



Log # 2023-0255

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On January 15, 2023, the Civilian Office of Police Accountability (COPA) received a CPD initiated complaint, on behalf of ██████████ reporting alleged misconduct by a member of the Chicago Police Department (CPD). ██████████ alleged that on January 15, 2023, Officers Rakan Alawawda, Alfredo Liera Jr., and Grzegorz Dzierzkowski conducted a traffic stop and searched his vehicle without ² Upon review of the evidence, COPA served additional allegations that all three officers failed to document this investigation with an ISR. Following its investigation, COPA reached sustained findings regarding the allegation of failing to document the investigation with an ISR.

II. SUMMARY OF EVIDENCE³

On January 15, 2023, Officers Alawawda, Liera Jr., and Dzierzkowski were on routine patrol in the area of W Garfield and S Western when they observed ██████████ (██████████) conduct an improper lane change from the far-left lane to the right turn lane prior to turning onto S Western Ave.⁴ As the officers followed ██████████ onto S Western Ave., ██████████ was observed driving at a speed greater than the posted speed limit.⁵ The officers then initiated their traffic stop with their emergency lights in the area of 49th and S Western Ave.

Due to the heavy tint on ██████████ vehicle, he was given multiple orders to roll all of his windows down.⁶ As Officer Alawawda spoke with ██████████ he advised ██████████ of the improper lane change and requested his driver's license.⁷ ██████████ was unable to locate his driver's license and appeared confused slow to understand Officer Liera Jr.'s requests. ██████████ was then given commands to step out of the vehicle but again appeared visibly confused and tense as Officers Liera Jr. and Dzierzkowski were giving him commands to exit the vehicle in order to detain him

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 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.

³ 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, TSSS, civilian interview, and officer interviews.

⁴ Att. 24, PO Liera Jr. Statement, Pg. 7, Lns. 6 to 9

⁵ Att. 22, PO Alawawda's Statement Pgs. 7 to 8, Lns. 24 and 1). The posted speed limit was 30mph on S Western Ave., but he followed ██████████ for several blocks at 40mph prior to initiating the stop.

⁶ Atts. 10-12 Visible dark window tint in all BWC attachments.

⁷ Att. 10, 2:30 to 2:45

with handcuffs. [REDACTED] was compliant but still visibly confused and tense, making comments to the effect of he dislikes police and does not feel safe around them.⁸

[REDACTED] remained detained near the officers' patrol vehicle as all three officers conducted individual searches of [REDACTED] vehicle for possible narcotics or weapons. [REDACTED] license was later found during the vehicle search and his information ran through the officers' computer system in their vehicle. [REDACTED] name came back as clear and without warrants, so following the search of his vehicle, he was released on scene without receiving any citations.⁹

III. ALLEGATIONS

Officer Rakan Alawawda:

1. Conducted a traffic investigation on [REDACTED] without justification.
 - Not Sustained
2. Searched the vehicle of [REDACTED] without justification.
 - Exonerated
3. Failed to document the traffic stop and vehicle search with an ISR.
 - Sustained, Violation of Rules 2, 3, 5, 6, and 10.

Officer Alfredo Liera Jr.

1. Conducted a traffic investigation on [REDACTED] without justification.
 - Not Sustained
2. Searched the vehicle of [REDACTED] without justification.
 - Exonerated
3. Failed to document the traffic stop and vehicle search with an ISR.
 - Sustained, Violation of Rules 2, 3, 5, 6, and 10.

Officer Grzegorz Dzierzkowski

1. Conducted a traffic investigation on [REDACTED] without justification.
 - Not Sustained
2. Searched the vehicle of [REDACTED] without justification.
 - Exonerated
3. Failed to document the traffic stop and vehicle search with an ISR.
 - Sustained, Violation of Rules 2, 3, 5, 6, and 10.

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question the credibility of any of the individuals (sworn or unsworn) who provided statements.

⁸ Att. 11, 7:40 to 8:15

⁹ The search did not yield any narcotics or weapons.

V. ANALYSIS¹⁰

a. Detention Allegation

COPA finds the allegation that Officers Alawawda, Liera Jr., and Dzierzkowski conducted a traffic investigation on [REDACTED] without justification is **Not Sustained**. CPD members are authorized to conduct investigatory stops when they have reasonable articulable suspicion that the person stopped is committing, is about to commit, or has committed a criminal offense.¹¹ Reasonable articulable suspicion has been described as less than probable cause but more than a hunch or general suspicion. It “depends on the totality of the circumstances which the sworn member observes and the reasonable inferences that are drawn based on the sworn member’s training and experience.”¹²

In this case, there was no available in-car camera footage or POD footage to corroborate the officers’ justification for the stop as well as [REDACTED] allegation that the stop was unjustified. For these reasons, the allegation is Not Sustained.

b. Vehicle Search Allegation

COPA finds the allegation that Officers Alawawda, Liera Jr. and Dzierzkowski searched [REDACTED] vehicle without justification is **Exonerated**. Under *Michigan v. Long*, officers may make a protective search of the passenger compartment of a vehicle, limited to those areas in which a weapon may be placed or hidden, when they “possess an articulable and objectively reasonable belief that the suspect is potentially dangerous.”¹³ Based on the officers’ statements, [REDACTED] appeared nervous, looked around frequently and tensed his arms when escorted from his vehicle.¹⁴ Officers were also unsure whether [REDACTED] may be under the influence of marijuana noting a smell of burnt cannabis emanating from his vehicle and his apparent difficulty comprehending orders given to him.¹⁵ As a result, the officers had reasonable suspicion that [REDACTED] was potentially dangerous and might have a weapon or narcotics in his vehicle. For these reasons, COPA finds, by clear and convincing evidence, that the officers’ decision to search [REDACTED] vehicle during the traffic stop was both reasonable and supported by specific and articulable facts. Therefore, the allegation is **Exonerated**.

c. ISR Allegation

COPA finds the allegation that Officers Alawawda, Liera Jr. and Dzierzkowski failed to document the traffic stop and vehicle search with an ISR is **Sustained**. S04-13-09 provides that, “[s]worn members who conduct an Investigatory Stop, Probable Cause stop when no other

¹⁰ For a definition of COPA’s findings and standards of proof, see Appendix B.

¹¹ The authority for conducting an investigatory stop is delineated in 725 ILCS 5/107-14(a) and Special Order S04-13-09, Investigatory Stop System (effective July 10, 2017 – present).

¹² S04-13-09(II)(C).

¹³ *Michigan v. Long*, 463 U.S. 1032, 1051 (1983).

¹⁴ Each officer noted that looking around frequently, in their experience, is common before a person attempts to flee on foot.

¹⁵ Att. 10, 2:00 to 5:00

document captures the reason for the detention, and, if applicable, a Protective Pat Down or other search in a public place, are required to submit an Investigatory Stop Report into the Investigatory Stop Database.”¹⁶ During the statements to COPA, each officer stated they believed [REDACTED] was provided an ISR Receipt which is confirmed by the obtained BWC but had no explanation as to why an ISR was not completed at the conclusion of the stop.¹⁷ The officers further admitted that it was an oversight rather than an intentional choice to forego completing the ISR.¹⁸

VI. DISCIPLINARY RECOMMENDATION

a. Officer Rakan Alawawda

i. Complimentary and Disciplinary History¹⁹

Officer Rakan Alawada has received 107 complimentary awards, including 98 honorable mentions, and one Department commendations. Officer Alawada has one sustained case for a lock-up incident where he failed to properly inventory a prisoner’s property – for which he received a reprimand.

ii. Recommended Discipline

COPA has considered Officer Alawada’s complimentary and disciplinary history. Officer Alawada failed to document a traffic stop and search with an ISR, as required by the Department. His failure to do so brings discredit to the Department and overlooks an important aspect of police accountability, documentation. However, Officer Alawada admitted in his statement that it was merely an oversight rather than an intentional choice. This appears to be confirmed by BWC as officers did provide an ISR receipt – but simply failed to complete the final report. Therefore, COPA recommends a **Reprimand** and additional training on Investigatory Stops.

b. Officer Alfredo Liera Jr.

i. Complimentary and Disciplinary History²⁰

Officer Alfredo Liera, Jr. has received 149 complimentary awards, including 135 honorable mentions, and two Department commendations. Officer Liera, Jr., has one sustained case for a lock-up incident where he failed to properly inventory a prisoner’s property – for which he received a reprimand. Officer Liera also received a reprimand for failure to perform any duty for an incident in May 2023.

ii. Recommended Discipline

¹⁶ S04-13-09(VIII)

¹⁷ Att.10, 16:10 to 16:25

¹⁸ Att. 22, Pg.18, Lns. 2-19; Att. 23, Pgs. 16 to 17, Lns. 16-1; Att.24, Pgs. 16 to 17, Lns. 4 to 1.

¹⁹ Att. 25.

²⁰ Att. 25.

COPA has considered Officer Liera, Jr.'s complimentary and disciplinary history. Officer Liera, Jr. failed to document a traffic stop and search with an ISR, as required by the Department. His failure to do so brings discredit to the Department and overlooks an important aspect of police accountability, documentation. However, Officer Liera, Jr. admitted in his statement that it was merely an oversight rather than an intentional choice. This appears to be confirmed by BWC as officers did provide an ISR receipt – but simply failed to complete the final report. Therefore, COPA recommends a **Reprimand** and additional training on Investigatory Stops.

c. Officer Grzegorz Dzierzkowski

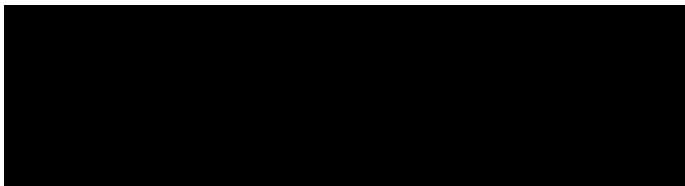
i. Complimentary and Disciplinary History²¹

Officer Grzegorz Dzierzkowski has received 63 complimentary awards, including 60 honorable mentions, and one life saving award. Officer Dzierzkowski received a reprimand for a preventable accident in 2023.

ii. Recommended Discipline

COPA has considered Officer Dzierzkowski's complimentary and disciplinary history. Officer Dzierzkowski failed to document a traffic stop and search with an ISR, as required by the Department. His failure to do so brings discredit to the Department and overlooks an important aspect of police accountability, documentation. However, Officer Dzierzkowski admitted in his statement that it was merely an oversight rather than an intentional choice. This appears to be confirmed by BWC as officers did provide an ISR receipt – but simply failed to complete the final report. Therefore, COPA recommends a **Reprimand** and additional training on Investigatory Stops.

Approved:



Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

6-11-2024

Date

²¹ Att. 25.

Appendix ACase Details

Date/Time/Location of Incident:	January 15, 2023 / 11:50 AM / S Western & W 49 th
Date/Time of COPA Notification:	January 15, 2023 / 1:55 PM
Involved Officer #1:	Rakan Alawawda, Star# 7873, Employee# [REDACTED], Date of Appointment: August 16, 2017, Unit of Assignment: 008, Male, White
Involved Officer #2:	Alfredo Liera Jr., Star# 14640, Employee# [REDACTED] Date of Appointment: February 2, 2015, Unit of Assignment: 008, Male, Hispanic
Involved Officer #3:	Grzegorz Dzierzkowski, Star#12386, Employee# [REDACTED] Date of Appointment: July 27, 2018, Unit of Assignment: 008, 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 __:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- G02-01: Protection of Human Rights (effective June 2022 – Present)
- G08-05: Prohibition of Retaliation (effective August 2023 – Present)
- S04-13-09: Investigatory Stop System (effective July 17 – Present)
- U.S. Const. 4th Amendment

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.²² 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.”²³

²² 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).

²³ *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