



Log # 2022-0004571

## FINAL SUMMARY REPORT<sup>1</sup>

### I. EXECUTIVE SUMMARY

On October 24, 2022, the Civilian Office of Police Accountability (COPA) received a telephone complaint from ██████████ ██████████ reporting alleged misconduct by a member of the Chicago Police Department (CPD). ██████████ alleged that on that day, she was illegally stopped, detained, and forcibly removed from her car.

### II. SUMMARY OF EVIDENCE<sup>2</sup>

On October 24, 2022, at approximately 5:32 pm, Officers Nicholas Schillaci and Kevin Bansley were on routine patrol when they were dispatched to 7800 S. Kingston Avenue on a call of an auto theft in progress. Dispatched described multiple males attempting to break into a silver Kia. Upon arrival, the officers observed a white Mazda with front end damage and side damage double parked at the location next to the silver Kia with multiple black males standing around the Kia.

The officers activated their emergency equipment, at which time the black males ran from the silver Kia into the apartment complex at 7754 S. Kingston Avenue. The officers investigated and initiated contact with the occupants inside the white Mazda and temporarily detained them for traffic violations, including being double parked (MCC 9-64-110(A) and front registration plate not displayed violating (625 ILCS 5.0/3-413-A.)<sup>3</sup>

The officers found that ██████████ was the driver, and ██████████ was the passenger inside the white Mazda. Upon contact with ██████████ the officers observed the vehicle to be in drive and observed a substance wrapped in brown paper on ██████████ lap and smelled a strong odor of fresh cannabis emanating from the vehicle.<sup>4</sup> At 2:53, Officer Schillaci's body-worn camera shows him approaching the silver Kia, opening the door, and asking ██████████ if she had identification.<sup>5</sup> At 3:01 into the video, Officer Schillaci accused ██████████ of smoking marijuana and grabbed her right arm as she was seated on the driver's side of her vehicle. ██████████ stated to Officer Schillaci that he did not have to do that and that she was not smoking marijuana.<sup>6</sup> ██████████ told

---

<sup>1</sup> 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.

<sup>2</sup> The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including third-party surveillance footage, 911 audio, and body-worn camera footage.

<sup>3</sup> Att. 11, Investigatory Stop Report of ██████████

<sup>4</sup> Att. 11, Investigatory Stop Report of ██████████

<sup>5</sup> Att. 4, Body-worn camera of Officer Schillaci

<sup>6</sup> Att. 4, Body-worn camera of Officer Schillaci.

Officer Schillaci that the car belonged to her and that she would hand over her identification, but he did not have to pull her door. ██████ further stated that she and Officer Schillaci could calm down and start over.<sup>7</sup> At 3:20 into the video, Officer Schillaci ordered ██████ out of the vehicle.<sup>8</sup> ██████ and Officer Schillaci go back and forth about marijuana, and ██████ then requests a white shirt.<sup>9</sup> ██████ repeatedly told Officer Schillaci that he could handle the situation correctly. Officer Schillaci told ██████ that her vehicle was in park and stated she was with the black males trying to get into the Kia.

At 3:58 into the video, Officer Schillaci grabbed his handcuffs, reached inside the vehicle, and attempted to place the handcuff on ██████ with negative results. ██████ asks Officer Schillaci what he is doing and again requests a white shirt. ██████ leaned toward the passenger side and stated that she was not getting out of the car. Officer Schillaci again grabbed ██████ let her go, and asked her again to get out of her vehicle. ██████ placed her vehicle in park, and Officer Schillaci grabbed her left arm, pulling her towards him while ██████ asked him what he was doing. Officer Schillaci continued to pull ██████ toward him as other officers approached, and ██████ eventually got out of the vehicle.<sup>10</sup>

Officer Schillaci denied the allegation of misconduct, considering the totality of the circumstances. Officer Schillaci stated that he assessed the situation,<sup>11</sup> and due to the nature of the dispatch call and from his experience, his senses were heightened.<sup>12</sup> Officer Schillaci requested ██████ identification and observed a tray with rolled blunts on her lap. Her hands may or may not have been visible, so he opened the car door. Officer Schillaci smelled marijuana and asked her to step out of the vehicle.<sup>13</sup>

Officer Schillaci stated he asked her out of the vehicle because, in his mind, the two individuals may be involved with what he described as a vehicle theft crew.<sup>14</sup> Officer Schillaci stated that ██████ tried to take control of the situation and continued to talk over him. Officer Schillaci repeatedly stated that ██████ tried to take control, and he tried not to lose control because he should be the one controlling the situation.<sup>15</sup> Officer Schillaci stated he tried not to let them leave the scene because the vehicle was not in the drive, so he wanted to verify that their vehicle was not stolen and who they were.<sup>16</sup> But he still needed to secure ██████ because, in his experience, that type of scene can be dangerous, so he ordered her out of the vehicle at least twice. After all, car thieves have a pattern of being armed. Officer Schillaci stated that he had seen multiple videos on social media of Chicago Police officers across the city taking action on a possible stolen vehicle or stolen vehicle and witnessing the vehicle taking off with officers standing around the car and sometimes in the car.

---

<sup>7</sup> Att. 4, Body-worn camera of Officer Schillaci at 3:09 into the video.

<sup>8</sup> Att. 4, Body-worn camera of Officer Schillaci.

<sup>9</sup> Att. 4, Body-worn camera of Officer Schillaci at 3:31 into the video.

<sup>10</sup>Att. 4, Body-worn camera of Officer Schillaci.

<sup>11</sup> Att. 21, Officer Schillaci's audio statement at 07:05.

<sup>12</sup> Att. 21, Officer Schillaci's audio statement at 34:50.

<sup>13</sup> Att. 21, Officer Schillaci's audio statement at 09:28.

<sup>14</sup> Att. 21, Officer Schillaci's audio statement at 10:23.

<sup>15</sup> Att. 21, Officer Schillaci's audio statement at 10:42.

<sup>16</sup> Att. 21, Officer Schillaci's audio statement at 11:00.

██████ tried to gain control in his interaction with her, and she continued to talk over him and disobey his verbal commands. Officer Schillaci stated that after asking her multiple times to exit the vehicle, he ordered her out. He took out his handcuffs to try and cuff her hand and pull her toward him. ██████ does not comply, and she continues to resist; he is unsuccessful in pulling her out of the vehicle.<sup>17</sup> Assist units arrived, and ██████ eventually got out of the vehicle, along with her passenger, ██████ identity was verified, and nothing was found inside ██████ vehicle. Officer Schillaci stated that it was determined that the silver Kia was stolen, and he ordered the silver Kia towed.<sup>18</sup>

Officer Schillaci stated that the interaction with ██████ could have gone differently. Still, he was escalated because she was escalated, and ultimately, she was not complying with what he was asking her to do. In hindsight, 20/20, Officer Schillaci stated that 98% of his traffic stops don't go like this incident. He said ██████ posed a risk to him because of the nature of the call, the suspicious circumstances with all the individuals, his experience, and his observation of vehicle thefts.<sup>19</sup>

Officer Schillaci stated that in hindsight, 20/20, he could have taken some breaths and given her a little more time to get out of the vehicle, but he was in the moment, saw what he saw, and assessed the situation.<sup>20</sup>

### III. ALLEGATION

#### Officer Nicholas Schillaci

1. Committed misconduct by failing to use de-escalation techniques to prevent or reduce the need for force without justification.
  - SUSTAINED.

### IV. CREDIBILITY ASSESSMENT

COPA's investigation did not reveal evidence calling into question the credibility of any of the individuals (sworn or unsworn) who provided a statement regarding this incident.

### V. ANALYSIS

#### Officer Nicholas Schillaci

COPA finds that **Allegation 1** against Officer Schillaci, that he committed misconduct by failing to use de-escalation techniques to prevent or reduce the need for force without justification, is **Sustained**.

---

<sup>17</sup> Att. 21, Officer Schillaci's audio statement at 24:37.

<sup>18</sup> Att. 21, Officer Schillaci's audio statement at 12:51.

<sup>19</sup> Att. 21, Officer Schillaci's audio statement at 28:57.

<sup>20</sup> Att. 21, Officer Schillaci's audio statement at 31:19.

Officer Schillaci admitted that in hindsight, 20/20, he could have taken some breaths and given ██████ a little more time to get out of the vehicle, but he was in the moment, saw what he saw, and assessed the situation. Officer Schillaci stated that the interaction with ██████ could have gone differently but admitted that he was escalated because ██████ was. CPD members are required to use de-escalation techniques to prevent or reduce the need for force unless doing so would place a person or a Department member at immediate risk of harm or de-escalation techniques would be clearly ineffective under the circumstances.<sup>21</sup> From the moment of contact, Officer Schillaci could have set the tone for the stop by allowing ██████ to exit the vehicle when he asked her to do so. But Officer Schillaci immediately walked to her vehicle and opened her vehicle door without giving ██████ a chance to comply with his orders.

██████ could not have posed a risk to Officer Schillaci. ██████ was always in sight and never attempted to flee, reach, or make any sudden movements that warranted the force used by Officer Schillaci. ██████ repeatedly asked Officer Schillaci to calm down and start over; recognizing that the situation got heated, she tried to de-escalate the situation; however, Officer Schillaci did not allow her to get her identification and exit the vehicle before yelling at her to get out. For these reasons, COPA finds Allegation 1 against Officer Nicholas Schillaci **Sustained**.

## VI. DISCIPLINARY RECOMMENDATION

### a. Officer Nicholas Schillaci

#### i. Complimentary and Disciplinary History<sup>22</sup>

Officer Schillaci has 32 Total Awards, including 25 Honorable Mention, 1 Department Commendation, and 1 Life Saving Award. Within the last five years, as of March 27, 2024, the officer has zero sustained complaints; and 4 sustained SPARs for Preventable Accident (Reprimand), Non-Compliance with Motor Vehicle Pursuit Requirements (Reprimand), Court Appearance Violation (Reprimand), and Court Appearance Violation (1 Day Off).

#### ii. Recommended Discipline

COPA finds that Officer Schillaci violated Rules 2 and 8 by failing to use de-escalation techniques to prevent or reduce the need for force, without justification. COPA recommends **3-day Suspension**.

---

<sup>21</sup> Att. 20, De-escalation, Response to Resistance, and Use of Force.

<sup>22</sup> Att. 23

Approved:



---

Matthew Haynam  
*Deputy Chief Administrator*

4/15/2024

---

Date

Appendix ACase Details

Date/Time/Location of Incident:	October 24, 2022 / 5:40 pm / 7753 S. Kingston Avenue
Date/Time of COPA Notification:	October 24, 2022 / 6:13 pm
Involved Member #1:	Officer Nicholas Schillaci, Star# 10879, Employee ID # [REDACTED] DOA: September 27, 2018, Unit of Assignment: 004, Male, White
Involved Individual #1:	[REDACTED] Female, Black, [REDACTED], [REDACTED], DOB [REDACTED], 2001.

Applicable Rules

- Rule 1:** Violation of any law or ordinance.
- 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.

Applicable Policies and Laws

- General Order G02-01: Protection of Human Rights (June 30, 2022 to Present)

## 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.<sup>23</sup> 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.”<sup>24</sup>

---

<sup>23</sup> 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).

<sup>24</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> 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