



Log # 2023-0005802

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On December 11, 2023, the Civilian Office of Police Accountability (COPA) received a telephone complaint from ██████████ reporting alleged misconduct by members of the Chicago Police Department (CPD). ██████████ alleged that on December 9, 2023, in the vicinity of the CTA Roosevelt Station at 1167 S. State Street, CPD Officers Jesus Tapia and Paul Szymanski stopped him for no reason, verbally abused him, attempted to provoke him into an altercation, and refused to provide their names and star numbers.² Upon review of the evidence, COPA served additional allegations that the officers failed to activate their body worn cameras (BWCs) and failed to complete an Investigatory Stop Report (ISR). Following its investigation, COPA reached Sustained and Not Sustained findings.

II. SUMMARY OF EVIDENCE³

██████████ arrived by subway at the CTA Roosevelt Station and ascended a staircase from the platform to an upper level.⁴ When ██████████ reached the top of the staircase, he looked in the direction of Officer Tapia, made a left turn, and continued walking.⁵ Officer Tapia turned around and appeared to say something to Officer Szymanski and the two officers walked in the same direction as ██████████⁶ ██████████ entered a pedestrian tunnel and turned to look behind him.⁷ ██████████ continued walking forward as the officers entered the tunnel behind him.⁸ ██████████ continued to walk backwards as he appeared to address the two officers.⁹ ██████████ stopped walking and Officer Szymanski approached and stood behind him while ██████████ appeared to speak to Officer Tapia.¹⁰ As ██████████ appeared to talk to Officer Tapia, ██████████ took a step to

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 Chicago Transit Authority (CTA) footage, and civilian and officer interviews.

⁴ Att. 9, at 00:32 to 00:42.

⁵ Att. 9, at 00:42 to 00:43.

⁶ Att. 9, at 00:43 to 00:47.

⁷ Att. 2, at 00:20 to 00:24.

⁸ Att. 2, at 00:25 to 00:30.

⁹ Att. 2, at 00:32 to 00:37.

¹⁰ Att. 1, at 00:36 to 00:39.

his right and Officer Szymanski moved to his right.¹¹ [REDACTED] then walked around the officers and headed toward the end of the pedestrian tunnel.¹² [REDACTED] walked backwards as Officer Szymanski advanced toward him and Officer Tapia followed behind his partner.¹³

In his statement to COPA, [REDACTED] heard a loud voice and turned around to see Officer Tapia pointing his finger at him and indicating to him to approach the officers.¹⁴ [REDACTED] removed one earbud and told Officer Tapia that the officers do not have any reason to stop him.¹⁵ Officer Tapia responded that the officers had a suspicion but [REDACTED] did not hear the rest of the officer's sentence to understand what the officers' suspicion pertained to.¹⁶ [REDACTED] stated that he did not feel free to leave because the officers had surrounded him.¹⁷ Officer Tapia asked [REDACTED] what was in his pocket and [REDACTED] replied that he had two cell phones, gloves and a wallet.¹⁸ [REDACTED] felt that Officer Szymanski was trying to escalate the situation by stating, "Come on. I'll whoop your ass. You a bitch."¹⁹ [REDACTED] responded, "No, you a bitch," and added, "You wouldn't be shit without that badge."²⁰ Officer Szymanski then stated to [REDACTED] "I'll kill you." Officer Tapia pulled his partner away and told him, "No, leave him alone. He's a faggot. He's a fake tough guy."²¹ The officers began walking in the direction where they came from.²² As the officers walked away from [REDACTED] he asked for their names and star numbers, but the officers did not acknowledge him.²³ [REDACTED] held up his cell phone, followed behind the officers, and appeared to say something to them until the officers walked out of view of the CTA camera.²⁴ [REDACTED] then ascended an escalator.²⁵

In their statements to COPA, the accused officers could not recall their encounter with [REDACTED] even after they viewed the CTA footage.²⁶ Officer Tapia stated that he and his partner may have had a reason to walk up to [REDACTED] and talk to him, but could not recall the reason at the time of his statement to COPA.²⁷ Officer Tapia added that he did not believe that the encounter rose to the level of a law enforcement action because [REDACTED] was not handcuffed and was "walking around back and forth towards us."²⁸ Officer Szymanski pointed to the CTA footage to indicate that he did not restrict [REDACTED] movement by "grabbing him or putting him in

¹¹ Att. 1, at 00:46 to 00:48.

¹² Att. 1, at 00:52 to 00:57.

¹³ Att. 2, at 00:58 to 01:22.

¹⁴ Att. 11, pg. 6, lns. 5 to 10.

¹⁵ Att. 11, pg. 6, lns. 11 to 13.

¹⁶ Att. 11, pg. 6, lns. 14 to 23.

¹⁷ Att. 11, pg. 15, lns. 8 to 12.

¹⁸ Att. 11, pg. 7, lns. 7 to 11.

¹⁹ Att. 11, pg. 25, ln. 20 to pg. 26, ln. 5.

²⁰ Att. 11, pg. 26, lns. 8 to 9.

²¹ Att. 11, pg. 26, lns. 17 to 20.

²² Att. 2, at 01:23 to 01:27.

²³ Att. 11, pg. 28, lns. 3 to 14.

²⁴ Att. 2, at 01:28 to 01:58.

²⁵ Att. 1, at 02:15 to 02:20.

²⁶ Att. 18, pg. 20, lns. 4 to 15; Att. 17, pg. 17, lns. 7 to 9.

²⁷ Att. 18, pg. 23, lns. 5 to 11.

²⁸ Att. 18, pg. 24, ln. 22 to pg. 25, ln. 4.

handcuffs” but also admitted that an officer does not need to “put hands” on an individual in order to detain them.²⁹

III. ALLEGATIONS

Officers Tapia and Szymanski:

1. Stopped ██████████ for no reason.
 - Not Sustained.
2. Refused to provide name and star number to ██████████ upon request.
 - Not Sustained.
3. Failed to activate his body worn camera in violation of Special Order S03-14³⁰.
 - Sustained, Violation of Rules 2, 3, 5, 6, and 10.
4. Failed to complete an Investigatory Stop Report in violation of Special Order S03-13-09.
 - Sustained, Violation of Rules 2, 3, 5, 6, and 10.

Officer Tapia:

5. When speaking to Officer Szymanski, referred to ██████████ as a “faggot.”
 - Not Sustained.

Officer Szymanski:

5. Said to ██████████ “I will kill you” and “I’ll whoop your ass.”
 - Not Sustained.
6. Called ██████████ “bitch.”
 - Not Sustained.
7. Attempted to provoke ██████████ into an altercation.
 - Not Sustained.

IV. CREDIBILITY ASSESSMENT

COPA interviewed ██████████ and Officers Tapia and Szymanski.³¹ COPA assessed the credibility of the three individuals utilizing truthfulness and reliability criteria. This investigation did not reveal any evidence that caused COPA to doubt the truthfulness of any of the individuals who provided statements. ██████████ who was interviewed ten days after his encounter with the CPD, provided information that was reliably consistent with the available CTA video. The officers were interviewed approximately three months after the encounter and were unable to recall their encounter with ██████████ even after viewing the CTA footage. Although the officers’ failure to recall is understandable due to the nature of their assignment where they encounter numerous

²⁹ Att. 17, pg. 28, lns. 5 to 18.

³⁰ Att. 12 Special Order S03-14, Body Worn Cameras (effective April 30, 2018, to present).

³¹ Atts. 7, 15 to 16.

individuals daily, it is also reasonable to conclude that the officers' reliability and inability to recall was abetted by their failure to properly document the incident as required by CPD policy.

V. ANALYSIS³²

a. BWC and ISR Allegations

COPA finds the allegations that Officers Tapia and Szymanski failed to activate their BWCs and failed to complete an ISR in violation of CPD policy, are **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.³³ 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.”³⁴ In the absence of reasonable suspicion or probable cause, however, that “person must be free to walk away at any time.”³⁵ Sworn members who conduct an investigatory stop are “required to complete an Investigatory Stop Report”³⁶ and must activate their BWCs at the beginning of an incident and record the entire incident.³⁷ The recording of law-enforcement-related encounters is mandatory.³⁸ If there are circumstances preventing the activation of the BWC at the beginning of an incident, the officer “will activate the BWC as soon as practical.”³⁹

There is no objective verifiable evidence to determine whether the accused officers stopped ██████████ for no reason as he alleged in his complainant to COPA. There is a preponderance of evidence that Officers Tapia and Szymanski, contrary to their denial, conducted an investigatory stop that mandated both a BWC activation and a completion of an ISR. Officer Tapia noticed ██████████ as ██████████ reached the top of the staircase at the CTA subway station. Officer Tapia then appeared to say something to his partner and the two officers proceeded to walk in the same direction as ██████████. The officers followed ██████████ to the pedestrian tunnel where Officer Tapia signaled the officers' presence to ██████████. ██████████ alleged that he heard a loud voice and turned around to notice the officers and the CTA footage corroborated his statement that the officers initiated the contact with him. At that point, ██████████ verbally engaged the officers and told them they did not have any reason to stop him, while he continued walking away. According to ██████████ Officer Tapia answered that the officers had a suspicion, but ██████████ did not hear the rest of the officer's response. After a few seconds of walking, ██████████ stopped walking and the two officers approached him. Officer Tapia asked him what he had inside his pocket and

³² For a definition of COPA's findings and standards of proof, *see* Appendix B.

³³ Att. 10 Special Order S04-13-09, Investigatory Stop System (effective July 10, 2017, to present).

³⁴ S04-13-09(II)(C).

³⁵ S04-13-09(II)(A).

³⁶ S04-13-09(III)(C).

³⁷ S03-14(III)(A)(2).

³⁸ S03-14(III)(A)(1).

³⁹ S03-14(III)(A)(2).

answered. Officer Szymanski, however, assumed a position standing behind [REDACTED] and seemed to adjust his position when [REDACTED] appeared to move to the right. [REDACTED] told COPA that he felt that he was not free to leave because the officers had surrounded him. After answering Officer Tapia's question, [REDACTED] walked away. Based on the above facts, it appears reasonable to conclude that the two officers conducted an investigatory stop of [REDACTED]. Despite their inability to recall the reason for the stop and the lack of any audio footage, the officers' actions of following [REDACTED] getting his attention to look back and to stop walking, and finally asking him a question about what was in his pockets, while Officer Szymanski seemingly blocked [REDACTED] path, cumulatively amounted to the appearance of a stop for the purpose of an investigation. As a result, the officers were mandated to activate their BWCs to document the encounter and then follow up with an ISR. Since a preponderance of the evidence indicates that the two officers failed to fulfill their duties as required by CPD policy, COPA finds these two allegations to be sustained.

b. Stop, Verbal Abuse, and Name and Star Number Refusal Allegations

COPA finds the complainant's allegations that Officers Tapia and Szymanski stopped [REDACTED] for no reason, verbally abused him and refused to provide their names and star numbers upon request, are **Not Sustained**. COPA did not question the truthfulness or reliability of [REDACTED] account; however, the investigation did not reveal objective verifiable evidence to sustain these allegations against the accused officers. The lack of BWC footage and any cell phone recordings that could have proved or disproved these allegations challenges the possibility of sustaining them. Accordingly, COPA finds these allegations are Not Sustained.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Jesus Tapia

i. Complimentary and Disciplinary History

As of May 20, 2024, Officer Tapia has received a total of seventy-six awards, including two Life Saving Awards, two Police Officer of the Month Awards, two Department commendations, and sixty-four honorable mentions.⁴⁰ In the last five years, Officer Tapia has received a Violation Noted⁴¹ for Failure to Submit Reports and one Reprimand⁴² for Failure to Perform Any Duty.

ii. Recommended Discipline

COPA has found that Officer Tapia violated Rules 2, 3, 5, 6, and 10 when he and Officer Szymanski failed to document their stop of [REDACTED] with an ISR and a BWC recording. Although

⁴⁰ Att. 19, pg. 5.

⁴¹ Att. 19, pg. 4.

⁴² Att. 19, pg. 6.

the officer denied that the stop was investigatory in its nature, the evidence indicates that the encounter constituted an investigatory stop which mandated an ISR and a BWC activation. Consequently, Officer Tapia's failure to timely activate his BWC deprived the COPA investigation and any other reviewer of valuable information. Based on the above information, COPA recommends a suspension of 1 day for Officer Tapia.

b. Officer Paul Szymanski

i. Complimentary and Disciplinary History

As of May 20, 2024, Officer Szymanski has received a total of twenty-four awards, including one Life Saving Award, five Department commendations, and fifteen honorable mentions.⁴³ In the last five years, Officer Szymanski has zero sustained complaints⁴⁴ and zero SPARs⁴⁵.

ii. Recommended Discipline

COPA has found that Officer Szymanski violated Rules 2, 3, 5, 6, and 10 when he and Officer Tapia failed to document their stop of [REDACTED] with an ISR and BWC recording. allegations as his partner. Similar to his partner, Officer Szymanski's failure to timely activate his BWC deprived the COPA investigation and any other reviewer of valuable information. COPA recommends a suspension of 1 day for Officer Szymanski.

Approved:

[REDACTED]

8/5/2024

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date

⁴³ Att. 19, pg. 2.

⁴⁴ Att. 19, pg. 1.

⁴⁵ Att. 19, pg. 3.

Appendix ACase Details

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|---------------------------------|---|
| Date/Time/Location of Incident: | December 9, 2023 / 2:25 pm / 1167 S. State Street (CTA Roosevelt Station), Chicago, IL 60605 |
| Date/Time of COPA Notification: | December 11, 2023 / 10:09 am |
| Involved Member #1: | Officer Jesus Tapia / Star #11643 / Employee ID # [REDACTED] / DOA: August 27, 2018 / Unit: 025 ⁴⁶ / Male / White Hispanic |
| Involved Member #2: | Officer Paul Szymanski / Star #6925 / Employee ID # [REDACTED] / DOA: September 18, 2017 / Unit: 007 / 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 37:** Failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank and star number when so requested by other members of the Department or by a private citizen.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.

Applicable Policies and Laws

- S04-13-09, Investigatory Stop Systems (effective July 10, 2017 to present)
- S03-14, Body Worn Cameras (effective April 30, 2018 to December 28, 2023)

⁴⁶ Officers Tapia and Szymanski are detailed to Unit 701 (Public Transportation).

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.⁴⁷ 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.”⁴⁸

⁴⁷ 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).

⁴⁸ *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