SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	January 26, 2020
Time of Incident:	12:48 a.m.
Location of Incident:	2400 N. Sawyer Ave.
Date of COPA Notification:	January 26, 2020
Time of COPA Notification:	3:26 a.m.
26, 2020, at approximately 1:15 a. Ave. onto Sawyer Avenue when he on his left. Said his car officer (from the car) about car's lights also were off. The powithout the police car lights being car arrived, which contained two of searched vehicle without (for not having his lights on).	
Involved Officer #1:	Syed Kazmi, #19305, Employee # Date of Appointment December 15, 2017, Officer, 14 th District, DOB: 1993, Male, Asian
Involved Officer #2:	Eric Myers, #4545, Employee # Date of Appointment November 27, 2018, Officer, 14 th District, currently detailed to Unit 214, DOB: 1991, Male, Black
Involved Individual #1:	E. DOB: , 1982, Male, White

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Syed Kazmi	 It is alleged that on January 26, 2020, at approximately 12:48 a.m., near 2358 N. Sawyer Avenue, Officer Kazmi committed misconduct by detaining without justification. That during the same incident, Officer Kazmi searched the vehicle driven by without justification. That during the same incident, Officer Kazmi searched the person of without justification. 	Unfounded Unfounded Unfounded
Officer Eric Myers	 It is alleged that on January 26, 2020, at approximately 12:48 a.m., near 2358 N. Sawyer Avenue, Officer Myers committed misconduct by detaining without justification. That during the same incident, Officer Myers searched the vehicle driven by without justification. That during the same incident, Officer Myers searched the person of without justification. 	Unfounded

IV. APPLICABLE RULES AND LAWS

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Rule 6 – Disobedience of an order or directive, whether written or oral.

Rule 10 - Inattention to duty.

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N/A

Special Orders

1. Investigatory Stop System, Special Order S04-13-09, effective date 10 July 2017

Federal Laws

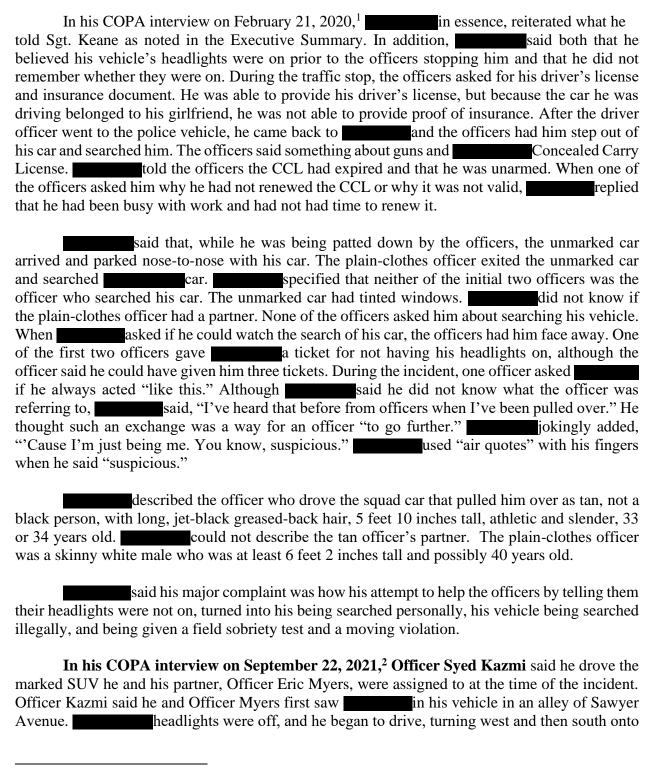
1. Fourth Amendment to the United States Constitution

State Laws

- 1. 725 ILCS 5/107-14
- 2. 725 ILCS 5/108-1.01

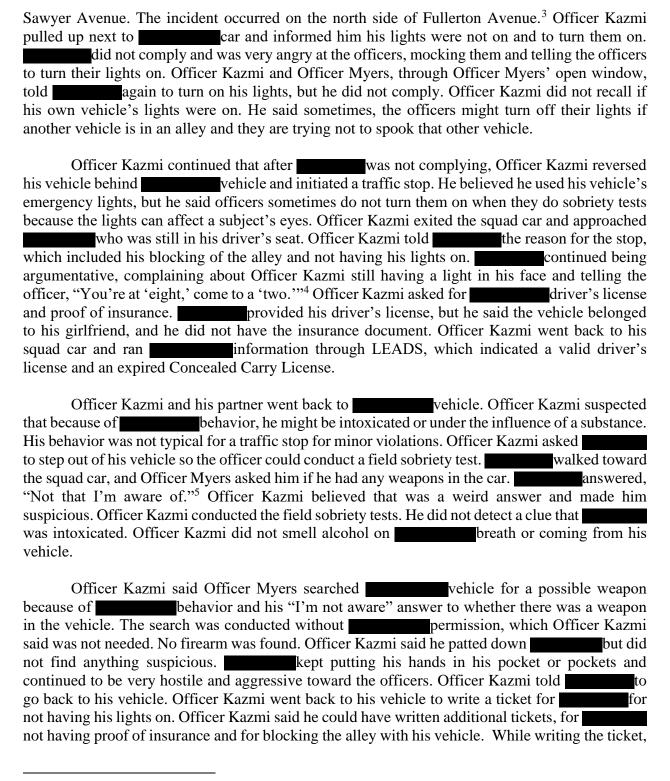
V. INVESTIGATION

a. Interviews



¹ Att. #4

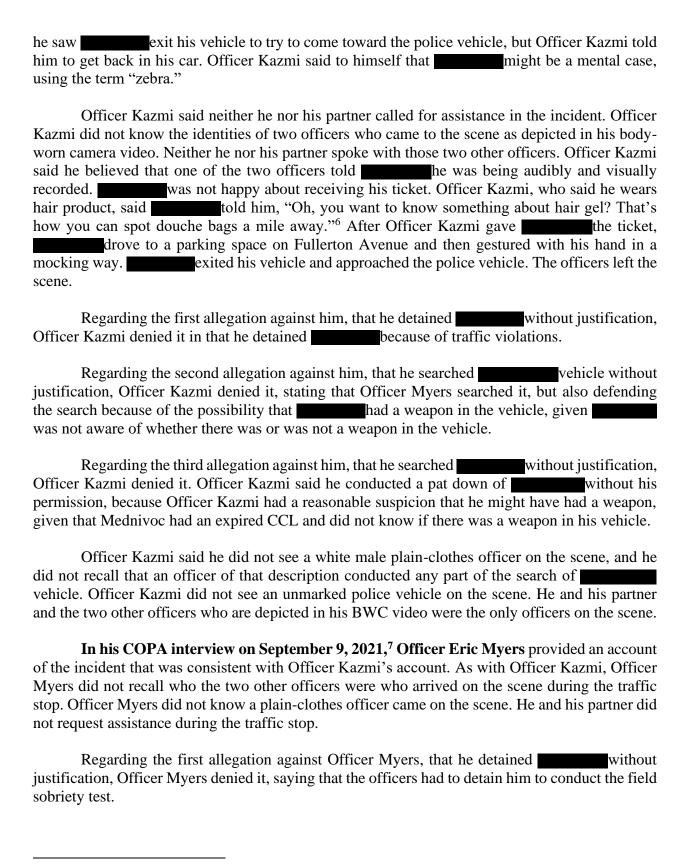
² Atts. #19, #22



³ The officers' Investigatory Stop Report indicates the incident location as "2358 N. Sawyer Ave.," which would be south of Fullerton Avenue (2400 North), but Officer Kazmi acknowledged the incident occurred on the north side of Fullerton Avenue, based on his body-worn camera video. He also corrected the direction in which drove on Sawyer Avenue.

⁴ Att.#22, page 19, line 1.

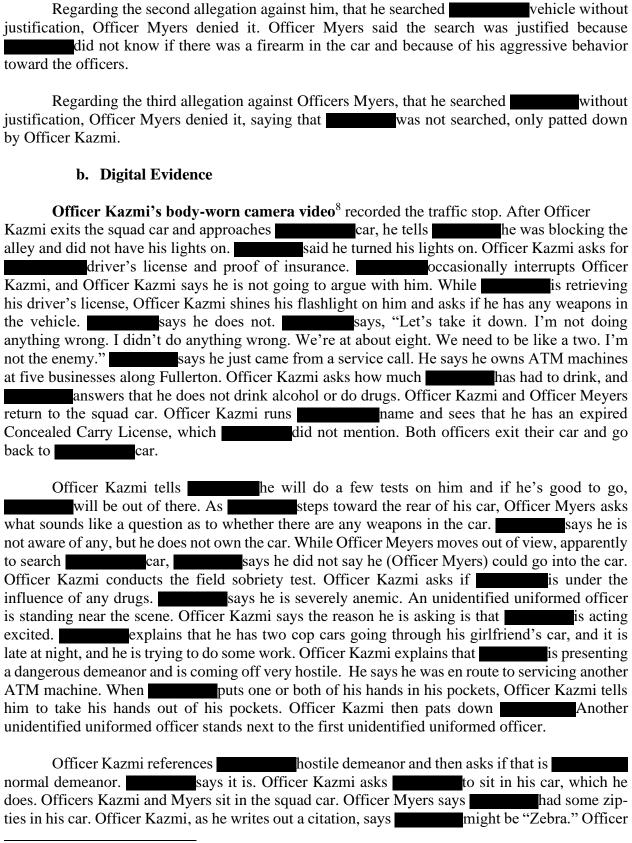
⁵ *Id.*, page 21, line 24, and page 22, lines 1 and 2.



⁶ Ibid., page 32, lines 13-15.

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⁷ Atts. #17, 21.



⁸ Att. #6.

Kazmi, after Officer Myers apparently runs a background check on and finds nothing, says he found it hard to believe. At one point, Officer Kazmi opens his own driver's door and yells, apparently to get back in his car. shouts something, but it was not understandable. Officer Myers asks what is wrong with him.
Officer Kazmi brings the citation to saying he was getting only one ticket, even though he should be getting three. Officer Kazmi says should consider it a favor. objects to receiving the citation. Officer Kazmi says he never said he would not give a ticket. asks what it is for and laughs that it was for not having his headlight on. says the officer did not have his headlights on, either. Officer Kazmi says it does not matter. says he had his headlights on. asks if he can tell Officer Kazmi something about men's hair gel, and Officer Kazmi says no. What says is not clear. Officer Kazmi says, "Oh, yeah?" and laughs as he enters his squad car.
Neither an unmarked car nor a plain-clothes officer is depicted in the video.
Officer Myers' body-worn camera video ⁹ depicts him exiting his squad car and shining a flashlight into car. After walks to the rear of his car, Officer Myers asks him if he has any weapons in the car. answers that he was not aware of any, but that he does not own the car. A second marked squad car is depicted on Fullerton Avenue, in the background, at one point in the video. That second marked squad car is parked facing vehicle. The video depicts Officer Myers' search of car. After the search, Officer Myers sits on the passenger side of the squad car. He references finding the zip ties in car. The officers also reference what one officer calls confrontational and hostile demeanor. Officer Kazmi can be heard telling to get back in his car. Officer Myers asks out loud what is wrong with "this guy." When objects to receiving the citation, a moving violation, from Officer Kazmi, says he just got a moving violation three months ago. asks his question about men's hair gel, but his complete comment is not audible.
No OEMC audio or in-car camera video related to the incident was available. 10
c. Physical Evidence
No physical evidence was associated with the incident.
d. Documentary Evidence
The Investigatory Stop Report ¹¹ about the incident indicates Officers Kazmi and Myers observed wehicle parked in the east alley of Sawyer Avenue causing an obstruction. The officers drove in the alley behind wehicle, which did not have its headlights on, until it reached Sawyer Avenue and turned south. The officers pulled beside wehicle to inform him to turn on his lights. "immediately" became hostile and said in a mocking manner that the officers' lights were not on. The officers told to turn on his lights, but

⁹ Att. #7. ¹⁰ Atts. #10, #12.

¹¹ Att. #3.

he did not comply. argued, saying again that the officers' lights were not on and it was not safe to drive at night. Because of "combative" attitude and non-compliance with traffic laws, the officers conducted a traffic stop.
The report references telling the officers in a demanding tone they were at an "eight" and to bring it down. Because of "aggressive, excited, sarcastic and hostile" behavior, the officers suspected him of being under the influence of an intoxicating compound. The officers' test of determined he was not under the influence of an intoxicating compound. The officers conducted a name check, finding CCL was expired. The officers conducted a name check, finding CCL was expired. The officers once was in his vehicle. The was patted down and his car searched without his consent.
The officers reported that after they gave his citation, he did not immediately leave. He waved his hand out his window in an up-and-down motion, mockingly, toward the officers. Left but parked his vehicle and started to walk across the street toward the officers' vehicle as it drove away.
e. Additional Evidence
The response from an inquiry ¹² about citation to the Cook County Circuit Court indicates it was non-suited on July 29, 2020.

VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

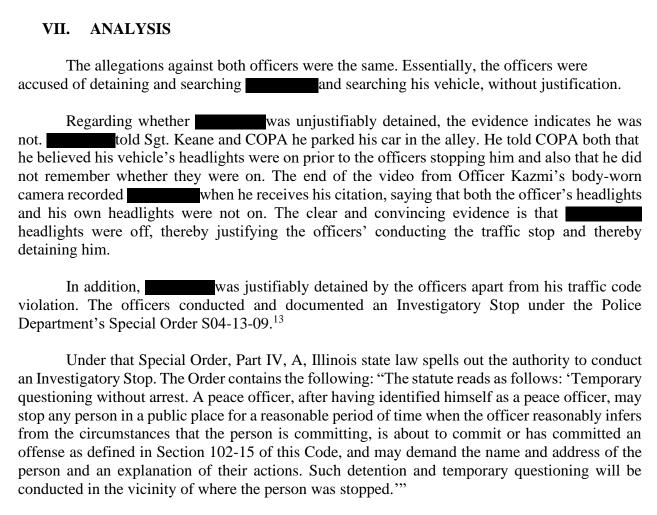
- 1. Sustained where it is determined the allegation is supported by a preponderance of the evidence;
- 2. <u>Not Sustained</u> where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
- 3. <u>Unfounded</u> where it is determined by clear and convincing evidence that an allegation is false or not factual; or
- 4. <u>Exonerated</u> where it is determined by clear and convincing evidence that the conduct descried 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 the conduct reviewed complied with Department policy. See Avery v. State Farm Mutual Automobile Insurance Co., 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of

¹² Att. #23.

the evidence when it has been found to be more probably true than not). 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. See *e.g.*, *People v. Coan*, 2016 IL App (2d) 151036 (2016). 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." *Id.* at ¶ 28.



In this case, both officers were justified in conducting their Investigatory Stop after
provided conflicting answers when asked by the officers whether there were weapons
in his car. According to Officer Karzi's body-worn camera video, at the beginning of the stop,
Melnikov told Officer Karzi he did not have weapons in the vehicle. According to Officer Myers'
body-worn camera video, when Officer Myers asked if he had any weapons in the car,
answered that he was not aware of any, but that he did not own the car. During the
incident, acknowledged to Officer Karzi that being aggressive is his normal demeanor.
During his COPA interview, said he was just being himself, which he said had evoked

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¹³ Att. #31

questions from other officers who had stopped him. demeanor, combined with his expired CCL and his conflicting answers about weapons, made the officers reasonably suspicious as to whether there was a weapon in the car.

Under the same Special Order, Part V, A, "An officer may conduct an Investigatory Stop if it is based on specific and articulable facts which, combined with rational inferences from these facts, give rise to Reasonable Articulable Suspicion that criminal activity is afoot. The sole purpose of the temporary detention is to prove or disprove those suspicions." In this case, Officer Myers' search of the vehicle and Officer Karzi's pat-down of disproved suspicions that had a firearm in the car or was illegally carrying one. Apart from the traffic violation, no criminal activity was discovered by the officers.

Regarding the second allegation against the officers, that was unjustifiably searched, no evidence indicates was searched. Officer Karzi patted him down. The same CPD Special Order, Part IV, B, references the Illinois State Law that delineates the authority for conducting a Protective Pat Down during an Investigatory Stop. "The statute reads as follows: 'Search during temporary questioning. When a peace officer has stopped a person for temporary questioning pursuant to Section 107-14 of this Code and reasonably suspects that he or another is in danger of attack, he may search the person for weapons. If the officer discovers a weapon, he may take it until the completion of the questioning, at which time he shall either return the weapon, if lawfully possessed, or arrest the person so questioned." It is noted in this section of the Special Order that the word "search" refers to a Protective Pat Down. used both terms, searched and patted down, in his COPA interview, but he did not say the officers went into his pockets.

Regarding the third allegation against the officers, that they unjustifiably searched car, the same CPD Special Order, Part VIII, Procedures, A, 4, b, provides a guideline for officers who conclude there is Reasonable Articulable Suspicion that a driver may be "armed and dangerous" or "presents a danger of attack." This guideline describes an incident in which an officer conducts a Protective Pat Down on a driver and the vehicle for weapons, which is what Officers Karzi and Myers did, although Officer Myers, specifically, searched the vehicle and found no weapon. The search of car was justified because, as already noted, the officers reasonably believed could have been armed.

All three allegations against both officers are Unfounded.

VIII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding / Recommendation
Officer Syed Kazmi, #19305	1. It is reported that on January 26, 2020, at approximately 12:48 a.m., near 2358 N. Sawyer Avenue, Officer Kazmi committed	

	misconduct by detaining without justification. 2. That during the same incident, Officer Kazmi searched the vehicle driven by without justification. 3. That during the same incident, Officer Kazmi searched the person of without justification.
Officer Eric Myers, #4545	 It is reported that on January 26, 2020, at approximately 12:48 a.m., near 2358 N. Sawyer Avenue, Officer Myers committed misconduct by detaining without justification. That during the same incident, Officer Myers searched the vehicle driven by without justification. That during the same incident, Officer Myers searched the person of without justification.

Approved:

	4-29-2023	
Angela Hearts-Glass	Date	
Deputy Chief Investigator		