



Log # 2023-0003625

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On August 12, 2023, the Civilian Office of Police Accountability (COPA) received a web complaint from [REDACTED] reporting alleged misconduct by members of the Chicago Police Department (CPD). [REDACTED] alleged that on August 8, 2023, CPD Officers Antonio Godinez, Frank Bogatitus, and Ognjen Shaljanin, stopped and search his bag without justification, which led to his arrest causing him to lose his job.² Following its investigation, COPA reached an **Unfounded** finding regarding Officer Shaljanin’s search allegation, and **Sustained** findings for all other allegations.

II. SUMMARY OF EVIDENCE³

On August 8, 2023, Officers Godinez, Bogatitus, and Shaljanin were on patrol in a high gang crime, high narcotics area, when they observed [REDACTED] walking towards them with a satchel across his chest.⁴ The officers believed the satchel appeared to have a heavy object weighing it down. Also, Officer Godinez relayed to his partners that in an encounter with [REDACTED] a few weeks earlier, he believed that [REDACTED] had been carrying a firearm without a valid Concealed Carry License (CCL).⁵ The officers conducted a street stop of [REDACTED].⁶

According to the officers, as they approached [REDACTED] they observed an “L-shaped” imprint against the weighted down part of the satchel, which they believed was a firearm.⁷ They had previously recovered firearms from satchels in their experience on the TAC team in the area.⁸

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 *[identify the most material and outcome-determinative evidence relied upon, such as BWC footage, ICC footage, third-party video, police reports, civilian interviews, officer interviews, etc.]*.

⁴ Att. 38, pg. 9, lns 8 to 9; Att. 39, pg. 8, lns 22 to 24 and pg. 9, lns. 1 to 4; Att. 40, pg. 7, lns. 15 to 18.

⁵ Att. 2; Att. 40, pg. 16; Att. 38, pgs. 10, 12.

⁶ Att. 38, pg. 8, lns. 10 to 14; Att. 39, pg. 8, lns. 22 to 24 and pg. 9, lns. 1 to 4.

⁷ Att. 2

⁸ Att. 38, pg. 11, lns. 14 to 21; Att. 40, pg. 16, lns. 20 to 24.

██████████ asked the officers what the reason for the stop was.⁹ Officer Bogatitus stated, “you have a heavy weighted object in that bag,” and asked ██████████ if he had a FOID and CCL.¹⁰ Officers Godinez and Bogatitus touched the satchel and felt a firearm.¹¹ The officers asked ██████████ again if he had a FOID and CCL. ██████████ pointed to his satchel and Officer Bogatitus reached inside, pulled his wallet out, and took out his ID and FOID card.¹² Officer Godinez then recovered a firearm from the satchel.¹³

A name check was conducted which revealed that ██████████ had an active FOID but did not have a CCL. ██████████ was handcuffed, placed in the back of the CPD vehicle, and transported to the 10th District for processing.

The BWC¹⁴ from Officer Godinez’s previous encounter with ██████████ on July 3, 2023, showed ██████████ standing in the street wearing the same satchel across his chest, and a work uniform with the word “Security” printed in large letters across the back. Officer Godinez asked ██████████ if he had a gun on him. Officer Godinez then asked him if he had a FOID or a CCL. ██████████ explained that he was a security guard, and he had a FOID card. The officers explained that they stopped ██████████ because he was standing in the middle of the street. Officer Godinez attempted to touch ██████████ satchel, but ██████████ told him to not touch him. ██████████ denied he had a gun on him. Another officer ran his name, and ██████████ was free to go. No weapon was recovered and there was no indication that ██████████ did not have a CCL. Officers Bogatitus and Shaljanin were present at the encounter not directly interacting with ██████████

III. ALLEGATIONS

Officer Antonio Godinez:

It is alleged that on August 8, 2023, at approximately 7:15pm, at or near 1955 S. Harding Avenue Officer Antonio Godinez #19613, committed misconduct by:

1. Stopping and detaining ██████████ without justification.
 - Sustained
2. Searching ██████████ bag without justification.
 - Sustained

Officer Frank Bogatitus:

It is alleged that on August 8, 2023, at approximately 7:15pm, at or near 1955 S. Harding Avenue Officer Frank Bogatitus #17956, committed misconduct by:

⁹ Att. 5 at 19:15: 07.

¹⁰ Att. 5 at 19:15:16.

¹¹ Att. 5 at 19:15:50; Att. 40, pgs 8, 11; Att. 39, pg. 9.

¹² Att. 5 at 19:16:05.

¹³ Att. 5 at 19:16:20.

¹⁴ Att. 31 to 34.

1. Stopping and detaining [REDACTED] without justification.
 - Sustained
2. Searching [REDACTED] bag without justification.
 - Sustained

Officer Ognjen Shaljanin:

It is alleged that on August 8, 2023, at approximately 7:15pm, at or near 1955 S. Harding Avenue Officer Ognjen Shaljanin #8155, committed misconduct by:

1. Stopping and detaining [REDACTED] without justification.
 - Sustained
2. Searching [REDACTED] bag without justification.
 - Unfounded

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.

Here, while the officers' statements were largely consistent with one another's, there were some notable inconsistencies between their statements and the BWC. For instance, Officer Godinez stated that he had a prior contact with [REDACTED] on July 3, 2023, where [REDACTED] had a gun on him, but did not have a CCL. However, COPA's investigation¹⁵ into that previous investigatory stop of [REDACTED] did not establish that [REDACTED] was carrying a firearm on him, nor did it suggest that [REDACTED] did not have a CCL. In fact, the BWC of that stop showed that [REDACTED] was wearing the same cross-body satchel as in the present stop, and that Officer Godinez seemed to suspect that [REDACTED] had a gun inside. Officer Godinez tried to feel the satchel, but ultimately never searched it, or patted down [REDACTED]. Officer Godinez asked [REDACTED] if he "had a gun on [him]," to which [REDACTED] responded, "no."¹⁶ No firearm was ever produced from [REDACTED] as a result of the stop, and [REDACTED] was released from the stop without being arrested. There was no suggestion on the BWC that [REDACTED] did not have a CLL. These are significant and material discrepancies that impact Officer Godinez's truthfulness and reliability.

¹⁵ COPA was able to obtain BWC from five officers present at the July 3, 2023, stop including the officers involved here. COPA looked for but could not locate an ISR or event query from the stop. See, Atts. 43 and 44, CMS note CO-1394974.

¹⁶ Att. 32 at 18:46:12.

Also, Officer Shaljinin told COPA that he did not remember any previous contact with ██████████ yet he was present at the July 3, 2023, investigatory stop.¹⁷ This impacts Officers Shaljinin's reliability.

Finally, all three officers stated that they could see the imprint of a firearm through the satchel. However, the imprint could not be seen in the BWC at the points where the officers indicated to COPA that they were able to see the imprint of the firearm.¹⁸ Moreover, in other parts of the BWC, the material of the satchel appeared to be too thick to see an imprint of an object through it.¹⁹ The thickness of the material can also be seen in the BWC from the July 3, 2023, investigatory stop.²⁰ Thus, COPA calls into question all three officers' truthfulness or reliability on this point.

██████████ declined to interviewed by COPA.²¹

V. ANALYSIS²²

a. *Allegation #1 against Officers Antonio Godinez, Frank Bogatitus, and Ognjen Shaljanin – Stopping and detaining ██████████ without justification.*

COPA finds Allegation #1 against Officers Antonio Godinez, Frank Bogatitus and Ognjen Shaljanin – Stopping and detaining ██████████ without justification – to be **Sustained**.

Department members are permitted to detain a person when conducting an Investigatory Stop.²³ CPD defines an Investigatory stop as: “[t]he temporary detention and questioning of a person in the vicinity where the person was stopped based on Reasonable Articulate Suspicion that the person is committing, is about to commit, or has committed a criminal offense.”²⁴ 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.”²⁵

In their interviews with COPA, the officers stated that the reasons for performing an investigatory stop on ██████████ was because he was wearing a weighted down satchel, he had been

¹⁷ Att. 31.

¹⁸ Att. 38, pg. 13. Att. 39, pg. 13 to 14. Att. 40 pg. 12.

¹⁹ Att. 5, 19:15:51.

²⁰ Att. 31 to 34.

²¹ Case Management System Notes: CO-1351422, CO-1357877, CO-1359922, and CO-1360444.

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

²³ Att. 41 S04-13-09 II (A), Investigatory Stop System (effective July 10, 2017, to current).

²⁴ Att. 26, S04-13-09(II)(A) Investigatory Stop System (Effective July 10, 2017, to present).

²⁵ Att. 41 S04-13-09(II)(C), Investigatory Stop System (effective July 10, 2017, to current).

previously known to carry a firearm without a CCL, and it was a high gang crime and narcotics sale area where multiple firearms had been recovered in satchels previously.²⁶

However, as stated above, COPA's investigation into the previous investigatory stop of ██████ did not reveal that ██████ was carrying a firearm on him without a CCL. Further, while the officers reported that the location was a high gang crime and narcotics area, they did not know ██████ to be in a gang, and never indicated they saw him involved in gang narcotics activity. Instead, they merely saw him, walking down the street.²⁷ Thus, that leaves the fact that the bag ██████ was carrying appeared to have a heavy object in it as the only circumstance remaining to support reasonable articulable suspicion for an investigatory stop. COPA finds this does not comprise a preponderance of evidence to justify the stop. Consequently, COPA finds allegation #1 to be **Sustained**.

b. Allegation #2 against Officers Antonio Godinez, Frank Bogatitus and Ognjen Shaljanin – Searching ██████ bag without justification.

COPA finds allegation #2– Searching ██████ bag without justification – to be **Sustained** against Officers Antonio Godinez, Frank Bogatitus, and **Unfounded** against Officer Shaljanin.

A police officer may perform a protective pat-down search where, after making a lawful stop, the officer has a reasonable articulable suspicion that he or another is in danger of attack because the defendant is armed and dangerous.²⁸ CPD defines a protective pat down as: “A limited search during an investigatory stop in which a sworn member conducts a pat down of the outer clothing of a person for weapons for the protection of the sworn member or others in the area.”²⁹ “For a protective pat down, a sworn member must possess specific and articulable facts which, combined with rational inferences from these facts, reasonably warrant a belief that the suspect is armed and dangerous or reasonably suspects that the person presents a danger of attack to the sworn member or others in the area.”³⁰ Further, if an officer who, during the pat down, “touches an object the sworn member reasonably believes is a weapon” to reach into that area of clothing and retrieve the object.³¹

²⁶ Att. 38, pgs. 8, 11; Att. 40, pgs. 13, 16; Att. 39, pgs. 9, 11-12. The officers also told COPA about being able to see the shape of the gun imprint through the satchel as they moved closer to ██████ but they were already on their way to perform an investigatory stop on ██████ prior to seeing the imprint, so COPA will focus its analysis for the detention on the initially stated reasons for the stop, and address the firearm shaped imprint below in its discussion of the search of the satchel.

²⁷ Att. 2.

²⁸ *People v. Sorenson*, 196 Ill. 2d 425, 432 (2001).

²⁹ Att. 26, S04-13-09(II)(C) Investigatory Stop System (Effective July 10, 2017, to present).

³⁰ Att. 26, S04-13-09(II)(C) Investigatory Stop System (Effective July 10, 2017, to present).

³¹ Att. 26, S04-13-09(II)(B) Investigatory Stop System (Effective July 10, 2017, to present).

The officers told COPA that as they approached ██████████ they could see the imprint of a firearm inside his satchel. Therefore, Officers Godinez and Bogatitus searched the satchel, while Officer Saljinan stood by.

However, as discussed above, the evidence did not support the claim that the imprint of the gun could be seen through the satchel. Regardless, even if it is true that the officers could see the imprint of a gun, and even if the officers knew from a prior contact that ██████████ carried a gun without a CCL (which as noted above, it did not appear they did), these facts only demonstrate a reasonable articulable suspicion that ██████████ was *armed*. But in order to justify a pat down of an individual (or in this case, a pat down of the satchel the individual was wearing across his body), the officers also had to have had a reasonable articulable suspicion that the individual was not only armed, but also *dangerous*.

In fact, in the previous contact between the officers and ██████████ explained that he was coming from his job and was wearing his work uniform. His jacket had a patch on the sleeve that said, “Allied Universal Security Services,” and word “Security” on the back.³² At that time, even though the officers believed ██████████ had a firearm in his satchel, they did not perform a pat down of him nor did they search the satchel. Thus, apparently, they did not consider him so dangerous at that time as to justify a pat down or search. After completing a name check, they let him go.

Here, during the detention, even after recovering the firearm from ██████████ satchel, they did not immediately pat him down for potential additional weapons, nor did they immediately hand cuff him. This suggests that they did not consider him a danger. Further, ██████████ reiterated to the officers that he had a job as a security officer. In the arrest report, the officers only indicated that ██████████ was known for carrying a firearm without a CCL (although he had a FOID card), without any indication that he was also dangerous. To COPA, Officer Godinez stated that he did not know ██████████ to be in a gang. As such, there is not a preponderance of evidence to support a finding of reasonable articulable suspicion that ██████████ was *dangerous* in addition to being armed.

Accordingly, COPA finds that allegation #2– Searching ██████████ bag without justification – is **Unfounded against Officer Shaljinin (who did not search the bag)**, but **Sustained against Officers Godinez and Bogatitus**.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Antonio Godinez

i. Complimentary and Disciplinary History³³

³² Att. 31 to 34.

³³ Att. 42.

Officer Godinez has a total of 205 awards, including: a 2019 crime reduction award, a complimentary letter, eight department commendations, two emblems of recognition, 191 honorable mentions, an honorable mention ribbon, and a police officer of the month award. Officer Godinez also has two sustained findings from incidents arising in 2021: one for “Operation Personnel Violation – Traffic Pursuit Serious Bodily Injury” for which he received a 5-day suspension, and the other in for “Verbal Abuse – Profanity,” for which he received a reprimand. Officer Godinez also received a SPAR for a court appearance violation In august of 2023, for which he received a reprimand.

ii. Recommended Discipline

COPA sustained findings against Officer Godinez for a stop and search without justification. In mitigation, COPA will consider Officer Godinez’s numerous awards and honors.

In aggravation, COPA will consider Officer Godinez’s history of a SPAR and sustained complaints. Further, while COPA appreciates the hard work of police officers’ efforts in trying to eradicate illegal firearms from the streets of Chicago, CPD must work to ensure it is done within the bounds of the 4th Amendment. To that end, COPA is cognizant that all officers receive training regarding the policy for Investigatory Stops and are expected to have a fundamental understanding of the policy.

COPA recommends a **2-day Suspension** and additional training in Investigatory stop procedure.

b. Officer Frank Bogatitus

i. Complimentary and Disciplinary History

Officer Bogatitus has a total of 285 awards, including: a 2019 crime reduction award, an attendance award, four department commendations, 270 honorable mentions, three honorable mention ribbon awards, a joint operations ward, three police officer of the month awards, a special commendation, and a unit meritorious performance award. Officer Bogatitus received a SPAR for a “Court Appearance Violation” in July of 2023, for which he received a reprimand, and no sustained complaints.

ii. Recommended Discipline

COPA sustained findings against Officer Bogatitus for a stop and search without justification.

In mitigation, COPA will consider Officer Bogatitus’ numerous awards and honors. In aggravation, COPA will consider Officer Bogatitus’s history of a SPAR. Further, as stated above, COPA appreciates the hard work of police officers’ efforts in trying to eradicate illegal firearms

from the streets of Chicago, CPD must work to ensure it is done within the bounds of the 4th Amendment. To that end, COPA is cognizant that all officers receive training regarding the policy for Investigatory Stops and are expected to have a fundamental understanding of the policy.

COPA recommends a **1-day Suspension** and additional training in Investigatory stop procedure.

c. Officer Ognjen Shaljanin

i. Complimentary and Disciplinary History

Officer Shaljanin has a total of 151 awards, including: a 2019 crime reduction award, five department commendations, an emblem of recognition, 139 honorable mentions, an honorable mention ribbon award, three police officer of the month awards, and a unit meritorious performance award. Officer Shaljanin also received a SPAR in June of 2023 for a “Court Appearance Violation,” for which he received one day off. He has no sustained complaints.

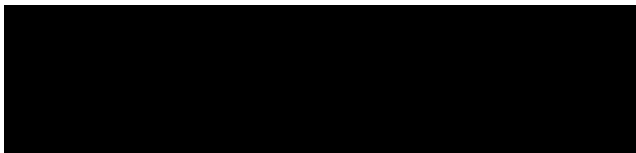
ii. Recommended Discipline

COPA sustained a finding against Officer Shaljanin for an investigatory stop without justification.

In mitigation, COPA will consider Officer Shaljanin’s numerous awards and honors. In aggravation, COPA will consider Officer Shaljanin’s history of a SPAR. Again, COPA appreciates the hard work of police officers’ efforts in trying to eradicate illegal firearms from the streets of Chicago, CPD must work to ensure it is done within the bounds of the 4th Amendment. To that end, COPA is cognizant that all officers receive training regarding the policy for Investigatory Stops and are expected to have a fundamental understanding of the policy.

COPA recommends a **1-day Suspension** and additional training in Investigatory stop procedure.

Approved:



6-27-2024

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Case Details

Date/Time/Location of Incident:	August 8, 2023 / 7:15 pm / 1955 S. Harding Avenue Chicago, IL 60623
Date/Time of COPA Notification:	August 12, 2023 / 8:45 pm
Involved Member #1:	Antonio Godinez, Star #19613, Employee ID# [REDACTED] DOA: February 20, 2018, Unit of Assignment: 010, Male, Hispanic
Involved Member #2:	Frank Bogatitus, Star #17956, Employee ID# [REDACTED] DOA: January 17, 2017, Unit of Assignment: 010, Male, Unknown
Involved Member #3:	Ognjen Shaljanin, Star #8155, Employee ID# [REDACTED] DOA: July 17, 2017, Unit of Assignment: 010, 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

- S04-13-09 Investigatory Stop System (effective July 10, 2017, to current).
- People v. Sorenson, 196 Ill. 2d 425, 432 (2001).

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.³⁴ 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.”³⁵

³⁴ 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).

³⁵ *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