



Log # 2022-2497

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On June 17, 2022, the Civilian Office of Police Accountability (COPA) received a telephone complaint from ██████████ (██████████ reporting alleged misconduct by members of the Chicago Police Department (CPD). ██████████ alleged that on May 31, 2022, Officers Ian Patnett (Officer Patnett), Angelo DiCera (Officer DiCera), and Andrew Kats (Officer Kats), grabbed and twisted his arm while handcuffing him. ██████████ also alleged that Officers Patnett and DiCera mocked him for having an Illinois Link card.² ██████████ further alleged that he was issued a false and/or inaccurate citation. Additionally, ██████████ alleged that Officer DiCera prevented him from recording Department members and was smoking a cigar while on duty.³ Upon review of the evidence, COPA served additional allegations regarding the Officers involvement in a verbal altercation, late body-worn camera (BWC) activation, and investigatory stop documentation. Following its investigation, COPA reached sustained, not sustained, unfounded, and exonerated findings regarding the allegations.

II. SUMMARY OF EVIDENCE⁴

On May 31, 2022, Officers Patnett, DiCera, and Kats (collectively referred to as “the Officers”) were patrolling the area around Grant Park when they observed a group of people, including ██████████ consuming alcohol on the public way.⁵ The Officers exited their vehicle, approached ██████████ and asked him to provide identification, with the intention of issuing him an Administrative Notice of Violation (ANOV). ██████████ refused to provide an identification card (ID) and responded by hurling insults and threats at the Officers.⁶ After repeatedly refusing to produce an ID, ██████████ removed a wallet from his pocket, making his Illinois Link card visible. Officers Patnett and DiCera mocked ██████████ for having the Link card, as they repeatedly commanded that he produce an ID.⁷ However, ██████████ failed to obey the Officers command, opting instead to

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 A Link card is a government-issued debit card provided to low-income participants to access public aid funds to purchase food.

³ One or more of these allegations fall within COPA’s jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

⁴ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including BWC footage, Administrative Notice of Violation (ANOV), civilian interviews, and officer interviews.

⁵ Att. 14, pg. 7, lns. 22 to 24; pg. 8, lns. 1 to 3; Att. 17, pg. 5, lns. 8 to 13; Att. 20, pg. 8, lns. 3 to 9.

⁶ Att. 20, pg. 9, lns. 16 to 22; Att. 20, pg. 16, lns. 23 to 24; pg. 17, ln. 1.

⁷ Att. 2 at 3:55 to 4:00.

remove a cell phone from his pocket to record the Officers. As ██████ held his phone, and continued to argue with the Officers, they placed him in handcuffs. Officer Patnett took possession of ██████ wallet and removed his ID.⁸ Officer Patnett used the information on the ID and wrote ██████ an ANOV for drinking on the public way.⁹ After completing the ANOV, Officer Patnett informed ██████ of the date and location of the administrative hearing, then ██████ was allowed to leave.¹⁰

During his statement to COPA¹¹, ██████ stated he was sitting in the park when he observed the Officers looking in his car with a flashlight. When he asked the Officers why they were looking in his car, they approached him and asked for ID.¹² According to ██████ the Officers explained that they saw him drinking, then threw a cup.¹³ ██████ acknowledged his refusal to provide an ID, stating that he had not done anything to warrant such a request; further, ██████ acknowledged hurling insults and threats at the Officers.¹⁴

██████ stated when he asked the Officers for their names, they refused to identify themselves.¹⁵ ██████ added that he asked the Officers if their BWCs were activated. When he was told that the BWCs were recording, ██████ informed the Officers of his plan to record them.¹⁶ According to ██████ when he reached for his phone, the Officers grabbed him and twisted his arm.¹⁷ ██████ explained that after he was handcuffed, one of the Officers removed his wallet from his pocket, went through the wallet and saw a Link card. Upon observing the Link card, the Officers mocked him, stating that he was broke and on public aid, prompting ██████ to hurl additional insults at the Officers.¹⁸

During his statement to COPA,¹⁹ **Officer Patnett** stated that while patrolling the area near 498 S. Columbus, when he and his partners (Officer DiCera and Kats) observed ██████ on a sidewalk passing around a bottle of clear alcohol.²⁰ Officer Patnett stated that he approached ██████ with the intention of writing a citation. When the Officers encountered ██████ they could smell alcohol coming from his breath.²¹ ██████ was asked to produce an ID, however, he became irate, resulting in his detention for the purpose of completing and issuing the ANOV.²² Officer

⁸ Att. 14, pg. 8, lns. 23 to 24; pg. 9, lns. 1 to 4.

⁹ Atts. 9-10.

¹⁰ Att. 2 at. 11:13 – 11:19 and Att. 14, pg. 20, lns. 14-17.

¹¹ Att. 8.

¹² Att. 8 at 3:40 – 4:05.

¹³ Att. 8 at 4:26 - 4:35.

¹⁴ Att. 8 at 6:44 -7:30.

¹⁵ Att. 8 at 15:25 – 15:45.

¹⁶ Att. 8 at. 5:24 – 5:44.

¹⁷ Att. 8 at 28:34 – 29:10.

¹⁸ Att. 8 at 5:59 – 7:30.

¹⁹ Att. 14.

²⁰ Att. 14, pg. 7, lns. 22 to 24; pg. 8, lns. 1 to 3.

²¹ Att. 14, pg. 8, lns. 9 to 11.

²² Att. 14, pg. 8, lns 15 to 19.

Patnett explained that due to ██████ being detained, he removed ██████ wallet from his pocket, then removed his ID in order to complete the ANOV.²³

When asked why he asked ██████ “Do you have a fucking ID?”, Officer Patnett explained that ██████ was belligerent and yelling, so he mirrored the language ██████ used, expecting that it would adjust ██████ behavior; however, it did not, and ██████ became even more irate.²⁴ Officer Patnett also acknowledged saying “I’m not a fucking goofy” to ██████ adding that he allowed ██████ to “get the best of” him.²⁵ Officer Patnett explained that he used that language in response to ██████ making assumptions about him; however, Officer Patnett could not recall what assumptions were made.²⁶

Officer Patnett explained that ██████ refused to be handcuffed, and he stiffened up as the Officers attempted to apply handcuffs, making the application difficult. Officer Patnett acknowledged grabbing ██████ arm to assist in handcuffing him, but he did not recall twisting ██████ arm. Officer Patnett then amended part of his statement and explained that the only time he and his partners twisted ██████ arm was to place it behind his back, which is a standard procedure when applying handcuffs. Officer Patnett further explained that there was barely any force used to handcuff ██████²⁷

Officer Patnett stated that he documented and issued the ANOV to ██████ Officer Patnett added that he explained to ██████ when he had to appear for the administrative hearing.²⁸ Officer Patnett explained that when a citation is written, an Officer returns to their district or unit and the carbon copies of the citation are placed in a citation bin, then the district or unit administrative section registers the citation. Once the citation is submitted to the administrative section, Officers have no control over what happens to it.²⁹ Officer Patnett stated that he did not attend ██████ hearing because he was not notified.³⁰ In regard to ██████ learning that he did not have an administrative hearing once he arrived at court, Officer Patnett explained that was a Court Section issue over which he has no control.³¹

Officer Patnett acknowledged that he did not complete an Investigatory Stop Report because the Officers observed ██████ drinking on the public way, and additional investigation was not necessary. Further, Officer Patnett explained that ██████ was not provided an Investigatory

²³ A review of Officer Patnett’s BWC (Att. 2 min 3:40 – 4:22) shows that he did not remove ██████ wallet from his pocket, and the wallet was in ██████ hand.

²⁴ Att. 14, pg. 10, lns. 2 to 14.

²⁵ Att. 14, pg. 11, lns. 5 to 19.

²⁶ Att. 14, pg. 10, lns. 15 to 19.

²⁷ Att. 14, pg. 14, lns. 2 to 17; pg. 27, lns. 2 to 8.

³² Att. 14, pg. 19, lns. 17 to 22.

³² Att. 14, pg. 19, lns. 17 to 22.

³² Att. 14, pg. 19, lns. 17 to 22.

³² Att. 14, pg. 19, lns. 17 to 22.

Stop Receipt because he was issued an ANOV, which had the same information and effect as an Investigatory Stop Receipt.³²

Officer Patnett stated that he mentioned ██████ having a Link card because ██████ made assumptions about him (Officer Patnett) not making enough money.³³ Officer Patnett admitted that referencing ██████ Link card was not professional, and that he should have conducted himself in a better manner.³⁴ Officer Patnett further stated that knowing ██████ received Link card benefits did not influence his interaction with ██████ and that an individual's economic status does not affect how he polices.³⁵

Regarding his BWC, Officer Patnett explained that he is usually good about keeping his BWC on, but prior to his interaction with ██████ he was engaged in another stop, and he believed that his BWC was still activated. When he realized the BWC was not activated, he activated it.³⁶

During his statement to COPA,³⁷ **Officer Kats** provided a similar account of the incident as Officer Patnett, adding that he assisted with handcuffing ██████³⁸ Officer Kats explained that in the process of being handcuffed, the Officers grabbed ██████³⁹ Officer Kats also stated that ██████ stiffened his arms as Officers handcuffed him.⁴⁰ Officer Kats stated there was no force used when handcuffing ██████ however, Officers sometimes have to twist a subject's arm when placing it behind a their back.⁴¹

Officer Kats stated that he did not issue ██████ an Investigatory Stop Receipt or complete an Investigatory Stop Report because no additional police action was taken, and the information was listed on the ANOV issued to him.⁴²

In regard to his BWC, Officer Kats stated that he completed a traffic stop prior to his interaction with ██████ and he thought the BWC was still active. Officer Kats further stated that he may have deactivated it prior to his interaction with ██████⁴³

During his statement to COPA,⁴⁴ **Officer DiCera** provided a similar account of the incident as Officers Patnett and Kats regarding why they approached ██████ refusal to provide an ID, and why he did not complete an Investigatory Stop Report or provide ██████ with an

³² Att. 14, pg. 19, lns. 17 to 22.

³³ Att. 14, pg. 12, lns. 17 to 24; pg. 13, lns. 1 to 7.

³⁴ Att. 14, pg. 13, lns. 4 to 7.

³⁵ Att. 14, pg. 13, lns. 10 to 15.

³⁶ Att. 14, pg. 23, lns. 2-3; lns. 14-20.

³⁷ Att. 17.

³⁸ Att. 17 pg. 8, lns. 19 to 20.

³⁹ Att. 17 pg. 9, lns. 5 to 6.

⁴⁰ Att. 17 pg. 9, lns. 6 to 8; pg. 11, lns. 2 to 6.

⁴¹ Att. 17 pg. 10, lns. 11 to 19.

⁴² Att. 17, pg. 12, lns. 11 to 22.

⁴³ Att. 17, pg. 13, lns. 6-13.

⁴⁴ Att. 20.

Investigatory Stop Receipt. Officer DiCera explained that he did not recall making physical contact with ██████ nor did he recall a use of force during the encounter.⁴⁵ Officer DiCera described ██████ as uncooperative and moving around.⁴⁶ Officer DiCera explained that although he did not recall handcuffing ██████ based on his training and recollection, ██████ was handcuffed in a manner that was not excessive, and that in order to apply handcuffs, arms must be moved to the rear of the body.⁴⁷

COPA asked Officer DiCera why he told ██████ “Putting the cuffs on you was like taking candy from a baby, let’s see what happens when you take those cuffs off, you’re gonna walk away like a little bitch, and try me”; then referred to ██████ as “a goofy”.⁴⁸ Initially, Officer DiCera stated that he did not recall making such statements, but he continued and stated that “goofy is like childish”. Further, Officer DiCera stated that ██████ was uncooperative and intoxicated and, in his estimation, ██████ was acting childish.⁴⁹ After reviewing BWC video of the incident, Officer DiCera stated that ██████ started the altercation. Officer DiCera continued by stating that he could have used better language and sometimes harsh language is used to gain compliance. Regarding Officer DiCera threatening to arrest ██████ he explained that ██████ was threatening to assault him, in response, Officer DiCera was informing ██████ that if he continued with such threats, he would be arrested.

Officer DiCera acknowledged having a cigar during the interaction with ██████⁵⁰ Officer DiCera stated that he was in uniform at the time and that he probably should not have been smoking while engaging with the public.⁵¹

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⁴⁵ Att. 20, pg. 12, lns. 15 to 20.

⁴⁶ Att. 20, pg. 12, lns. 8 to 12.

⁴⁷ Att. 20, pg. 11, lns. 21 to 24; pg. 12, lns. 1 to 2.

⁴⁸ Att. 20, pg. 14, lns. 3 to 16.

⁴⁹ Att. 20, pg. 14 lns. 21 to 24.

⁵⁰ Att. 20, pg. 26, lns. 15 to 18.

⁵¹ Att. 20, pg. 28, lns. 1 to 2; lns. 17 to 19.



Figure 1: Still image from BWC footage depicting Officer DiCera smoking a cigar during this incident. See Att. 2 at 4:03.

Officer DiCera explained that he did not recall preventing [REDACTED] from recording him. Officer DiCera also stated that [REDACTED] was not detained to prevent him from making a recording, and that detained individuals are not free to record if they are handcuffed.⁵²

BWC footage depicts the Officers repeatedly warning that [REDACTED] would be handcuffed and arrested if he did not present an ID. Instead of presenting an ID, [REDACTED] stated his intention to record the Officers. [REDACTED] then retrieved a cell phone from his pocket, presumably to record his interactions with the Officers. [REDACTED] activated the cell phone, then the phone was locked. After the phone was locked, [REDACTED] was handcuffed.⁵³

Regarding his BWC, Officer DiCera explained that his BWC was functioning properly on the day of this incident. He acknowledged that he may have activated the camera late, but when he realized the oversight, he activated the camera.⁵⁴

III. ALLEGATIONS⁵⁵

Officer Ian Patnett:

1. Using excessive force when grabbing and/or twisting [REDACTED] arm.
- Exonerated.

⁵² Att. 20, pg. 25, lns. 8 to 15.

⁵³ Att. 2 at 2:00 – 4:12.

⁵⁴ Att. 20, pg. 28, lns. 20 to 24; pg. 29, lns. 1 to 4.

⁵⁵ COPA rearranged the order of allegations to streamline Section V (Analysis) in this report.

2. Failing to timely activate your body-worn camera, in violation S03-14.
 - Sustained, in violation of Rules 2, 3, 5, 6 and 10.
3. Failing to complete an Investigatory Stop Report.
 - Exonerated.
4. Failing to provide [REDACTED] with an Investigatory Stop Receipt.
 - Exonerated.
5. Directing bias-based verbal abuse to [REDACTED]
 - Sustained, in violation of Rules 2, 3, 6, 8 and 9.
6. Engaging in an unjustified verbal altercation.
 - Sustained, in violation of Rules 2, 3, 6, 8 and 9.
7. Issuing [REDACTED] a false and/or inaccurate citation.
 - Not sustained.

Officer Andrew Kats:

1. Using excessive force when grabbing and/or twisting [REDACTED] arm.
 - Exonerated.
2. Failing to timely activate your body-worn camera, in violation of S03-14.
 - Sustained, in violation of Rules 2, 3, 5, 6, and 10.
3. Failing to complete an Investigatory Stop Report.
 - Exonerated.
4. Failing to provide [REDACTED] with an Investigatory Stop Receipt.
 - Exonerated.

Officer Angelo DiCera:

1. Using excessive force when grabbing and/or twisting [REDACTED] arm.
 - Exonerated.
2. Failing to timely activate your body-worn camera, in violation of S03-14.
 - Sustained, in violation of Rules 2, 3, 5, 6, and 10.
3. Failing to complete an Investigatory Stop Report.
 - Exonerated.
4. Failing to provide [REDACTED] with an Investigatory Stop Receipt.
 - Exonerated.
5. Directing bias-based verbal abuse to [REDACTED]
 - Sustained, in violation of Rules 2, 3, 6, 8 and 9.
6. Engaging in an unjustified verbal altercation
 - Sustained, in violation of Rules 2, 3, 6, 8 and 9.
7. Preventing [REDACTED] from recording Department members, in violation of General Order G02-02.
 - Unfounded.
8. Smoking on duty.
 - Sustained, in violation of Rules 2, 3, 6, and 55.

IV. CREDIBILITY ASSESSMENT

COPA notes that portions of ██████ statement did not match what was depicted on the BWC footage; specifically, when ██████ stated the Officers refused to provide a star number upon request. Despite his claim, BWC footage showed that ██████ was speaking directly to Officer Patnett when he requested a star number, and Officer Patnett did in fact provide it.⁵⁶ Additionally, ██████ also stated that the Officers searched his vehicle and observed his Link card; however, BWC video footage showed that the Officers observed the card in ██████ wallet as they stood on the sidewalk asking him to produce an ID.⁵⁷ When ██████ initially contacted COPA, he stated that an Officer (now known as Officer DiCera) was smoking and blew smoke in his face. While BWC video footage confirms that Officer DiCera was smoking, the video does not show Officer DiCera blowing smoke in ██████ face. COPA determined that ██████ embellished details of the incident, which lessened his credibility. This investigation did not reveal any evidence that caused COPA to question the credibility of the Officers who provided statements.

V. ANALYSIS⁵⁸

a. Use of force

COPA finds allegation # 1 against Officers Patnett, DiCera, and Kats, that they used excessive force when grabbing and/or twisting ██████ arm, are **exonerated**. Per CPD policy, “when feasible, an arrestee will be handcuffed with both hands behind the back...”⁵⁹ Additionally, CPD’s use of force policy defines an active resister as, “a person who attempts to create distance between himself or herself and the member's reach with the intent to avoid physical control and/or defeat the arrest.”⁶⁰ In such cases, Officers are authorized to use holding techniques, which includes grabbing an arm, to gain compliance.⁶¹

Here, ██████ was actively resisting by stiffening his body and pulling away when the Officers attempted to handcuff him, causing the Officers to grab his arms to place them behind his back. This happened over a few seconds and was not a prolonged use of force. The Officers acknowledged using a minimal amount of force to position ██████ arms behind his back but denied using an excessive amount of force. The Officers explained that what they did is standard practice, and that there is a minimal amount of force used to place a subject in handcuffs.

The BWC video footage showed that as the Officers were placing ██████ in handcuffs, he continued to move around and hurl threats at the Officers. At no time did he complain about the tactics the Officers used when placing his arms behind his back, nor did he complain of pain. In

⁵⁶ Att. 2 at 2:45-2:53.

⁵⁷ Att. 2 at 3:56.

⁵⁸ For a definition of COPA’s findings and standards of proof, *see* Appendix B.

⁵⁹ Att. 29, General Order G06-01-02 (V)(A)(1) (effective December 8, 2017 – present).

⁶⁰ Att. 30, General Order G03-02-01 Response to Resistance and Force Options (effective April 15, 2021 - June 28, 2023).

⁶¹ Att. 30, G03-02-01(IV)(B)(2)(c).

addition, the BWC video footage depicted that after the handcuffs were removed, ██████ made no complaints of pain or injury, and he did not request medical care. It was not until ██████ contacted COPA, approximately 18 days after the alleged incident, that he complained of pain related to the handcuffing. Based on the video evidence and the Officers' statements, COPA determined that any force used to handcuff ██████ was necessary and in accordance with CPD policy. Therefore, allegation #1 against the Officers are exonerated.

b. Failing to timely activate your body-worn camera,

COPA finds allegation # 2 against the Officers, that they failed to timely activate their BWCs, are **sustained**. Department members are required to activate BWC "at the beginning of an incident and will record the entire incident for all law-enforcement-related activities."⁶² Here, the Officers were required to activate their BWCs when they decided to issue ██████ an ANOV. Instead, the Officers did not activate their BWCs until after they initiated their request for ██████ ID. Officer Patnett activated his BWC approximately one minute and 17 seconds after his initial contact with ██████ Officer DiCera activated his BWC approximately one minute and 15 seconds after his initial contact with ██████ and Officer Kats activated his BWC approximately one minute and 10 seconds after his initial contact with ██████ It is undisputed that the Officers were engaged in law-enforcement-related activities before activating their BWCs; specifically, requesting an ID from ██████ for the purpose of issuing him an ANOV, when they failed to timely activate their BWCs. The Officers failure violated CPD policy and Rules 2, 3, 5, 6 and 10, therefore, the allegation is sustained.

c. Failing to complete an Investigatory Stop Report and failing to provide an ISR

COPA finds Allegations # 3 and 4, that the Officers failed to complete an Investigatory Stop Report and failed to provide ██████ with an Investigatory Stop Receipt are **exonerated**. Here, the Officers observed ██████ consuming alcohol on the public way, which is prohibited by law. The Officers exercised discretion and elected to issue ██████ an ANOV in lieu of arresting him. The Officers contended that ██████ was not detained for investigatory purposes, rather, he was detained for the purposes of identification and issuing an ANOV. As such, they had no obligation to complete an Investigatory Stop Report. Additionally, the Officers assert that an Investigatory Stop Receipt was not necessary because the ANOV documented their reason for their interaction with ██████ and the issuing Officer's identifiers.

COPA agrees. Per CPD policy, "Investigatory Stop Reports will be submitted for all Investigatory Stops and Protective Pat Downs that lead to an arrest, Personal Service Citation, Administrative Notice of Violation (ANOV), Curfew Violation Report, School Absentee Report, or other enforcement action."⁶³ CPD policy also requires that an Investigatory Stop Receipt be provided to the subject upon the completion of an investigatory stop that "involves a Protective

⁶² Att. 25, Special Order S03-14(III)(A)(2), Body Worn Cameras (effective April 30, 2018 – December 29, 2024).

⁶³ Att. 28, S04-13-09 (VIII)(2) Investigatory Stop System (effective July 10, 2017 – present).

Pat Down or any other search.”⁶⁴ BWC video footage supports the Officers justification for not completing an Investigatory Stop Report or an Investigatory Stop Receipt. A review of BWC footage shows that although ██████ was handcuffed, he was not the subject of a protective pat down or a search. He was handcuffed because he was uncooperative and refused to provide an ID so that the Officers could complete an ANOV. COPA finds that the Officers acted within CPD policy and were not required to complete an Investigatory Stop Report or issue an Investigatory Stop Receipt. Therefore, these allegations are exonerated.

d. Directed bias-based verbal abuse to ██████

COPA finds Allegations #5 against Officers Patnett and DiCera, that they directed biased-based verbal abuse to ██████ are **sustained**. CPD policy prohibits members from racial profiling or other biased based policing against a host of protected classes, including financial status or lawful source of income.⁶⁵ Here, Officers Patnett and DiCera admitted to referencing ██████ Illinois Link card during their interaction. Officer DiCera claimed he only referenced the Link card as an observation; however, BWC footage shows him laughing as he referenced the card. In Officer Patnett’s case, he appeared to be more forthcoming, acknowledging that he referenced ██████ Link card because ██████ frustrated him by assuming he does not make enough money.

Regardless of their reasons, the comments made during Officers Patnett’s and DiCera’s interaction with ██████ displayed a condescending attitude and bias against ██████ lawful source of income, in violation of the prevailing CPD policy and Rules, 2, 3, 6, 8 and 9. Therefore, the allegations are **sustained**.

e. Engaging in an unjustified verbal altercation

COPA finds Allegation# 6, that Officers Patnett and DiCera engaged in an unjustified verbal altercation with ██████ are **sustained**. CPD Rule 2 prohibits any action or conduct which impedes CPD’s efforts to achieve its policy and goals or brings discredit upon CPD, while Rules 8 and 9 prohibit members from engaging in any unjustified verbal altercation and/or maltreating or disrespecting any person while on or off duty.⁶⁶ Additionally, CPD policy requires its members to treat all persons with the courtesy and dignity which is inherently due every person as a human being. CPD members, “will act, speak, and conduct themselves in a courteous, respectful, and professional manner, ... [and will] not exhibit a condescending attitude or direct any derogatory terms toward any person in any manner.”⁶⁷

⁶⁴ Att. 28, S04-13-09 (VIII)(3).

⁶⁵ Att. 24 General Order G02-01 (III)(D), Human Rights and Human Resources (effective October 5, 2017 – present).

⁶⁶ Att. 27 Rules and Regulation of the Chicago Police Department, Article V, Rules of Conduct.

⁶⁷ Att. 24 General Order G02-01 Protection of Human Rights, (III)(B) (effective October 5, 2017 – present).

Based on the BWC footage and Officers Patnett and DiCera's admissions, there is evidence to show that the Officers engaged in a verbal altercation with ██████ BWC recordings captured Officer DiCera saying to ██████ "you're a goofy", "you're gonna walk away like a little bitch", and "try me." Even after ██████ was handcuffed and the goal of obtaining his ID had been accomplished, Officer DiCera continued to engage in a verbal altercation with ██████ asking him what was going to happen when the handcuffs were removed, in an intimidating manner.

Initially Officer DiCera told investigators that he did not remember making the comments. After he was shown video footage of himself making the statements, Officer DiCera stated that ██████ started the altercation and that sometimes using harsh language helps to gain compliance. Officer Patnett offered a similar explanation as Officer DiCera when explaining the BWC footage that captured him saying to ██████ "Do you have a fucking ID?" and "I'm not a fucking goofy." Both Officers' argument is refuted, because as evidenced by the BWC footage, and Officer Patnett's own statement, the harsh language only aggravated ██████ and amplified his non-compliant behavior.

Reasonably, Officers Patnett and DiCera may have been frustrated by ██████ uncooperative behavior, name calling, and threats. However, that is not a justification to mirror his behavior or engage in a verbal altercation. Neither Officer attempted to de-escalate the conflict; on the contrary, they seemed to encourage it by responding to ██████. Because they engaged in a verbal altercation, which included profanity and derogatory language, while interacting with a citizen, COPA finds that Allegation #6 against Officers Patnett and DiCera are **sustained**, in violation of Rules 2, 3, 6, 8 and 9.

f. Issuing a false and/or inaccurate citation.

COPA finds that Allegation #7, that Officer Patnett issued ██████ a false and/or inaccurate citation, is **not sustained**. BWC video footage captured the moment when Officer Patnett explained to ██████ the date and location of the administrative hearing. Although ██████ insisted that he appeared for the hearing as indicated on the ANOV, there is no verifiable evidence to corroborate or disprove that ██████ appeared for the hearing as required. Additionally, COPA is unable to determine if Officer Patnett properly deposited the citation with his unit's Administrative Section for proper processing with the court, or whether the Administrative Section properly filed the citation with the Court Section. For these reasons, Allegation #7 is not sustained.

g. Preventing ██████ from recording Department members

COPA finds Allegation #8 against Officer DiCera, that he prevented ██████ from recording Department members, is **unfounded**. CPD policy states, "According to law, no officer may hinder or prevent any non-officer from recording a law enforcement officer who is performing his or her duties in a public place or when the officer has no reasonable expectation of

privacy...However, a member may take reasonable actions to enforce the law and perform their duties.”⁶⁸

Officer DiCera was performing his duties as a CPD member when he continuously requested an ID from ██████ for the purpose of issuing an ANOV. Officer DiCera acknowledged that he observed ██████ remove the cell phone from his pocket, but he denied that he prevented ██████ from recording Department members. BWC video corroborates DiCera’s statement. BWC footage showed Officer Kats holding handcuffs well before ██████ reached for his phone, an indication that the Officers were preparing to handcuff ██████.⁶⁹ BWC video footage showed when ██████ removed the phone from his pocket, DiCera did not he tell ██████ that he could not record the Officers nor did Office DiCera attempt to remove ██████ phone, until he began to handcuff ██████ BWC video also showed that after ██████ produced the phone, the screen went dark, an indication that it was in a locked position and not in record mode. It was not until after the BWC recorded the dark cell phone screen that the Officers began the process of handcuffing ██████ for refusing to provide an ID.⁷⁰

When an individual is detained, they have limited movement and limited ability to do things like hold cell phones or other objects. Based on the evidence, it was not Officer DiCera’s interference that prevented ██████ from recording the Department member, but ██████ own actions that resulted in him being handcuffed, which prevented him from recording Department members; therefore, this allegation is **unfounded**.

h. Smoking on duty

COPA finds Allegation #9, that Officer DiCera was smoking while on duty, is **sustained**. Department members are prohibited from holding cigarettes, cigars, or pipes in their mouths while in uniform and in official contact with the public.⁷¹ Here, it is undisputed that Officer DiCera had a cigar in his mouth during this incident. Officer DiCera acknowledged he was smoking and that he should not have been doing so while on duty and engaging with the public. In doing so, Officer DiCera violated Rules 2, 3, 6 and 55; therefore, this allegation is **sustained**.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Ian Patnett

i. Complimentary and Disciplinary History⁷²

⁶⁸ Att. 25, S03-14.

⁶⁹ Att. 1 at min. 2:50 – 3:06.

⁷⁰ Att. 2 at min. 4:09.

⁷¹ Att. 27, Rules, and Regulation of the Chicago Police Department (Rule 55) and Att. 26, Uniform and Property U04-01 (XX)(I)(9) (effective February 29, 2020 – present).

⁷² Att. 31.

Officer Patnett's complimentary history is comprised of 96 awards, the highlights of which include one Honorable Mention Ribbon Award, one Military Service Award, two Police Officer of the Month Awards, and three Department Commendations. His disciplinary history includes two SPARs; a June 2023 failure to perform assigned tasks, resulting in a reprimand, and a July 2023 failure to perform assigned tasks, also resulting in a reprimand.

ii. Recommended Discipline

COPA has found that Officer Patnett violated Rules 2, 3, 5, 6, 8, 9 and 10 when he failed to timely activate his BWC, directed bias-based verbal abuse at ██████ and engaged in an unjustified verbal altercation with ██████. Officer Patnett activated his BWC over one minute late without a justifiable explanation. He also engaged in an unjustified verbal altercation with ██████ and directed bias-based verbal abuse at him. Although Officer Patnett was forthcoming in his statement to COPA, that does change the fact that these actions undermine CPD's mission and erode public trust in the police.

COPA has considered Officer Patnett's complimentary history as well as his recent disciplinary history. In light of the recent discipline he received, COPA recommends a **three-day suspension** and **retraining on CPD's Body-Worn Camera Policy** and **Professionalism**.

b. Officer Andrew Kats

i. Complimentary and Disciplinary History⁷³

Officer Kats' complimentary history is comprised of 129 awards, the highlights of which include three Department Commendations, two Honorable Mention Ribbon Awards, two Police Officer of the Month Awards, and one Traffic Stop of the Month Award. His disciplinary history includes a sustained finding for neglect of duty, related to a January 2022 incident where he failed to activate his BWC, resulting in a reprimand. In addition, Officer Kats has received two SPARs; a January 2023 failure to submit a report, resulting in a reprimand, and a June 2023 failure to perform assigned tasks, also resulting in a reprimand.

ii. Recommended Discipline

COPA has found that Officer Kats violated Rules 2, 3, 5, 6 and 10 when he failed to timely activate his BWC. Officer Kats activated his BWC over one minute late, which is concerning given his previous sustained finding for failing to activate his BWC. While Officer Kats has an impressive complimentary history, his lack of commitment to transparency by repeatedly failing to timely activate his BWC necessitates progressive discipline. As such, COPA recommends a penalty of a **two-day suspension** and **retraining on CPD's Body-Worn Camera Policy**.

⁷³ Att. 32.

c. Officer Angelo DiCera

i. Complimentary and Disciplinary History⁷⁴

Officer DiCera's complimentary history is comprised of 149 awards, the highlights of which include two Police Officer of the Month Awards, one Honorable Mention Ribbon Award, and three Department Commendations. His disciplinary history includes a sustained finding related to a January 2022 incident where he incorrectly filled out a violation notice given to a civilian, resulting in a violation noted. Officer DiCera has also received two SPARs; a December 2022 preventable accident, resulting in a reprimand, and a January 2023 conduct unbecoming where he failed to complete investigatory stop reports and directed profanity at a civilian during a traffic stop, resulting in a reprimand.

ii. Recommended Discipline

COPA has found that Officer DiCera violated Rules 2, 3, 5, 6, 8, 9, 10 and 55 when he failed to timely activate his BWC, directed bias-based verbal abuse at ██████ engaged in an unjustified verbal altercation with ██████ and smoked a cigar on duty. Amongst three officers involved in this case, Officer DiCera's misconduct was the most egregious. Throughout this incident, he displayed an arrogant attitude towards ██████ while he openly flouted multiple CPD rules and policies. Like his partners, Officer DiCera activated his BWC over a minute late. He also engaged in an unjustifiable verbal altercation with a civilian and mocked him for relying on government assistance. All throughout, Officer DiCera openly smoked a cigar while on duty and in full uniform. Taken together, Officer DiCera's actions demonstrate a lack of commitment to CPD's mission and a disregard for the basic courtesy that all CPD members should extend to civilians.

COPA has considered Officer DiCera's extensive complimentary history in mitigation. In aggravation, COPA notes that Officer DiCera has a recent sustained finding and two SPARs. More concerning is that one of the SPARs was for directing profanity at a civilian, which is misconduct he repeated here. Due to Officer DiCera's repeated misconduct, COPA finds that progressive discipline is warranted, and recommends a penalty of a **seven-day suspension and retraining on CPD's BWC Policy and Professionalism.**

Approved:

████████████████████
████████████████████

Steffany Hreno
Director of Investigations

January 18, 2024

Date

⁷⁴ Att. 33.

Appendix A**Case Details**

Date/Time/Location of Incident:	May 31, 2022 / 10:33pm/498 S. Columbus
Date/Time of COPA Notification:	June 17, 2022 /9:56 am
Involved Member #1:	Ian Patnett, Star #18110 Employee ID # [REDACTED], Date of Appointment: April 16, 2019, Unit of Assignment: 211, Male, Black
Involved Member #2:	Angelo DiCera, Star #14902, Employee ID # [REDACTED], Date of Appointment: July 27, 2018, Unit of Assignment: 211, Male, Hispanic
Involved Member #3:	Andrew Kats, Star #17577, Employee ID # [REDACTED] Date of Appointment: July 27, 2018, Unit of Assignment: 211, 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 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule 55:** Holding cigarette, cigar, or pipe in mouth while in uniform and in official contact with the public.

Applicable Policies and Laws

- G03-02-01: Response to Resistance and Force Options (Effective April 15, 2021 -June 28, 2023)
- S03-14: Body Worn Cameras (Effective April 30 – 2018 – December 29, 2023)

- G01-01: Vision, Mission Statement, and Core Values (Effective May 31, 2019 – Present)
- G02-01 Protection of Human Rights (effective October 5, 2017 – present)
- General Order G06-01-02 Restraining Arrestees (V)(A)(1) (effective December 8, 2017 – present)
- U04-01 Uniform and Property (effective November 26, 2021 – present)
- Rules and Regulations of the Chicago Police Department, Article V, Rules of Conduct

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.⁷⁵ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense. Clear and convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”⁷⁶

⁷⁵ 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).

⁷⁶ *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