁹ However, none of the officers’ BWCs (or other video evidence) shows what was going on inside [REDACTED] vehicle at the time they claimed he was reaching and making furtive movements. Moreover, in his statement to COPA, [REDACTED] asserted that he was entering an address into his GPS in the moments prior to the traffic stop, and he made no mention of moving towards his backseat.¹⁸⁰ Given this, COPA finds that there is insufficient evidence to prove whether [REDACTED] was reaching towards his backseat and/or making furtive movements.

Next, COPA turns to the officers’ claim in their ISR that [REDACTED] refused to produce his credentials or lower his windows when asked.¹⁸¹ BWC video shows that when the officers asked for his license, [REDACTED] began to take his license out of his wallet when Officer Tohatan issued an additional command directing him to lower the rear windows.¹⁸² At the same time, Officer Fuentes also gave commands, including ordering [REDACTED] out of his vehicle. [REDACTED] responded to the officers by telling them that he did not have to come out.¹⁸³ This prompted the officers to immediately forcibly remove him. On the one hand, in their ISR, the officers claimed that [REDACTED] refused to produce his credentials when asked. The video

¹⁷⁴ Att. 92, S04-013-09 (III)(D)(1)(a) and (c).

¹⁷⁵ Att. 92, S04-013-09 (VII)(B)(2)(b).

¹⁷⁶ Att. 93, Rules 10 and 11. Note: COPA evaluated whether to serve a Rule 14 allegation against the officers related to the content of their ISR. COPA determined that, even if the allegation were sustained (and in this instance, it is not), nothing in the officers’ report amounted to a willfully false statement about a material fact. *See Agreement Between the City of Chicago Department of Police and the Fraternal Order of Police Chicago Lodge No. 7, §6.1(M).*

¹⁷⁷ Att. 7, pg. 2.

¹⁷⁸ Att. 45, pg. 16, ln. 20 to pg. 17, ln. 2; Att. 46, pg. 12, lns. 4 to 12; Att. 74, pg. 22, ln. 19 to pg. 23, ln. 3.

¹⁷⁹ Att. 18 at 18:56:30 to 18:45:37.

¹⁸⁰ Att. 6, pg. 5, lns. 2 to 6.

¹⁸¹ Att. 7, pg. 2.

¹⁸² Att. 16 at 18:57:19.

¹⁸³ Att. 16, 17, and 18 at 18:57:26.

evidence shows that he was in the process of producing them when he then refused a different command, which was to exit his vehicle. [REDACTED] also did not comply with the command to lower his rear windows; however, the officers were giving him multiple simultaneous commands. As such, it is not clear which of [REDACTED] actions amounted to an actual refusal, apart from his statement that he did not have to come out of his car. Given that this was a dynamic situation involving multiple parties speaking over one another, COPA does not find that there is sufficient evidence to prove that this amounted to inaccurate reporting.

Third, COPA notes that, in their ISR, the officers reported smelling a strong odor of alcoholic beverage coming from [REDACTED] vehicle.¹⁸⁴ The officers each reiterated this during their statements to COPA.¹⁸⁵ However, [REDACTED] denied drinking alcohol that day.¹⁸⁶ The video evidence also shows that [REDACTED] was initially calm with the officers and did not appear to display any of the classic symptoms of intoxication, such as glassy eyes or slurred speech. Yet, [REDACTED] did have an unsealed bottle of tequila inside his car, albeit in the trunk. Again, COPA finds that there is insufficient evidence to prove that this was inaccurate reporting.

Finally, COPA reviewed the officers' claim in their ISR that [REDACTED] refused an ISR receipt.¹⁸⁷ None of the officers nor [REDACTED] claimed that [REDACTED] was provided with a receipt. The question then is whether [REDACTED] refused a receipt. BWC video shows that, as the officers were walking towards their vehicle after the traffic stop had ended, Officer Tohatan asked [REDACTED] if he wanted a receipt.¹⁸⁸ [REDACTED] did not answer his question and instead expressed displeasure about something else, presumably related to the traffic stop. The video then ended. While it is therefore undisputed that the officers offered [REDACTED] a receipt, there is nothing on the record to prove or disprove that he affirmatively refused it. As such, COPA again finds that there is insufficient evidence to conclude that this portion of the ISR was inaccurate.

A careful review of the officers' ISR demonstrates that, at the very least, the officers drafted a report in a light most favorable to themselves. However, COPA has also found that there is insufficient evidence to prove by a preponderance of the evidence that the officers failed to accurately detail the facts or circumstances of their interaction with [REDACTED]. Accordingly, Allegation #6 against Officers Vecchio, Tohatan, and Fuentes is **not sustained**.

g. Failing to issue an Investigatory Stop Receipt to [REDACTED]

COPA finds that Allegation #7 against Officers Vecchio, Tohatan, and Fuentes for failure to issue an ISR receipt to [REDACTED] is **sustained**.

Officers must submit an Investigatory Stop Report (ISR) following an investigatory stop, probable cause stop, and protective pat-down, or other search in a public place.”¹⁸⁹ Officers must document “all the factors” supporting reasonable articulable suspicion “to temporarily detain an

¹⁸⁴ Att. 7, pg. 2.

¹⁸⁵ Att. 45, pg. 47, lns. 6 to 14; Att. 46, pg. 10, lns. 15 to 16; Att. 74, pg. 76, ln. 24 to pg. 77, ln. 3.

¹⁸⁶ Att. 6, pg. 9, lns. 17 to 18.

¹⁸⁷ Att. 7, pg. 2.

¹⁸⁸ Att. 16 at 19:05:50 to 19:06:01.

¹⁸⁹ Att. 92, S04-13-09 (VIII)(A)(1).

individual for investigation”, and “if applicable... to perform a Protective Pat Down” in the narrative portion of the ISR.¹⁹⁰ Additionally, officers who conduct a probable cause stop must document all the factors supporting probable cause in the narrative portion of the ISR if “no other document captures the reason for the detention.”¹⁹¹ Further, the policy 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.”¹⁹² The directive does not mandate that the initiating or searching officer is solely responsible for preparing the report or tendering a receipt.

In the present case, all three officers were involved in the stop of [REDACTED] and participated in and/or witnessed both the pat-down and vehicle searches. During their statements to COPA, all three confirmed that no ISR receipt was tendered. Further, [REDACTED] confirmed that the officers left the scene so quickly that he did not get their names. Had they given him a receipt, as required by CPD policy, then [REDACTED] would have had at least one officer’s name and a beat number.

In light of this evidence, COPA finds by the preponderance of the evidence that Allegation #7 against Officers Vecchio, Tohatan, and Fuentes is **sustained**, in violation of Rules 2, 3, 5, 6, and 10.

h. Late BWC Activation.

COPA finds that **Allegation #1** against Sgt. Seng, for failing to timely activate his BWC, is **sustained**.

CPD policy requires all law-enforcement-related activities to be electronically recorded.¹⁹³ Law-enforcement-related activities include, but are not limited to, responding to and engaging in calls for service, investigatory stops, traffic stops, foot and vehicle pursuits, arrests, use of force incidents, emergency vehicle responses where fleeing suspects or vehicles may be captured on video leaving the crime scene, high-risk situations, and any other instances when enforcing the law.¹⁹⁴ The decision to record is mandatory, not discretionary.¹⁹⁵ Members are required to initiate BWC recordings “at the beginning of an incident and...record the entire incident for all law-enforcement-related activities.”¹⁹⁶

CPD policy identifies the beginning of a law enforcement-related activity for multiple circumstances.¹⁹⁷ First, CPD members must activate their BWCs for dispatched calls for service, when acknowledging the call for service and enroute to the incident scene.¹⁹⁸ Members conducting

¹⁹⁰ Att. 92, S04-13-09 (VIII)(A)(1).

¹⁹¹ Att. 92, S04-13-09 (VIII)(A)(1). For example, officers do not need to complete an ISR if they (1) observe factors giving them probable cause to arrest a subject, (2) perform an arrest, and (3) complete an arrest report explaining the probable cause.

¹⁹² Att. 92, S04-13-09 (VIII)(A)(3). S04-13-09 (VIII)(A)(4) gives examples of when officers must issue ISRs and Investigatory Stop Receipts.

¹⁹³ Att. 95, Special Order S03-14 (V)(A), Body Worn Cameras (effective August 8, 2024, to February 27, 2026).

¹⁹⁴ Att. 95, S03-14 (II)(I).

¹⁹⁵ Att. 95, S03-14 (V)(A)(1).

¹⁹⁶ Att. 95, S03-14 (V)(A)(2).

¹⁹⁷ Att. 95, S03-14 (V)(A)(2).

¹⁹⁸ Att. 95, S03-14 (V)(A)(2)(a).

investigatory stops must activate their BWCs “when approaching the member of the public to initiate the stop.”¹⁹⁹ Members conducting traffic stops must activate their cameras “when activating the Department vehicle’s emergency equipment to initiate the traffic stop.”²⁰⁰ For all other law-enforcement-related activities, CPD members must begin recording “when the member initiates and engages in the activity.”²⁰¹

If exigent circumstances prevent the activation of a BWC at the beginning of an incident, the member will activate their camera “as soon as practicable.”²⁰² CPD members are not permitted to deactivate their BWCs unless: (a) “the entire incident has been recorded and the member is no longer engaged in a law enforcement activity,” (b) a victim of a crime requests its deactivation, (c) a witness or community member wishing to report a crime requests its deactivation, or (d) the member is interacting with a confidential informant.²⁰³

In his statement to COPA, Sgt. Seng acknowledged that he deliberately recorded only part of his interaction with [REDACTED] on his BWC. Sgt. Seng provided no exigent circumstance or other exception to CPD policy that prevented timely activation. Instead, Sgt. Seng claimed he had discretion over when to activate his camera. He explained that when he takes complaints from members of the public, “I like to leave my body camera off because a lot of times, people don’t want to be recorded for whatever reason.”²⁰⁴ CPD policy, however, makes it clear that BWC activation is mandatory and not discretionary. The policy contains no exception that would allow Sgt. Seng to exercise his own discretion.

Therefore, based on Sgt. Seng’s admissions and consistent with the BWC evidence, COPA finds by the preponderance of the evidence that Allegation #1 against Sgt. Seng is sustained, in violation of Rules 2, 3, 5, 6, and 10.

i. Failing to initiate a Log Number Investigation.

COPA finds that **Allegation #2** against Sgt. Seng, for failing to initiate a Log Number Investigation after receiving [REDACTED] complaint, is **sustained**.

CPD requires its members to courteously receive and accept all complaints of misconduct, and to ensure that such complaints are properly documented and submitted to COPA so that a Log Number investigation may be generated.²⁰⁵ In addition, CPD policy articulates additional duties incumbent upon supervisory members when they receive complaints. Specifically, when a supervisory member becomes aware that a member of the public wants to submit a complaint, they

¹⁹⁹ Att. 95, S03-14 (V)(A)(2)(b).

²⁰⁰ Att. 95, S03-14 (V)(A)(2)(c).

²⁰¹ Att. 95, S03-14 (V)(A)(2)(d).

²⁰² Att. 95, S03-14 (V)(A)(3) (citing 50 ILCS 706/10-20(a)(3)(A)).

²⁰³ Att. 95, S03-14 (V)(C)(1).

²⁰⁴ Att. 61, pg. 9, lns. 6 to 10.

²⁰⁵ Att. 98, General Order G08-01-02 (II)(A), Complaint Initiation and Log Number Investigation Assignment (effective December 31, 2022, to present).

must document the complaint and promptly report it to COPA or CPIC within one hour after the information is received for the purpose of obtaining a Log Number.²⁰⁶

The evidence shows that Sgt. Seng willfully failed to comply with these responsibilities. First, COPA notes that Sgt. Seng responded to a radio call of a civilian complaining about officers under his supervision, but he left his BWC deactivated during their initial interaction. Second, in his statement to COPA, Sgt. Seng said that he preferred to conduct his own investigation related to [REDACTED] complaint and that he was unable to make a notification to COPA because [REDACTED] was going to do it on his own.²⁰⁷ Sgt. Seng stated that pulling a Log Number right away “is kind of a slap in the face to the guys that I supervise,” and that he uses his own discretion when dealing with complaints.²⁰⁸ Sgt. Seng also cited the large number of complaints related to traffic stops that his team had already faced to explain why he chose to disregard CPD policy and not report the alleged misconduct related to this traffic stop.²⁰⁹

Despite Sgt. Seng’s statement to the contrary, no CPD supervisor has the discretion to ignore a civilian complaint of misconduct. COPA also notes that, even if [REDACTED] filed his own complaint, that did not relieve Sgt. Seng of his duty under CPD policy to report the alleged misconduct. Sgt. Seng’s failure to properly accept and process [REDACTED] complaint constitutes a clear violation of CPD policy. Accordingly, COPA finds, by a preponderance of the evidence, that Allegation #2 against Sgt. Seng is **sustained**, in violation of Rules 2, 3, 5, 6, 10, 11, and 22.

VI. DISCIPLINARY RECOMMENDATION²¹⁰

a. Officer Nicu Tohatan

i. Complimentary and Disciplinary History²¹¹

Officer Tohatan has been employed by CPD since October 26, 2015. He has received 238 awards, the highlights of which include three Traffic Stop of the Month Awards, one Top Gun Arrest Award, one Superintendent’s Honorable Mention Certificate, two Special Commendation Awards, one Police Officer of the Month Award, one Life Saving Award, three Honorable Mention Ribbon Awards, and five Department Commendation Awards. He has one prior SPAR for a June 2025 incident where he failed to timely activate his BWC, resulting in a two-day suspension. In addition, he has six prior sustained complaints, which are summarized below:

- A five-day suspension for tearing up a motorist’s insurance card during a traffic stop (2017-1087745);

²⁰⁶ Att. 98, G08-01-02 (III)(C)(2)(c)(1). Note: COPA is open Monday through Friday from 9:00 am to 5:00 pm. CPIC generates Log Numbers when COPA is closed. This incident took place after 5:00 pm on a weekday, which means that, had Sgt. Seng followed CPD policy, he likely would have obtained the Log Number from CPIC.

²⁰⁷ Att. 61, pg. 24, lns. 12 to 22.

²⁰⁸ Att. 61, pg. 39, lns. 21 to 23.

²⁰⁹ Att. 61, pg. 48, lns. 9 to 12.

²¹⁰ Although COPA reached sustained findings for the allegations against Officer Fuentes, COPA is not making a disciplinary recommendation since he is no longer employed by CPD. COPA has placed the sustained allegations in “close/hold” status in the event that Officer Fuentes seeks reemployment with the City of Chicago.

²¹¹ Atts. 83 and 84.

- A ten-day suspension for directing verbal abuse at a civilian and failing to accurately complete a Tactical Response Report (TRR) (2018-1089287);
- A Violation Noted for engaging in an unjustified verbal altercation with a civilian, searching a vehicle without justification, and improperly issuing a traffic citation (2018-1089576);
- A Violation Noted for coercing a civilian into turning in a weapon under the threat of police action, during a traffic stop (2018-1090818);
- A Reprimand for failing to complete an ISR (2018-1091036);
- A Reprimand for failing to properly inventory an arrestee's property (2021-0000026);
- A Reprimand for failing to properly inventory an arrestee's property (2021-0004446).²¹²

b. Officer Joseph Vecchio

i. Complimentary and Disciplinary History²¹³

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 Honorable Mention Ribbon Award, one Top Gun Arrest Award, one Recognition/Outside Governmental Agency Award, and 126 Honorable Mention Certificates. He has 3 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 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); and
- A Reprimand for failing to submit a Traffic Stop Statistical Study (TSSS) and for issuing a ticket without giving the motorist a copy after giving the motorist a verbal warning (2023-0000861).²¹⁴

²¹² COPA or BIA also previously investigated Officer Tohatan under Logs 2021-0004525, 2022-0000056, 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, specifically related to the completion of an ISR. CPD agreed with these findings and imposed penalties ranging from a reprimand up to a three-day suspension. However, all of these cases are subject to the grievance process and have not yet been finalized.

²¹³ Atts. 85 and 86.

²¹⁴ 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

ii. Recommended Discipline

COPA has found that Officer Tohatan and Officer Vecchio violated Rules 2, 3, 5, 6, 8, 9, and 10 when they detained and forcibly removed [REDACTED] from his vehicle, searched his vehicle, directed verbal abuse at him, and failed to provide him with an ISR receipt. COPA has also found that Officer Tohatan violated Rules 2, 3, and 6 when he searched [REDACTED] without justification.

In aggravation, COPA notes that Officer Tohatan and Officer Vecchio violated [REDACTED] civil rights against unlawful search and seizure, and they subjected him to prolonged verbal abuse and disrespect. The officers abused their position of power by threatening to arrest [REDACTED] have his CDL and CCL revoked, and leave him without a job. During [REDACTED] statement to COPA, he described how the officers humiliated him and treated him “like a dog.” COPA further notes that this incident garnered media attention, and the widespread release of some of the BWC videos brought significant discredit upon the Department.²¹⁵

Additionally, COPA has considered both officers’ disciplinary histories and notes their concerning pattern of violating CPD policies. Officer Tohatan has multiple sustained findings involving verbal abuse and traffic stops and/or investigatory stops, while Officer Vecchio has a sustained finding for making threatening statements. This is misconduct that both officers repeated in this case. Finally, Officer Vecchio had been a CPD member for almost five years and Officer Tohatan for close to nine years at the time of this incident, so their behavior cannot be attributed to a lack of training or experience.

In mitigation, COPA notes both officers’ impressive complimentary histories.

In light of these aggravating and mitigating factors, and based on the principles of progressive discipline, COPA recommends that Officer Tohatan and Officer Vecchio receive a **90 to 179 day** suspension and retraining on the Fourth Amendment, the Use of Force policy, the Investigatory Stops policy, and professionalism.

c. Sgt. Erick Seng

i. Complimentary and Disciplinary History²¹⁶

Sgt. Seng has been employed by CPD since February 28, 2000. He has received 309 awards, the highlights of which include one Career Service Award, nine Complimentary Letters, 14 Department Commendation Awards, three Honorable Mention Ribbon Awards, two Life Saving Awards, one Problem Solving Award, one Superintendent’s Award of Tactical Excellence,

these cases involved at least one sustained allegation of misconduct related to a failure to follow CPD policy during a traffic stop and/or search. CPD agreed with these findings and imposed penalties 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.

²¹⁵ See <https://abc7chicago.com/post/chicago-police-officers-north-side-18th-district-1863-tactical-team-stripped-powers-reassigned-lawsuits-mount/18617972/>.

²¹⁶ Atts. 87 and 88.

one Superintendent's Award of Valor, and one Unit Meritorious Performance Award. He has two prior sustained complaints, which are summarized below:

- A five-day suspension for threatening a member of the public with arrest in retaliation for purportedly disrespectful behavior, directing profanity at a member of the public, failing to direct officers under his supervision to complete an ISR, and failing to timely activate his BWC (2023-0004183); and
- A one-day suspension for failing to ensure that the correct amount of US currency was inventoried. (2024-0002293).²¹⁷

ii. Recommended Discipline

COPA has found that Sgt. Seng violated 2, 3, 5, 6, 10, 11, and 22 when he failed to timely activate his BWC and failed to initiate a Log Number investigation after receiving [REDACTED] complaint.

In aggravation, COPA begins by considering Sgt. Seng's disregard of his duty to report misconduct when notified by a member of the public. Although CPD policy clearly required Sgt. Seng to report [REDACTED] complaint, he made a deliberate choice not to do so, effectively acting to conceal his officers' misconduct. Indeed, what else is there to make of a situation where a CPD supervisor with close to 25 years of experience with the Department does the following: 1) responds to a radio call of a civilian complaining about officers under his supervision; 2) expressly chooses to keep his BWC deactivated during his initial interaction with the civilian complaining about said officers; 3) completely disregards CPD policy and never reports the alleged misconduct to COPA or CPIC, let alone reporting it within one hour as required by policy; 4) tells the aggrieved civilian that he will conduct his own investigation and personally discipline the officers, in direct contravention of CPD policy; and finally, 5) fails to report or discipline the officers as he claimed he would. The totality of these factors shows that Sgt. Seng intentionally engaged in a cover-up of his officers' misconduct.

It is also perplexing that Sgt. Seng would cite the large number of recent complaints related to traffic stops as a reason *not* to report this incident. While COPA appreciates Sgt. Seng's concern for his officers' well-being, the numerous and repetitive complaints around traffic stops should have indicated to him that, at the very least, [REDACTED] complaints about this traffic stop could have had some merit. Sgt. Seng has also been directly referenced in media coverage of this incident, which brought additional discredit to the Department.²¹⁸ Lastly, COPA considers Sgt.

²¹⁷ Note: COPA or BIA also previously investigated Sgt. Seng under Logs 2022-0005233, 2023-0002399, 2023-0005027, 2023-0005242, 2024-0003378, 2025-0000321. Each of these cases involved at least one sustained allegation of misconduct related to a failure to follow CPD policy, most of which occurred during a traffic stop and/or search. These investigations also include multiple sustained allegations for failing to timely activate BWC, failing to complete an ISR or provide an Investigatory Stop Receipt, and one sustained allegation each for verbal abuse and for failing to report misconduct. CPD agreed with these findings and imposed penalties ranging from a three-day suspension to a 15-day suspension. However, all of these cases are subject to the grievance process and have not yet been finalized.

²¹⁸ See <https://abc7chicago.com/post/chicago-police-officers-north-side-18th-district-1863-tactical-team-stripped-powers-reassigned-lawsuits-mount/18617972/>.

Seng's disciplinary history, which reflects previous mistreatment of a civilian and an ongoing disregard for CPD policy.

In mitigation, COPA notes that, although Sgt. Seng did not follow the proper protocol to report [REDACTED] complaint to COPA or CPIC, he did inform [REDACTED] of COPA's and BIA's roles in investigating officer misconduct on the night of the incident and during their phone call the next day. It is worth noting that [REDACTED] reported this incident to COPA the day after it occurred. So, while Sgt. Seng failed in his duty to report misconduct, he did not completely obscure the process from [REDACTED] and it did not ultimately cause a significant delay in COPA's notification. Sgt. Seng was also forthcoming during his statement to COPA. Lastly, Sgt. Seng has an exceptional complimentary history, which reflects many high points in his lengthy career.

In light of these aggravating and mitigating factors, and based on the principles of progressive discipline, COPA recommends that Sgt. Seng receive a **90 to 179 day** suspension and retraining on the BWC, Complaint Initiation and Log Number Investigation Assignment, and Supervisory Responsibilities policies.

Approved:

[REDACTED]

Steffany Hreno
Acting Deputy Chief Administrator

3/24/2026

Date

[REDACTED]

LaKenya White
Chief Administrator

3/24/2026

Date

Appendix A**Case Details**

Date/Time/Location of Incident:	September 23, 2024 / 6:44 pm / 147 E. Superior St., Chicago, Illinois.
Date/Time of COPA Notification:	September 24, 2024 / 10:25 pm.
Involved Officer #1:	Officer Mario Fuentes / Star #9793 / Employee ID# [REDACTED] / DOA June 16, 2017 / Resigned February 5, 2026 / Male / White Hispanic.
Involved Officer #2:	Officer Nicu Tohatan / Star #18703 / Employee ID# [REDACTED] / DOA October 26, 2015 / Unit 376 / Male / White.
Involved Officer #3:	Officer Joseph Vecchio / Star #14469 / Employee ID# [REDACTED] / DOA Oct. 16, 2019 / Unit 376 / Male / White.
Involved Officer #4	Sgt. Erick Seng / Star #2677 / Employee ID# [REDACTED] / DOA February 28, 2000 / Unit 193 / 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 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 11:** Incompetency of inefficiency in the performance of duty.
- ☒ **Rule 22:** Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.

Applicable Policies and Laws

- Amendment IV, U.S. Constitution.
- Municipal Code of Chicago, 9-4-010 Definitions.
- Rules and Regulations of the Chicago Police Department (effective April 16, 2015, to present).
- General Order G01-01, Vision, Mission Statement, and Core Values (effective May 21, 2019, to present).

- General Order G02-01, Protection of Human Rights (effective June 30, 2022, to present).
- G03-02, De-escalation, Response to Resistance, and Uses of Force (effective June 28, 2023, to present).
- General Order G03-02-01, Response to Resistance and Force Options (effective June 28, 2023, to present).
- G08-01-02, Complaint Initiation and Log Number Investigation Assignment (effective date December 31, 2022, to present).
- Special Order S03-14, Body Worn Cameras, (effective August 8, 2024, to February 27, 2026).
- Special Order S04-13-09, Investigatory Stop System (effective July 10, 2017, to February 3, 2026).

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.²¹⁹ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department 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.”²²⁰

²¹⁹ 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).

²²⁰ *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