



Log # 2022-5273

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On December 12, 2022, the Civilian Office of Police Accountability (COPA) received a website complaint from ██████████ reporting alleged misconduct by Chicago Police Department (CPD) Officers Brian Tremaine and Conor Sheridan. ██████████ alleged that on December 12, 2022, Officers Tremaine and Sheridan conducted a traffic stop of her friend, ██████████ who was in ██████████ vehicle parked at 2454 W. Lithuania Plaza. ██████████ was pulled out of the car when she refused to provide her driver's license, arrested, and issued citations. Upon review of the evidence, COPA found the allegations against the officers to be **not sustained, sustained and exonerated.**

II. SUMMARY OF EVIDENCE²

On December 12, 2022, Officers Tremaine and Sheridan conducted a traffic stop of ██████████ for an improperly displayed and expired license plate.³ ██████████ was seated in ██████████ vehicle which was parallel parked space along Lithuanian Plaza Ct. ██████████ was wearing her seatbelt, the engine was running, and the headlights were activated.⁴ Officer Tremaine approached ██████████ informed her that his Body Worn Camera (BWC) was activated, noted that the license plate on the back of the car was invalid, and asked ██████████ for the registration. ██████████ began to argue, and Officer Tremaine asked for her driver's license and explained they were engaged in a traffic stop. ██████████ continued to argue, insisting she did not have to give him anything, and claiming that it was not a traffic stop.

██████████ exited her residence and asked the officers what was happening with ██████████. The officers explained the vehicle license plates were expired, and that they were conducting a traffic stop.⁵ ██████████ informed the officers the vehicle was hers while acknowledging the license plates were expired. Officer Sheridan explained that the vehicle was parked on a city roadway with an expired license plate. ██████████ continued to argue that the stop being conducted was not a traffic stop, denied that the license plate of the car was expired, and refused to provide her license.⁶

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 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 videos, police reports, civilian and officer interviews.

³ Att. 37 – Transcript PO Tremaine, pg. 13, lns. 1 to 9; pg. 44, ln. 19 to pg. 45, ln. 1.

⁴ Att. 4 - BWC video of PO Tremaine, at 19:38:19 central time.

⁵ Att. 4 – 5, BWC videos of PO Tremaine and PO Sheridan, at 19:38:50 – 19:39:30.

⁶ This event provided the probable cause for ██████████ arrest.

Officer Tremaine asked ██████ to exit the vehicle.⁷ After ██████ ignored several orders to get out of the car, Officer Tremaine opened the driver's side door and reached for ██████⁸ ██████ claimed she did not have to give him anything and demanded he not touch her. Officer Tremaine grabbed ██████ left wrist and handcuffed it as he motioned ██████ to exit the vehicle.⁹ ██████ continued to resist by refusing to comply with any of Officer Tremaine's verbal commands. Officer Tremaine grabbed ██████ by the right elbow/forearm area and wrist areas,¹⁰ while motioning for ██████ to exit the vehicle; however, ██████ resisted by pulling away and failing to comply with Officer Tremaine's instructions for her to exit.¹¹ After more of ██████ refusal to get out of the vehicle despite repeated orders, Officer Tremaine grabbed ██████ by the sweater and pulled ██████ out of the driver's side.

Officer Tremaine placed ██████ against the vehicle¹² and handcuffed ██████ with Officer Sheridan assisting by grabbing ██████ by the wrist. Officer Sheridan escorted ██████ to the rear of the vehicle where she continued to be loud and argumentative. Officer Sheridan held ██████ left arm and asked her to calm down. ██████ continued yelling at the officers, and again refused to provide her license. Officer Tremaine went into ██████ front pants pocket, removed the wallet, and then a paper copy of her license.¹³ Officer Tremaine attempted to calm ██████ who continued to yell while demanding to be released and getting close to Officer Tremaine's face. Additional units were called to the scene including the assistance of a supervisor. ██████ continued with her loud, belligerent behavior toward Officer Sheridan who persuaded her to calm down and to stop moving.¹⁴ ██████ accused Officer Sheridan of using excessive force while holding her left arm and threatened Officer Sheridan as she stated, "Do not grab my arm that hard again and I promise you, you are going to regret it."¹⁵ Officer Sheridan continued to hold ██████ told her to stop moving and getting close to his face but ██████ continued her actions.¹⁶

Additional units arrived and Officer Alexia Siwicki assisted by taking ██████ from Officer Sheridan and conducting a search of ██████¹⁷ Officer Siwicki attempted to calm ██████ who continued to be loud, argumentative, and disrespectful while using profanities at the officers. ██████

⁷ Att. 4, at 19:39:23.

⁸ Att. 37, pg. 22, ln. 13 to pg. 24, ln. 8.

⁹ As this was occurring ██████ grabbed the open handcuff and actively attempted to prevent Officer Tremaine from closing it. Att. 4, at 19:39:41.

¹⁰ Att. 4, at 19:40:00.

¹¹ Att. 4, at 19:40:01; Att. 37, pg. 25, lns. 1 to 19.

¹² Att. 4, at 19:40:10.

¹³ Att. 4, at 19:43:24.

¹⁴ Att. 38, Transcript PO Sheridan, pg. 18, ln. 15 to pg. 19, ln. 15.

¹⁵ Att. 5, at 19:40:35 – 19:43:50.

¹⁶ Officer Sheridan explained he maintained his grip of ██████ to ensure he continued control to increase safety because of ██████ ongoing aggressive actions and tone while ensuring she could not escape. Att. 37, pg. 31, ln. 12 to pg. 32, ln. 21; Att. 38, pg. 21, lns. 4 to pg. 22, ln. 17.

¹⁷ Att. 5, at 19:44:24 – 19:45:25.

complained that the handcuffs were too tight, and Officer Siwicki loosened the handcuffs.¹⁸ Sergeant Simpson arrived at the scene, read the temporary plates sticker on the window, and stated that they expired six months prior.¹⁹

Officer Tremaine searched the vehicle for any weapons or contraband.²⁰ Sergeant Simpson, spoke with [REDACTED] and explained the reason for the traffic stop. Sergeant Simpson told [REDACTED] the license plates had been expired for six months and that parking the vehicle on the streets of Chicago without proper registration is not permitted.²¹ [REDACTED] was placed in a transport unit and taken to the 008th District for processing.

III. ALLEGATIONS

Officer Brian Tremaine:

1. Pulling [REDACTED] out of the vehicle without justification;
 - Exonerated.
2. Handcuffing [REDACTED] too tightly without justification.
 - Not Sustained.
3. Searching [REDACTED] vehicle without justification.
 - Sustained in violation of Rule 2, 3, and 6.

Officer Conor Sheridan:

1. Tightly grabbing and / or holding [REDACTED] by the arms without justification;
 - Exonerated.

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. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability

¹⁸ Officer Tremaine asserted that upon handcuffing [REDACTED] he routinely checks for fit of handcuffs but could not specifically recall doing it in this incident. Att. 5, at 19:45:12 – 45; Att. 37, pg. 28, ln. 10 to pg. 29, ln. 14.

¹⁹ Att. 5, at 19:46:00, Att. 6 at 19:45:50 – 19:46:06.

²⁰ Officer Tremaine explained he searched the vehicle because it was a search incident to arrest as [REDACTED] was in custody for failure to produce her license, and her overall attitude of reaching around the vehicle agitated, yelling and not compliant. Officer Tremaine explained he wanted to make sure there were no weapons in the car. Officer Tremaine also informed COPA that the car was ineligible for impound. Att. 37, pg. 39, ln. 23 to pg. 40, ln. 10; pg. 42, ln. 23 to pg. 43, ln. 6.

²¹ Att. 6, at 19:46:00 – 19:47:35.

to accurately perceive the event at the time of the incident and then accurately recall the event from memory.

This investigation did not reveal any evidence that caused COPA to question the credibility of the accused CPD members who provided a statement. However, COPA has concerns with [REDACTED] credibility. Specifically, [REDACTED] told COPA that she had a license plate on the window of her vehicle but failed to indicate that it was expired for more than six months [REDACTED] also stated the officers failed to call for a female officer to assist and search [REDACTED] or to come to the scene, but BWC videos captured Officer Siwicki at the scene and searching [REDACTED] indicated that Officer Tremaine sustained an injury when pulling [REDACTED] out of the vehicle where he was bleeding all over [REDACTED] coat, however, this did not occur. [REDACTED] accused Sergeant Simpson of not speaking with her about the incident, however BWC video captured Sergeant Simpson talking to [REDACTED] and explaining the traffic stop.

V. ANALYSIS²²

a. Force Allegation

COPA finds that Allegations #1 against Officer Tremaine, that he improperly pulled [REDACTED] from the vehicle, is **exonerated**. Additionally, COPA finds Allegation #1 against Officer Sheridan, that he engaged in improper force by maintaining a grip of [REDACTED] arm, is **exonerated**. CPD members are permitted to use force to overcome resistance.²³ However, the force they use must be objectively reasonable, necessary, and proportional in order to ensure the safety of a member or third person, stop an attack, make an arrest, control subject, or prevent escape.²⁴ When members encounter a citizen who fails to comply with verbal or other direction, that citizen is a passive resister.²⁵ Members are permitted to respond to passive resistance with presence; verbal directions; holding and compliance techniques; control instruments; and deployment of oleoresin capsicum.²⁶ Additionally, when a member encounters a citizen who attempts to create distance from a member with an intent to avoid physical control and/or defeat arrest, that citizen is an active resister.²⁷ Members are permitted to respond to active resistance with presence; verbal directions; holding and compliance techniques; control instruments; deployment of oleoresin capsicum; stunning; takedowns; canine use; and taser deployment.²⁸ CPD members must continually assess the necessity of the use of force and whether alternatives may be employed, including the use of de-escalation techniques, other response options, and the availability of other resources.²⁹

²² For a definition of COPA's findings and standards of proof, *see* Appendix B.

²³ Att. 41, G03-02-01, Response to Resistant and Force Options (effective April 15, 2021 to June 28, 2023).

²⁴ Att. 35, G03-02, Use of Force (III)(B) (effective April 15, 2021 to June 28, 2023).

²⁵ Att. 41, G03-02-01 IV(B)(1).

²⁶ Att. 41, G03-02-01 IV(B)(1)(a-d).

²⁷ Att. 41, G03-02-01 IV(B)(2).

²⁸ Att. 41, G03-02-01 IV(B)(2)(c).

²⁹ Att. 35, G03-02 (III)(B)(1-3).

Here, as ██████ refused orders to exit the vehicle, she was a passive resister. Thus, Officer Tremaine's grabbing of her left arm and the application of the handcuff to the wrist were reasonable and proper. Additionally, as ██████ actively attempted to prevent the application of the handcuff and pulled her arms away while still refusing to exit the vehicle, she became an active resister. Thus, Officer Tremaine's grabbing of ██████ by her sweatshirt and escorting her from the vehicle so she could be fully restrained in handcuffs was reasonable and proper. Further, once ██████ was handcuffed, she continued her attempts to evade control, and Officer Sheridan responded by speaking calmly to ██████ while maintaining a firm grip on her arm with the intent to prevent her escape, and for safety of the scene. It is for these reasons COPA finds that the clear and convincing evidence supports that the actions of the officers were a reasonable and proper response to ██████ passive and active resistance.

b. Handcuffing Allegation

COPA finds Allegation #2 against Officer Tremaine for handcuffing ██████ too tightly, is **not sustained**. While it is undisputed the ██████ informed Officer Siwicki the handcuffs were too tight, promoting Officer Siwicki to adjust them, COPA was unable to locate any evidence that ██████ informed Officer Tremaine the handcuffs were too tight; nor, was COPA able to locate any evidence that Officer Tremaine observed any indications ██████ handcuffs were too tight. In fact, Officer Tremaine informed COPA that it is routine for him to check for the fit of handcuffs after they are applied. Further, Officer Tremaine explained, and the BWC footage confirmed, that ██████ kept moving even after she was secured in handcuffs. This action by ██████ could have caused the handcuffs to tighten or increased their discomfort. Given the lack of evidence to support or refute this allegation, the finding must be **not sustained**.

c. Vehicle Search Allegation

COPA finds that Allegation #3 against Officer Tremaine, that he improperly searched ██████ vehicle, is **sustained**. CPD members are permitted to search a vehicle when: (1) there is probable cause to believe evidence of a crime is present;³⁰ (2) there is reasonable suspicion the vehicle contains a weapon and/or that the occupants are armed and dangerous;³¹ (3) an arrest is made, provided there is reasonable suspicion that the vehicle contains evidence of the crime for which the arrest is made;³² (4) a vehicle is being impounded by the CPD;³³ or (5) consent is obtained.

Here, Officer Tremaine explained that he searched the vehicle because ██████ was acting suspicious and uncooperative and was ultimately arrested. Even though ██████ was arrested, the vehicle was not impounded; thereby eliminating the search being based on an impound of the vehicle. Additionally, ██████ did not consent to a search of the vehicle; thereby, eliminating the

³⁰ *Maryland v. Dyson*, 527 U.S. 465 (1999).

³¹ *Michigan v. Long*, 463 U.S. 1032 (1983).

³² *Arizona v. Grant*, 556 U.S. 332 (2009).

³³ *South Dakota v. Oppeman*, 428 U.S. 364 (1976).

search being based on consent. Further, [REDACTED] was arrested for two traffic violations and Officer Tremaine did not provide any information on how he reasonably believed the vehicle contained evidence of [REDACTED] traffic violations; thereby eliminating the search being incident to [REDACTED] arrest. Thus, Officer Tremaine's search must have been rooted in probable cause or reasonable suspicion. During his statement, to COPA, and in his documenting of the interaction on various CPD reports, Officer Tremaine never asserted he had probable cause to search the vehicle, and COPA was not able to locate any facts to establish probable cause for the search. Thus, Officer Tremaine is left with the search being based on reasonable suspicion. During his statement to COPA and in his documenting the interaction in various CPD reports, Officer Tremaine only asserted his search was based on [REDACTED] suspiciousness and lack of cooperation and incident to her arrest, both of which are mere speculation and do not rise to the level of probable cause or reasonable suspicion. It is for these reasons that COPA finds the preponderance of the evidence supports that Officer Tremaine's search of the vehicle was improper and in violation of CPD policy and Rules 2, 3, and 6.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Brian Tremaine

i. Complimentary and Disciplinary History³⁴

Officer Tremaine has received 49 various awards; to include one Life Saving Award, two Superintendent's Honorable Mentions, and three Department Commendations. Additionally, Officer Tremaine received a reprimand for violation of vehicle pursuit requirements for an incident in October 2023.³⁵ and no complaint history in the past five years.

ii. Recommended Discipline

COPA has found that Officer Tremaine improperly searched [REDACTED] vehicle after he arrested [REDACTED] for a traffic violation. While Officer Tremaine's improper search of the vehicle did not negatively impact any criminal prosecution, his actions were an improper intrusion. It is for these reasons, combined with Officer Tremaine's complimentary and disciplinary history, that COPA recommends a **5-day Suspension and retraining on search and seizure procedures.**

Approved:

[REDACTED]

Angela Hearts-Glass

4-30-2024

Date

³⁴ Att. 43.

³⁵ COPA notes that this discipline was issued for an event that occurred after this incident.

Deputy Chief Administrator – Chief Investigator

Appendix A**Case Details**

Date/Time/Location of Incident:	December 12, 2022, 7:40 pm, 2454 W. Lithuania Plaza Ct.
Date/Time of COPA Notification:	December 12, 2022, 10:22 pm
Involved Member #1:	Brian Tremaine, Star #18459, Employee ID# [REDACTED], Date of Appointment: April 16, 2019, 008, Male, White.
Involved Member #2:	Conor Sheridan, Star #18953, Employee ID# [REDACTED], Date of Appointment: February 20, 2018, 008, Male, White.
Involved Individual #1:	[REDACTED] Female, Black
Involved Individual #2:	[REDACTED] Female, 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 __:** [Insert text of any additional rule(s) violated]

Applicable Policies and Laws

- G03-02: De-escalation, Response to Resistance, and Use of Force (effective April 15, 2021 to June 26, 2023).³⁶
- G03-02-01: Response to Resistance and Force Options (effective April 15, 2021 to June 28, 2023).³⁷
- S04-13-09: Investigatory Stop Report (effective July 17, 2017 to current).³⁸

³⁶ Att. 35.³⁷ Att. 41.³⁸ Att. 44.

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.³⁹ 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.”⁴⁰

³⁹ 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).

⁴⁰ *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