



Log # 2023-0557

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On February 8, 2023, the complainant, ██████████ telephoned the Civilian Office of Police Accountability (COPA) and alleged that earlier that day, at approximately 12:22 pm, he was stopped and searched by two unidentified officers travelling in two different unmarked police vehicles. ██████████ alleged that the officers did not ask him for his name or for any identification, and that he was not provided with a ticket or receipt of any kind documenting the encounter.

Upon review of the evidence, COPA determined that Officer Michael Walsh was likely the officer who stopped and searched ██████████ COPA also served allegations that Officer Walsh failed to complete an Investigatory Stop Report (ISR) and failed to activate his body-worn camera (BWC). Following its investigation, COPA reached sustained findings for all allegations against Officer Walsh.

II. SUMMARY OF EVIDENCE²

On February 8, 2023, at 12:18 pm, a caller contacted 911 and explained that he and his crew were towing a trailer that had struck a bridge near 4199 W. Lake St.³ The caller reported that tow truck drivers kept driving by and threatening them, and one driver had threatened to shoot them.⁴ Approximately four minutes later, a dark-colored SUV stopped in front of ██████████ house, which was located approximately three and a half blocks from 4199 W. Lake St.⁵ A recording from ██████████ Ring doorbell video captured the SUV's front passenger exit the vehicle and approach ██████████ who was standing on the sidewalk in front of his house.⁶ The SUV's front passenger appeared to be a bearded male, either white or Hispanic, with dark hair. He was dressed in blue jeans, a dark jacket with red and white striped cuffs, and a ballistics vest with white script across the back.⁷ This unidentified male performed a brief pat down search of ██████████ jacket, then

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 body worn camera (BWC) footage, civilian and officer interviews, event queries, and radio transmission.

³ Att. 13, pg. 1.

⁴ Att. 13, pg. 1.

⁵ Att. 1 at 0:01.

⁶ Att. 1 at 0:04 to 0:18.

⁷ Att. 1.

walked back to the SUV and drove away.⁸ A second dark-colored SUV followed the first vehicle as it drove away and out of the camera's view.⁹ The entire encounter lasted approximately 16 seconds. At 12:26 pm, ██████ called 911 to report this incident.¹⁰ The dispatcher transferred his call to COPA, which led to the initiation of this investigation.

GPS records showed that two CPD police vehicles (PD4841 and PD4891) were near ██████ house at approximately 12:22 pm, the time of the incident.¹¹ Sergeant (Sgt.) Jason Edwards' Supervisor Logs¹² and the Attendance and Assignment Records (A&As) indicated that no officers were assigned to PD4841 and that seven officers (Officer Michael Baciu, Officer Humberto Cruz, Officer Michael Walsh, Officer Krisada Daorerk, Officer Anthony Alvarez, Officer Dexter Calhoun, and Officer Demetrius Robinson-Stanford) were assigned to PD4891.¹³

In an effort to identify the unknown CPD officer who stopped ██████ COPA reviewed Sgt. Edwards' BWC footage from the same date and around the same time as this incident, then compared those images to the available Ring video.¹⁴ Sgt. Edwards' BWC video depicted him arriving at the scene of an unrelated traffic stop that occurred approximately two and a half hours after the incident with ██████ Present at this traffic stop were many of the officers listed in the A&As.¹⁵ Officer Walsh appeared in Sgt. Edwards' BWC video, and he matched both the physical description (including physical build, hair color, and facial hair) and the clothing of the officer in the Ring video (i.e., blue jeans, a dark jacket with red and white striped cuffs, and a ballistics vest with white script across the back). In addition, COPA reviewed Officer Walsh's video from fifteen minutes prior to the incident with ██████ and Officer Walsh was wearing a dark jacket with red and white striped cuffs, much the same as the unidentified officer in the Ring video.

See Figure 1-6 below for a comparison of the Ring and BWC videos.

⁸ Att. 1 at 0:18 to 0:41.

⁹ Att. 1 at 0:41 to 0:45.

¹⁰ Att. 14.

¹¹ Atts. 3 - 5.

¹² Any allegations related to the incomplete or inaccurate Supervisor Logs that Sgt. Edwards completed were investigated by CPD's Bureau of Internal Affairs (BIA) under Log #2023-0004244. In addition, COPA sent a letter to 11th District Commander Davina Ward notifying CPD of a pattern of cases in the 11th District, including this investigation, where COPA was unable to verify important details due to inaccurate record keeping. See Att. 20. In this case, had CPD kept more thorough records, COPA would have likely served allegations against additional officers. However, COPA was only able to identify Officer Walsh and, as such, he is the only officer facing allegations for this incident.

¹³ Atts. 9 - 11.

¹⁴ Att. 21.

¹⁵ Att. 45.



Figure 1: A screenshot from Officer Walsh's BWC approximately 15 minutes prior to his interaction with [REDACTED] (Att. 42.)



Figure 2: A screenshot from the Ring video depicting the CPD officer who searched [REDACTED] (Att. 34.)



Figure 3: A screenshot from the Ring video depicting the CPD officer who searched [REDACTED] (Att. 35.)



Figure 4: A screenshot from the Ring video depicting the CPD officer who searched [REDACTED] (Att. 39.)

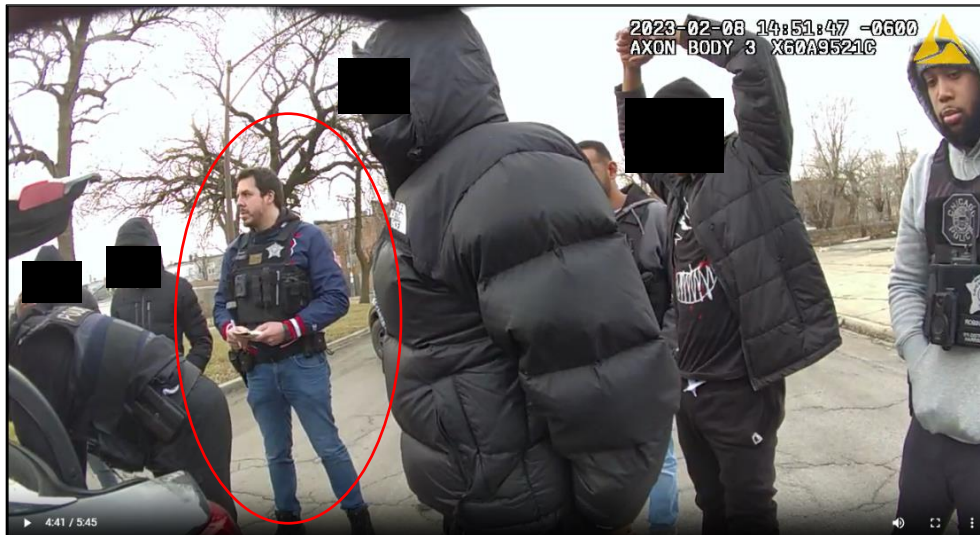


Figure 5: A screenshot from Sgt. Edward's BWC video depicting Officer Walsh, circled in red, at 2:51 pm. (Att. 41.)



Figure 6: A screenshot from Sgt. Edward's BWC video depicting Officer Walsh at 2:50 pm. (Att. 41.)

COPA's investigation determined that no ISRs or BWC videos existed related to the incident with ██████¹⁶ Officer Walsh completed four ISRs for investigatory stops he conducted on February 8, 2023; however, none of them were related to this incident.¹⁷ Attempts to gain ██████

¹⁶ CMS Note CO-0551863.

¹⁷ Att. 44.

cooperation in furtherance of this investigation were unsuccessful, although he did provide COPA with the Ring video.¹⁸

In his statement to COPA, Officer Walsh said that he had no recollection of having any encounter with ██████¹⁹ After viewing the recording from ██████ Ring video, Officer Walsh acknowledged that the person who approached ██████ appeared to be a tactical officer who exited an unmarked Ford Explorer. Officer Walsh stated that he was unable to determine if he was the tactical officer shown on ██████ Ring camera recording.²⁰

III. ALLEGATIONS

Officer Michael Walsh:

1. Stopping ██████ without justification.
Sustained, in violation of Rules 1, 2, 3, and 6.
2. Searching ██████ without justification.
– Sustained, in violation of Rules 1, 2, 3, and 6.
3. Failing to complete an Investigatory Stop Report.
– Sustained, in violation of Rules 2, 3, 5, 6 and 10.
4. Failing to provide an Investigatory Stop Receipt to ██████
– Sustained, in violation of Rules 2, 3, 5, 6 and 10.
5. Failing to activate his body-worn camera.
– Sustained, in violation of Rules 2, 3, 5, 6 and 10.

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

In this case, COPA finds that ██████ complaint was credible. Although he did not provide COPA with a formal statement, he did call 911 to report this incident mere minutes after it happened. While ██████ initially alleged that he was stopped by two officers, the Ring video he provided to COPA corroborates his claim that he was stopped and searched by one officer while two CPD vehicles were on scene. On the other hand, Officer Walsh never admitted his role in this incident and merely conceded that the person on ██████ video appeared to be a tactical officer. COPA found that this reticence to accept responsibility for his actions lessened Officer Walsh's credibility.

¹⁸ Att. 19, CMS Notes CO-0388367, CO-0466252, CO-0426454, CO-0524634, CO-0652022, CO-0652023, CO-1342633. See also Att. 1.

¹⁹ Att. 28, pg. 8, ln. 15 to pg. 10, ln. 2.

²⁰ Att. 28, pg. 7, ln. 13 to pg. 8, ln. 1.

V. ANALYSIS²¹

a. Identifying Officer Walsh

Based on the available evidence, COPA finds that it is more likely than not that the CPD officer depicted in [REDACTED] Ring video was Officer Walsh. Due to Sgt. Edwards' inaccurate recordkeeping and the unknown officer's lack of BWC footage and reports, the identity of the unknown officer was not immediately apparent. However, the GPS records and A&As indicated that Officer Walsh was one of seven potential CPD members who may have been present during the incident with [REDACTED]. In addition, a review of the BWC videos from the same afternoon revealed that Officer Walsh was the *only* officer who matched the physical description and was wearing the same distinctive dark jacket with red and white striped cuffs. COPA also notes that the BWC video captured Officer Walsh wearing this jacket immediately before, as well as two and half hours after, the incident with [REDACTED]. As such, COPA determined that there was sufficient evidence to identify Officer Walsh as the accused CPD member.

b. Stopping and Searching [REDACTED]

COPA finds Allegations #1 and #2 against Officer Walsh, that he stopped and searched [REDACTED] without justification, are **sustained**. The Fourth Amendment of the U.S. Constitution protects people against unreasonable searches and seizures.²² According to CPD policy, an investigatory stop is the temporary detention and questioning of a person based on reasonable articulable suspicion that the person is committing, is about to commit, or has committed a criminal offense.²³ Additionally, the policy defines a protective pat down as a limited search during an investigatory stop in which the sworn member conducts a pat down of the outer clothing of a person for weapons for the protection of the member or others in the area.²⁴ For investigatory stops, a sworn member must possess specific and articulable facts which, combined with rational inferences from these facts, reasonably warrant a belief that the person is committing, is about to commit, or has committed a criminal offense.²⁵ For a protective pat down, a sworn member must possess specific and articulable facts, combined with rational inferences from these facts, that the person is armed and dangerous or reasonably suspects that the person presents a danger of attack to the sworn member or others in the area.²⁶

COPA finds that first, Officer Walsh stopped and searched [REDACTED] and second, that he lacked the reasonable articulable suspicion necessary for both. In this instance, the Ring video captured Officer Walsh engage in a brief encounter during which he stopped [REDACTED] and conducted

²¹ For a definition of COPA's findings and standards of proof, *see* Appendix B.

²² U.S. Const., amend. IV.

²³ Att. 22, S04-13-09 II(A), Investigatory Stop System (effective July 10, 2017 to present).

²⁴ Att. 22, S04-13-09 II(B).

²⁵ Att. 22, S04-13-09 II(C)(1).

²⁶ Att. 22, S04-13-09 II(C)(2).

a pat down search before immediately leaving.²⁷ There are no BWC videos, reports, or testimonial accounts to clarify or, more importantly, to justify why Officer Walsh stopped and searched ██████. However, based on the available evidence, COPA will presume that Officer Walsh was responding to the 911 call regarding the tow truck driver threatening to shoot people, which occurred a few minutes earlier and a few blocks away.²⁸ Even presuming that Officer Walsh based his stop and search on this information, COPA still finds it would be insufficient to justify his actions. Notably, the 911 caller stated that the person threatening violence was a tow truck driver. When Officer Walsh arrived at ██████ residence, ██████ was standing on the sidewalk with no tow truck in sight.²⁹ In addition, the 911 caller did not provide a physical description of the person making threats, so it is still unclear what reasonable articulable suspicion Officer Walsh would have had to stop and search ██████ other than his tenuous proximity to the tow truck incident.³⁰

Given this, COPA finds that Officer Walsh lacked the requisite reasonable articulable suspicion to stop and search ██████ therefore, Allegations #1 and #2 are sustained by a preponderance of the evidence, in violation of Special Order S04-13-09 and Rules 1, 2, 3, and 6.

c. Lack of ISR and Failure to Provide a Receipt

COPA finds Allegations #3 and #4, that Officer Walsh failed to complete an ISR and failed to provide ██████ with an investigatory stop receipt, are **sustained**. CPD policy requires members to complete an ISR when they conduct an investigatory stop.³¹ Upon completion of an investigatory stop that involves a protective pat down or any other search, CPD members are required to provide the subject of the stop with a completed investigatory stop receipt.³²

Here, Officer Walsh conducted an investigatory stop and pat down search of ██████ and neither completed an ISR nor provided ██████ with a receipt. Thanks to the Ring video, it is undisputed that ██████ was subjected to an investigatory stop and a pat down search. The video also shows that Officer Walsh walked away immediately after conducting the search, which would have precluded him from gathering the necessary information to complete an ISR. Additionally, the video demonstrates that Officer Walsh did not provide ██████ with a receipt. Finally, a search of CPD databases showed that, although Officer Walsh completed four ISRs for investigatory stops he conducted on the date in question, none of them were related to this incident.³³

In light of this evidence, COPA finds Allegations #3 and #4 are sustained by a preponderance of the evidence, in violation of Special Order S04-13-09 and Rules 2, 3, 5, 6, and 10.

²⁷ Att. 1.

²⁸ Att. 13, pg. 1.

²⁹ Att. 1.

³⁰ Att. 13, pg. 1.

³¹ Att. 22, S04-13-09 III(C).

³² Att. 22, S04-13-09 VIII(A)(3).

³³ Att. 44.

d. Failing to Activate BWC

COPA finds Allegation #5, that Officer Walsh failed to activate his BWC, is **sustained**. To increase transparency and improve the quality and reliability of investigations, CPD policy requires law-enforcement-related activities to be electronically recorded.³⁴ Law-enforcement-related activities include, but are not limited to, calls for service; investigatory stops; traffic stops; foot and vehicle pursuits; arrests; use of force incidents; searches, including searches of people, items, vehicles, buildings, and places; requests for consent to search; high risk situations; and any other instance when enforcing the law.³⁵ The decision to record is mandatory, not discretionary.³⁶ CPD members are required to activate their BWCs at the beginning of an incident and record the entire incident for all law-enforcement-related activities.³⁷ If circumstances prevent the activation of a BWC at the beginning of an incident, the member will activate their camera as soon as practical.³⁸

Here, Officer Walsh was captured on video engaging in a law-enforcement-related activity, namely detaining a civilian and conducting a pat down search. Despite this, Officer Walsh did not activate his BWC. Therefore, COPA finds that Allegation #5 is sustained by a preponderance of the evidence, in violation of Special Order S03-14 and Rules 2, 3, 5, 6, and 10.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Michael Walsh

i. Complimentary and Disciplinary History³⁹

Officer Walsh's complimentary history is comprised of 93 awards, the highlights of which include two Unit Meritorious Performance Awards, one Superintendent's Honorable Mention, one Life Saving Award, and one Honorable Mention Ribbon Award. His disciplinary history includes four SPARs: 1) a June 2022 SPAR for a preventable accident, resulting in a reprimand, 2) a June 2023 SPAR for failing to perform assigned tasks, resulting in a reprimand, 3) an August 2023 SPAR for failing to perform assigned tasks, resulting in a 1-day suspension, and 4) a November 2023 SPAR for a preventable accident, resulting in a reprimand.

ii. Recommended Discipline

COPA has found that Officer Walsh violated Rules 1, 2, 3, 5, 6, and 10 when he stopped and searched [REDACTED] without justification, failed to complete an ISR or provide [REDACTED] with an investigatory stop receipt, and failed to activate his BWC. In aggravation, COPA notes that Officer

³⁴ Att. 23, S03-14 II(A), Body Worn Cameras (effective April 30, 2018 to December 29, 2023).

³⁵ Att. 23, S03-14 III(2)(a-r).

³⁶ Att. 23, S03-14 III(A)(1).

³⁷ Att. 23, S03-14 III(A)(2).

³⁸ Att. 23, S03-14 III(A)(2).

³⁹ Att. 43.

Walsh's inability to recall his involvement in this incident, and his complete failure to document the incident in any way, significantly hindered COPA's investigation. In fact, it is only due to [REDACTED] Ring video that COPA was able to confirm the encounter even occurred. COPA further notes that Officer Walsh activated his BWC at other points while on duty that day, and that he also completed ISRs for other incidents. This begs the question why Officer Walsh did not do so when he stopped and searched [REDACTED]. In addition, COPA finds it concerning that Officer Walsh would jump out of a vehicle, detain and search someone merely standing on the sidewalk, and then immediately leave, all in a matter of 16 seconds. His actions demonstrate a concerning disregard for the rights of civilians such as [REDACTED] and for the duties he is required to honor as a CPD member.

In mitigation, COPA notes Officer Walsh's impressive complimentary history. However, Officer Walsh's recent disciplinary history includes two SPARs for failing to perform assigned tasks, which suggests a pattern of disregarding his responsibilities as a CPD member. Given this, COPA recommends a penalty of a **7-day suspension and retraining** on CPD's Investigatory Stop System and BWC policies.

Approved:

[REDACTED] #13

Steffany Hreno
Director of Investigations

6/10/2024

Date

Appendix ACase Details

Date/Time/Location of Incident:	February 8, 2023 / 12:20 pm / [REDACTED], [REDACTED]
Date/Time of COPA Notification:	February 8, 2023 / 12:20 pm.
Involved Member #1:	Officer Michael Walsh / Star #19921 / Employee # [REDACTED] / DOA: February 20, 2018 / Unit 011 / Male / White.
Involved Individual #1:	[REDACTED] / Male / Black.

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

- U.S Constitution, amendment IV.
- Special Order S03-14, Body Worn Cameras (effective April 30, 2018 to December 29, 2023).
- Special Order S04-13-09, Investigatory Stop System (effective July 10, 2017 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.⁴⁰ 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.”⁴¹

⁴⁰ 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).

⁴¹ *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