



Log # 2022-0004666

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

### I. EXECUTIVE SUMMARY

On October 31, 2022, the Civilian Office of Police Accountability (COPA) received a telephonic complaint, from ██████████ (██████████) alleging misconduct by members of the Chicago Police Department (CPD). ██████████ alleged that he had been stopped without reason on October 27, 2022, at approximately 2:00 p.m., by two officers while he was walking near 7600 North Marshfield Avenue. Upon review of the evidence, COPA served additional allegations that Officer Samer Ihmoud and Officer Nicolas Sanchez, failed to submit an Investigatory Stop Report (ISR) and failing to timely activate their body worn cameras (BWCs).

Following its investigation, COPA reached sustained findings against both officers for failing to submit an ISR and failing to timely activate their respective BWCs.

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

Officer's Ihmoud and Sanchez were in plain clothes and assigned to the 24<sup>th</sup> District; Officer Ihmoud to the “robbery burglary action team”<sup>3</sup> and Officer Sanchez as a tactical officer.<sup>4</sup> Another officer (Officer Alvarez) attempted to conduct a traffic stop on a vehicle identified as stolen, but the driver parked the car and left the vicinity before the other officer could do so.<sup>5</sup> ██████████ was misidentified as the driver and when the mistake was discovered (the other officer came over and indicated that ██████████ was not the individual he had observed earlier) ██████████ was released from the temporary detention.<sup>6</sup>

BWCs were activated after ██████████ had already been detained.<sup>7</sup> ██████████ was not handcuffed nor patted down; he was braced against the hood of a vehicle.<sup>8</sup> ██████████ was eventually released and provided a stop receipt by Officer Sanchez, however investigation into the matter discovered that

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<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 BWC footage, police reports, civilian interviews, and officer interviews.

<sup>3</sup> Att. 42, pg. 5, lns. 11 to 12.

<sup>4</sup> Att. 37, pg. 5, lns. 4 to 5.

<sup>5</sup> Att. 42, pg. 10, lns. 10 to 18.

<sup>6</sup> Att. 42, pgs. 10 to 13.

<sup>7</sup> Atts. 4 and 8.

<sup>8</sup> Att. 42, pg. 14.

no ISR was submitted for the incident. In [REDACTED] interview with COPA, he said that he had been stopped because he fit the description of a person the officers were attempting to locate.<sup>9</sup>

### III. ALLEGATIONS

#### Officer Ihmoud and Officer Sanchez:

1. Detained [REDACTED] without justification.  
- Exonerated
2. Failed to submit an ISR, relative to the detention of [REDACTED] without justification.  
- Sustained, Violation of Rules 2, 3, and 10.
3. Failed to timely activate their respective BWCs, without justification.  
- Sustained, Violation of Rules 2, 3, and 10.

### IV. CREDIBILITY ASSESSMENT

Although generally this investigation did not reveal any evidence that caused COPA to question the credibility of any of the individuals who provided statements, Officer Ihmoud's suggestion that a malfunction of his BWC prevented his attempt at activating it in a timely way, when he made no report of any malfunction and that it subsequently appeared to be activated without any problem, is inherently problematic.

### V. ANALYSIS<sup>10</sup>

COPA finds Officer Ihmoud and Sanchez to be **exonerated** from the allegation that they stopped [REDACTED] without justification. In his interview with COPA, Officer Ihmoud provided evidence justifying the stop of [REDACTED]<sup>11</sup> Officer Ihmoud had been verbally informed by another CPD member (Officer Alvarez) that [REDACTED] had been identified as fitting the description of a person who was wanted in a local motor vehicle theft investigation, in which the vehicle had been used in a homicide. After the preliminary investigation, the officers determined that [REDACTED] was not that person and [REDACTED] was subsequently released. The investigative stop of [REDACTED] was based upon reasonable suspicion, which had been provided by Officer Alvarez. Therefore, the investigatory stop of [REDACTED] was lawful, not in violation of Amendment IV to the U.S. Constitution, and not misconduct.

COPA finds Allegation #2 against Officer Ihmoud and Sanchez, that they failed to submit an ISR in connection with the investigative stop, to be **sustained**. An ISR search was conducted by COPA; no report was located regarding the stop of [REDACTED]<sup>12</sup> [REDACTED] did ask for the officers'

<sup>9</sup> Att. 23, pg. 5, ln. 24, and pg. 12, lns. 10-11.

<sup>10</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

<sup>11</sup> Atts. 32, 33, 34 and 35.

<sup>12</sup> Atts. 18 and 19.

badge numbers and was provided with a stop receipt by the officers, in writing, putting the officers on notice that this was a non-trivial interaction with a member of the public.<sup>13</sup>

Pursuant to CPD policy, an ISR is completed and submitted when an individual is the subject of an investigatory/probable cause stop when no other document captures the reason for their detention. Reports should include a statement of facts to establish reasonable articulable suspicion to justify the stop. All ISRs are to be input into the electronic system as soon as possible, but no later than the end of the officer's tour of duty.<sup>14</sup>

In their respective interviews with COPA neither Officer Ihmoud or Sanchez provided an adequate justification for their failure to submit an ISR.<sup>15</sup> Officer Ihmoud indicated in his statement that his failure to complete the ISR "was an honest mistake"<sup>16</sup> and that he simply "forgot to complete the ISR."<sup>17</sup> Officer Ihmoud also indicated that he advised Officer Sanchez, who was not his regular partner, that Officer Ihmoud would complete the ISR.<sup>18</sup> It should be noted that Officer Sanchez completed a stop receipt for the incident and provided it to ██████████<sup>19</sup> For these reasons, COPA finds allegation 2 is **sustained**, in violation rules 2, 3, 6, 10.

COPA finds Allegation #3 against Officer Ihmoud and Sanchez, that they failed to timely activate their respective BWCs, to be **sustained**. Pursuant to CPD Policy, "the Department member will activate the system to event mode at the beginning of an incident and will record the entire incident for all law-enforcement-related activities. If circumstances prevent activating the BWC at the beginning of an incident, the member will activate the BWC as soon as practical."<sup>20</sup> Neither Officers Ihmoud or Sanchez timely activated their BWCs as required by policy. By virtue of neither officer activating their BWC in a timely manner, the initial interaction between the three individuals was not captured.<sup>21</sup> In their respective interviews with COPA, neither officer provided an adequate justification for their late activation. Officer Ihmoud indicated that he attempted to activate his BWC earlier but that it must have malfunctioned.<sup>22</sup> Officer Sanchez simply indicated that the failure to timely activate his BWC was "a mistake" on his part.<sup>23</sup> For these reasons, COPA finds allegation 3 **sustained**, in violation of rules 2, 3, 6, and 10.

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<sup>13</sup> Att. 4.

<sup>14</sup>Att. 38 S04-13-09: (VII) (B) (1)(a) and (2) (a and b) (4)

<sup>15</sup> Att. 29 and 36.

<sup>16</sup> Att. 42, pg. 14, ln. 22.

<sup>17</sup> Att. 42, pg. 19, lns. 17 to 18.

<sup>18</sup> Att. 42, pg. 20, lns. 14 to 16.

<sup>19</sup> Att. 4 at 2:06:39.

<sup>20</sup> Att. 39, S03-14: (III) (A) (2)

<sup>21</sup> Atts. 4 and 6.

<sup>22</sup> Att. 42, pg. 15, lns. 19 to 24.

<sup>23</sup> Att. 37, pg. 6, ln. 21.

## VI. DISCIPLINARY RECOMMENDATION<sup>24</sup>

### a. Officer Samer Ihmoud

#### i. Complimentary and Disciplinary History<sup>25</sup>

Officer Ihmoud has received 119 various awards and a sustained log (2021-0000221) resulting in a seven-day suspension.

#### ii. Recommended Discipline

COPA has found that Officer Ihmoud violated Rules 2, 3, 6, and 10 when he failed to submit an ISR to document the stop of [REDACTED] and failed to activate his BWC in a timely manner. Although Officer Ihmoud accepted responsibility during his COPA statement regarding the completion of the ISR and indicated that his BWC malfunctioned, he did not report any issue regarding his BWC at the time and there is no other evidence of any defect in the functioning of the equipment. COPA's investigation was hindered by the lack of BWC footage, which limited the agency's ability to fully assess Officer Ihmoud's conduct. It is for these reasons that COPA recommends a **three-day suspension**.

### b. Officer Nicolas Sanchez

#### i. Complimentary and Disciplinary History<sup>26</sup>

Officer Sanchez has received 105 various awards and, according to information received from CPD, has not received any complaints or SPARs within the past five years.

#### ii. Recommended Discipline

COPA has found that Officer Sanchez violated Rules 2, 3, 6, and 10 when he failed to submit an ISR to document the stop of [REDACTED] and failed to activate his BWC in a timely manner. Although Sanchez accepted responsibility during his COPA statement, COPA's investigation was hindered, which limited its ability to fully assess Officer Sanchez's conduct. It is for these reasons, combined with the officer's complimentary history and lack disciplinary history, that COPA recommends a **one-day suspension**.

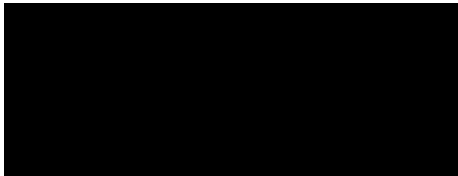
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<sup>24</sup> COPA policy, Disciplinary and Remedial Recommendations (effective June 24, 2021), para. II.

<sup>25</sup> Att. 40.

<sup>26</sup> Att. 41.

Approved:



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*Matthew Haynam*  
*Deputy Chief Administrator – Chief Investigator*

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Date: April 23, 2024

Appendix ACase Details

Date/Time/Location of Incident:	October 27, 2022 / 2:00 p.m. / 7660 Noth Marshfield Avenue, Chicago, IL 60626
Date/Time of COPA Notification:	October 31, 2022 / 2:14 p.m.
Involved Officer #1:	Samer Ihmoud, Star #17044, Employee ID# [REDACTED] Date of Appointment: October 29, 2018, Unit of Assignment: 024, Male, White
Involved Officer #2:	Nicolas Sanchez, Star #16985, Employee ID# [REDACTED] Date of Appointment: September 24, 2007; Unit of Assignment: 024, Male, Hispanic
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.

Applicable Policies and Laws

- S03-14: Body Worn Cameras (Effective Date: April 30, 2018 – December 29, 2023)
- S04-13-09: Investigatory Stop System (Effective Date: July 10, 2017 - present)
- U.S. Constitution, Amendment IV

## 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>27</sup> 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.”<sup>28</sup>

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<sup>27</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>28</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
- Reports: Failure to Submit ISR