



Log # 2023-1236

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On March 23, 2023, the Civilian Office of Police Accountability (COPA) received a telephone complaint from [REDACTED] ([REDACTED]) reporting alleged misconduct by members of the Chicago Police Department (CPD). [REDACTED] alleged that on March 23, 2023, he and the two passengers in his vehicle were detained without justification by Officer Matthew Parisi, Officer Steven Kotrba, and Officer Craig Shomody (collectively, “the officers”).² Upon review of the evidence, COPA served additional allegations that each of the officers failed to issue Investigatory Stop Report (ISR) receipts, that Officers Parisi and Shomody performed pat-downs without justification, that Officers Kotrba and Shomody conducted vehicle searches without justification, that Officer Parisi engaged in verbal altercations without justification, and that Officer Parisi provided an inaccurate statement on the ISRs he completed for this stop. Following its investigation, COPA reached sustained findings regarding the allegations that Officer Parisi engaged in unjustified verbal altercations and provided an inaccurate statement in his ISRs. Furthermore, COPA found that each of the officers failed to provide ISR receipts following the stop.

II. SUMMARY OF EVIDENCE³

The body-worn camera (BWC) video shows that at around midday on March 23, 2023, the officers were traveling in their CPD vehicle through a residential neighborhood in the 5th District.⁴ They stopped and exited their vehicle near 316 W. 106th St., where they found a red Jeep SUV (the Jeep) with tinted rear windows parked on a driveway with a black male, now known to have been [REDACTED] standing beside it.⁵ Officer Parisi asked [REDACTED] what was wrong with the Jeep; [REDACTED] stated that the vehicle was having electrical problems.⁶ When asked if he had anything on him, [REDACTED] answered no, and asked if the officers thought he was causing trouble.⁷ Officer Parisi spoke quickly as he informed [REDACTED] that the Jeep’s license plate was expired, and further explained that he wanted to know why [REDACTED] had driven through an alley and then parked there

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, police reports, and officer interviews.

⁴ Att. 2 at 0:00 to 1:35, Att. 1 at 0:00 to 1:43, and Att. 3 at 0:00 to 1:44.

⁵ Att. 2 at 1:35 to 1:50, Att. 1 at 1:43 to 1:58, and Att. 3 at 1:44 to 1:59.

⁶ Att. 2 at 1:50 to 1:57, Att. 1 at 1:58 to 2:06, and Att. 3 at 1:59 to 2:07.

⁷ Att. 2 at 1:57 to 2:03, Att. 1 at 2:06 to 2:11, and Att. 3 at 2:07 to 2:12.

on that driveway.⁸ Before ██████ could respond, Officer Parisi held up one hand to interrupt him and quickly asked if there were any guns or drugs in the Jeep; ██████ answered no, and went on to say that he was a participant at the nearby Youth Peace Center of Roseland.⁹ Interrupting again, Officer Parisi told him that was nice, and asked ██████ for his driver's license.¹⁰

When ██████ asked the front-seat passenger inside the Jeep to hand him his driver's license from the interior console, Officer Shomody also asked for the Jeep's windows to be rolled down.¹¹ ██████ stated that the vehicle was having electrical problems which affected the operation of the windows; Officer Shomody responded to this by opening the front driver-side door and pressing the window activation buttons in the door.¹² ██████ explained that only the rear windows were functional, and as Officer Shomody lowered the tinted rear windows on both sides of the Jeep, the officers' BWCs recorded the first views of the vehicle's two passengers: a black male in the front passenger seat now known to have been ██████ (██████) and a black female in the backseat now known to have been ██████ (██████).¹³

██████ gave his driver's license to Officer Parisi, who commented that this situation seemed weird to him.¹⁴ Officer Kotrba took the driver's license from Officer Parisi and walked back to the CPD vehicle, apparently to run a name check, while Officer Parisi told ██████ that he should not have used an alley as a throughway.¹⁵ After ██████ protested that he had only driven for half a block through the alley, Officer Parisi responded by reminding him that he had also committed a traffic violation by driving a vehicle with an expired license plate registration. As ██████ began to express a counterargument, Officer Parisi interrupted and said that he was listing probable cause reasons for stopping him and added that there was "nothing else to argue about."¹⁶ ██████ attempted to speak again, but Officer Parisi ignored him, stepped closer to the Jeep and its two passengers, and abruptly asked ██████ "You got an ID on you, pal?"¹⁷ ██████ response was not audible on the recording, but he apparently indicated that he did not have an ID, causing Officer Parisi to sharply ask, "Why not?"¹⁸

██████ continued his attempts to speak, but Officer Parisi interrupted once again and ordered him to move back to the rear of the Jeep. Officer Shomody asked ██████ for his name and began writing in a small notebook, while Officer Parisi performed a protective pat down on ██████ and assured him that he would be able to leave in two minutes.¹⁹ Officer Parisi told ██████ that the Jeep's registration was from Blue Island, which conflicted with ██████

⁸ Att. 2 at 2:03 to 2:08, Att. 1 at 2:11 to 2:16, and Att. 3 at 2:12 to 2:17.

⁹ Att. 2 at 2:08 to 2:15, Att. 1 at 2:16 to 2:23, and Att. 3 at 2:17 to 2:24.

¹⁰ Att. 2 at 2:15 to 2:20, Att. 1 at 2:23 to 2:28, and Att. 3 at 2:24 to 2:29.

¹¹ Att. 2 at 2:20 to 2:27, Att. 1 at 2:28 to 2:35, and Att. 3 at 2:29 to 2:36.

¹² Att. 2 at 2:27 to 2:33, Att. 1 at 2:35 to 2:41, and Att. 3 at 2:36 to 2:42.

¹³ Att. 2 at 2:33 to 2:38, Att. 1 at 2:41 to 2:46, and Att. 3 at 2:42 to 2:47.

¹⁴ Att. 2 at 2:38 to 2:45, Att. 1 at 2:46 to 2:53, and Att. 3 at 2:47 to 2:54.

¹⁵ Att. 2 at 2:45 to 2:55, Att. 1 at 2:53 to 3:03, and Att. 3 at 2:54 to 3:04.

¹⁶ Att. 2 at 2:55 to 3:05; also Att. 1 at 3:03 to 3:13.

¹⁷ Att. 2 at 3:05 to 3:11; also Att. 1 at 3:13 to 3:19.

¹⁸ Att. 2 at 3:11 to 3:12; also Att. 1 at 3:19 to 3:20.

¹⁹ Att. 2 at 3:12 to 3:23; also Att. 1 at 3:20 to 3:31.

assertion that he was from this neighborhood.²⁰ [REDACTED] explained that his mother's residence was in this area and gave her address.²¹ [REDACTED] began saying that Officer Parisi was being aggressive toward him, but Officer Parisi quickly interrupted him again, saying, "Well listen, we're aggressive over here because there's a lot of shit that goes on over here."²²

When [REDACTED] suggested that he was being profiled in this situation, Officer Parisi firmly denied that this stop was the result of profiling, saying, "You need to know your definitions of profiling and be educated to tell me that."²³ As [REDACTED] attempted to explain why he felt he was being profiled, Officer Parisi spoke over him again, saying he guaranteed that [REDACTED] had not finished more school than he had.²⁴ While gesturing broadly with his left hand toward [REDACTED] and the Jeep, Officer Parisi threatened, "Don't start, because I'll write you every ticket in the book and then we'll, uh, we'll tear this bitch apart because we have reason to believe there might be something in there that you're hiding."²⁵

Officer Parisi then changed the subject by asking [REDACTED] who lived at the house adjacent to the driveway the Jeep was parked on; [REDACTED] responded by repeating that he had just stopped there because of his vehicle's electrical problems.²⁶ Officer Parisi told [REDACTED] that he was parked on someone else's driveway and did not belong there.²⁷ [REDACTED] said he knew the people on this block, to which Officer Parisi said, "Okay, okay. It just keeps turning into more bullshit, is what it smells like."²⁸ He added, "...I've been doing this job for almost fifteen years, and I smell bullshit all the time."²⁹

At that point, Officer Shomody walked around from the driver side of the Jeep to the passenger side near [REDACTED] position in the front seat; as he arrived there, Officer Parisi abruptly ordered [REDACTED] to exit the Jeep and told [REDACTED] to put his hands on the roof of the vehicle.³⁰ Officer Parisi informed [REDACTED] and [REDACTED] that he had decided to detain them because he did not "feel right about anything."³¹ As he and Officer Shomody handcuffed them, Officer Parisi assured them they were not being arrested and promised they would be able to leave in two minutes if their name checks came back clear.³² In a remark apparently aimed at [REDACTED] Officer Parisi added, "But a grown man is supposed to have his ID on him."³³

²⁰ Att. 2 at 3:23 to 3:37.

²¹ Att. 2 at 3:37 to 3:47.

²² Att. 2 at 3:47 to 4:02. (Note: during this timeframe, Officer Shomody walked back to the CPD vehicle, gave Officer Kotrba [REDACTED] ID card and a notepad with [REDACTED] name and birthdate written on it, and then returned to his former position beside the Jeep. See Att. 1 at 3:55 to 4:10; also Att. 3 at 3:56 to 4:11.)

²³ Att. 2 at 4:02 to 4:11; also Att. 1 at 4:10 to 4:19.

²⁴ Att. 2 at 4:11 to 4:13; also Att. 1 at 4:19 to 4:21.

²⁵ Att. 2 at 4:13 to 4:24; also Att. 1 at 4:21 to 4:32.

²⁶ Att. 2 at 4:24 to 4:28; also Att. 1 at 4:32 to 4:36.

²⁷ Att. 2 at 4:28 to 4:32; also Att. 1 at 4:36 to 4:40.

²⁸ Att. 2 at 4:32 to 4:40; also Att. 1 at 4:40 to 4:48.

²⁹ Att. 2 at 4:40 to 4:44; also Att. 1 at 4:48 to 4:52.

³⁰ Att. 2 at 4:44 to 4:54; also Att. 1 at 4:52 to 5:02.

³¹ Att. 2 at 4:54 to 4:58; also Att. 1 at 5:02 to 5:06.

³² Att. 2 at 4:58 to 5:07; also Att. 1 at 5:06 to 5:15.

³³ Att. 2 at 5:07 to 5:09; also Att. 1 at 5:15 to 5:17.

When ██████ complained about being detained, Officer Parisi tapped his hand on ██████ shoulder several times for emphasis while saying, “Hey, you’ll be out of here in two minutes. If a passenger starts making more of a beef, then he’s [gesturing toward ██████] gonna get the – catch the blunt (*sic*) of it.”³⁴ As Officer Shomody performed a protective pat down on ██████ Officer Parisi told him that he needed to carry identification with him so the police can find out know who he is.³⁵ Officer Parisi attempted to continue speaking, but ██████ quietly spoke over him and argued that he could be identified without the necessity of carrying an ID.³⁶ Officer Shomody began picking up items inside the front passenger area of the Jeep while Officer Parisi responded ██████ interruptions by asking him, “Okay, are you gonna do the talking or do you want to hear what I’m telling you?”³⁷ Speaking to both ██████ and ██████ Officer Parisi began telling them that they had been observed as they “jumped” into a vehicle and used an alley as a throughway, but ██████ interrupted him again to deny that he had jumped into the vehicle; Officer Parisi responded with evident exasperation as he said, “Oh, okay. Jesus. Alright.”³⁸ Officer Shomody asked if there was anything illegal inside the Jeep; both ██████ and ██████ answered no, after which Officer Shomody began searching the vehicle’s interior.³⁹ Officer Parisi lowered his voice to a whisper and told ██████ and ██████ that this situation seemed suspicious to him, adding that he had often observed people doing “weird stuff” in this neighborhood such as making U-turns and then parking on other people’s driveways.⁴⁰ He said, “I mean, I don’t do that in my own neighborhood,” to which ██████ replied that he was actually from this area.⁴¹

While Officer Parisi continued to discuss his suspicions with ██████ Officer Shomody approached the CPD vehicle and called Officer Kotrba to come help him remove ██████ from the backseat area of the Jeep.⁴² ██████ exited from the vehicle and denied having any weapons or illegal items on her person; she moved to a position at the rear of the vehicle while Officer Parisi told ██████ and ██████ that he believed they were being mostly honest with him and probably were not engaged in any illegal activity.⁴³ When ██████ and ██████ expressed disbelief and complained about how he had detained them, Officer Parisi told them, “(e)verybody gets detained when they get out of the car.”⁴⁴

Officer Shomody searched inside the rear passenger area of the Jeep while Officer Parisi asked ██████ “Where do you live, young lady?”⁴⁵ When she answered that she lived in Wilmette, Officer Parisi responded with apparent surprise as he loudly repeated “Wilmette!”⁴⁶ As Officer Shomody searched inside the Jeep he picked up a black backpack that had been lying underneath

³⁴ Att. 2 at 5:09 to 5:18; also Att. 1 at 5:17 to 5:26.

³⁵ Att. 2 at 5:18 to 5:34; also Att. 1 at 5:26 to 5:42.

³⁶ Att. 2 at 5:34 to 5:40; also Att. 1 at 5:42 to 5:58.

³⁷ Att. 2 at 5:40 to 5:43; also Att. 1 at 5:48 to 5:51.

³⁸ Att. 2 at 5:43 to 5:52; also Att. 1 at 5:51 to 6:00.

³⁹ Att. 2 at 5:52 to 6:02; also Att. 1 at 6:00 to 6:10.

⁴⁰ Att. 2 at 6:02 to 6:08; also Att. 1 at 6:10 to 6:16.

⁴¹ Att. 2 at 6:08 to 6:15; also Att. 1 at 6:16 to 6:23.

⁴² Att. 2 at 6:15 to 6:26, Att. 1 at 6:23 to 6:34, and Att. 3 at 6:24 to 6:35.

⁴³ Att. 2 at 6:26 to 6:38, Att. 1 at 6:34 to 6:46, and Att. 3 at 6:35 to 6:47.

⁴⁴ Att. 2 at 6:26 to 6:44, Att. 1 at 6:46 to 6:52, and Att. 3 at 6:47 to 6:53.

⁴⁵ Att. 2 at 6:44 to 6:46, Att. 1 at 6:52 to 6:54, and Att. 3 at 6:53 to 6:55.

⁴⁶ Att. 2 at 6:46 to 6:51, Att. 1 at 6:54 to 6:59, and Att. 3 at 6:55 to 7:00.

a jacket on the backseat and appeared to search inside it.⁴⁷ Officer Shomody moved out of the rear seat area of the Jeep and began searching the driver side front-seat area while Officer Kotrba searched inside a hole in the inner panel of the driver side rear passenger door.⁴⁸ Officer Parisi and █████ continued to converse about the circumstances of this stop and █████ mentioned that he recalled having encountered Officer Shomody in the past; at approximately the same time, Officer Shomody concluded his search of the Jeep's front-seat area and Officer Kotrba searched inside what appeared to be a crumpled foil snack bag that he found in the interior storage pocket of the vehicle's driver-side front door.⁴⁹

Officer Shomody walked around the Jeep, opened the passenger-side rear door, and continued searching the backseat area while Officer Parisi and Officer Kotrba began removing the handcuffs from █████ and █████.⁵⁰ Officer Shomody appeared to examine the backpack on the backseat for a second time; at the same time, █████ commented that he felt violated by this experience, which prompted Officer Parisi to say, "You feel violated? Well, listen man, I don't take a chance, I don't take a chance with anyone out here."⁵¹ While Officer Shomody finished his search of the Jeep's backseat and closed the vehicle door, █████ complained to Officer Parisi about being detained after he had complied with orders and provided his drivers' license, to which Officer Parisi replied, "... I don't know you, though. If I gave you, if I gave you my license, would you know me? No."⁵² After █████ continued to argue, Officer Parisi told him, "You're like, you're going overboard on it. You're, you're like upset about getting it – it's a traffic stop and you're already out of the car. Anyone that I pull out of a car gets detained, okay? That's just how it goes. If you don't like it, then you gotta move somewhere else."⁵³ The BWC recordings end as all three of the officers returned to their CPD vehicle.⁵⁴

COPA conducted an audio-recorded interview with Officer Parisi, during which he explained that he and his partners had two reasons for stopping █████ and his passengers: first, because the officers had observed █████ using an alley as a throughway, and second, because █████ license plate registration was expired.⁵⁵ He also said the fact that █████ had then parked in the driveway of what appeared to be an abandoned house seemed suspicious, and further

⁴⁷ Att. 1 at 6:59 to 7:18. (Note: Although the angle of Officer Shomody's BWC did not show his hand movements, the sound of a zipper being manipulated twice may be heard on the audio track; this suggests that Officer Shomody most likely opened and searched inside the backpack. Additionally, Officer Kotrba's BWC shows that the backpack's main pouch was left open after Officer Shomody searched the backseat area. See Att. 3 at 7:48 to 7:58.)

⁴⁸ Att. 1 at 7:18 to 7:59; also Att. 3 at 7:19 to 8:00. (Note: Officer Shomody's search of the front seat area most likely included a search inside the center console; the angle of his BWC was pointed directly down at the driver's seat and did not directly reveal what his hands were doing, but the sound of a compartment door being opened and closed may be heard on the recording.)

⁴⁹ Att. 2 at 7:51 to 8:12, Att. 1 at 7:59 to 8:21, and Att. 3 at 8:00 to 8:22.

⁵⁰ Att. 2 at 8:12 to 8:40, Att. 1 at 8:21 to 8:48, and Att. 3 at 8:22 to 8:49.

⁵¹ Att. 2 at 8:40 to 8:48, Att. 1 at 8:48 to 8:56, and Att. 3 at 8:49 to 8:57.

⁵² Att. 2 at 8:48 to 8:57, Att. 1 at 8:56 to 9:05, and Att. 3 at 8:57 to 9:06.

⁵³ Att. 2 at 8:57 to 9:28, Att. 1 at 9:05 to 9:36, and Att. 3 at 9:06 to 9:37. (Note: during this time, Officer Kotrba's BWC shows that he returned to the CPD vehicle and removed three blue cards from the glovebox. These did not appear to be Investigatory Stop Report receipts, and the videos do not show the officers giving the blue cards or any other documentation to █████ or █████)

⁵⁴ Att. 2 at 9:28 to 10:03, Att. 1 at 9:36 to 10:16, and Att. 3 at 9:37 to 10:16.

⁵⁵ Att. 26, pg. 7, lns. 12 to 15.

noted that ██████ license plate had been linked to an address in Blue Island, rather than to any residence near the location of the stop.⁵⁶

Officer Parisi stated ██████ had seemed very nervous when the Officers spoke to him and had initially been moving his hands into and out of his pockets.⁵⁷ He also added that ██████ had begun asking the Officers what he referred to as “‘Why you-all’ questions” from the very start of this encounter.⁵⁸ What Officer Parisi found most concerning, however, was the fact that ██████ had immediately exited from his vehicle after he parked it, which might have indicated that ██████ had a weapon or other contraband inside the vehicle and was therefore trying to draw the officers’ attention away from its interior.⁵⁹

Officer Parisi related that after he ordered ██████ to take his hands out of his pockets, ██████ complied by raising his arms up in the air; Officer Parisi said he interpreted this arm-raising gesture as a non-verbal signal that ██████ was giving consent to be patted down.⁶⁰ When asked to explain why he had performed a pat-down on ██████ he answered, “Pat-downs are conducted on everyone that comes out of a vehicle.”⁶¹ He went on to say that most of the people he detains consent to being patted-down “...if they have nothing to hide.”⁶² He said the fact that ██████ had exited his vehicle so quickly raised officer safety concerns, and reiterated his view that ██████ act of submissively raising his hands meant he was giving consent for a weapons pat-down, even though this was not verbally expressed.⁶³

While discussing his interaction with ██████ Officer Parisi stated that ██████ had been annoyed and irate about being stopped; however, Officer Parisi explained that he had received training on how to “decompress” a person in such situations.⁶⁴ He said he was initially understanding toward ██████ anger, but said, “...when it continued, I brought it up a level, got to his level, told him what – what we’re capable of.”⁶⁵ He described how he had given ██████ a choice: to either receive numerous citations, or to cooperate with the officers’ investigation and be swiftly released – provided no illegal activity was discovered.⁶⁶ This tactic, he said, alleviated the tension in the encounter.⁶⁷ He further expressed his belief that this stop had ended on a positive note, and said he did not understand why there had been complaints about it.⁶⁸ Officer Parisi acknowledged that he had used profanity while speaking to the detainees during this stop, but

⁵⁶ Att. 26, pg. 7, lns. 16 to 18.

⁵⁷ Att. 26, pg. 10, lns. 5 to 10.

⁵⁸ Att. 26, ph. 10, lns. 10 to 11. (Note: COPA observes that Officer Parisi could have made his point here by simply stating that ██████ had asked questions since the beginning of the stop, but by instead referring to his queries as “‘Why you-all’ questions” he implied an attitude of negative judgment.)

⁵⁹ Att. 26, pg. 10, lns. 17 to 24.

⁶⁰ Att. 26, pg. 11, lns. 6 to 17.

⁶¹ Att. 26, pg. 12, lns. 6 to 9.

⁶² Att. 26, pg. 12, lns. 10 to 11.

⁶³ Att. 26, pg. 12, lns. 11 to 23.

⁶⁴ Att. 26, pg. 14, lns. 3 to 11.

⁶⁵ Att. 26, pg. 14, lns. 12 to 15.

⁶⁶ Att. 26, pg. 14, lns. 15 to 20.

⁶⁷ Att. 26, pg. 14, lns. 21 to 22.

⁶⁸ Att. 26, pg. 15, lns. 13 to 15.

justified this by saying that sometimes people understand vulgarity and profanity better than polite speech.⁶⁹

A segment of the BWC recording was played during the interview; the clip began with Officer Parisi telling ██████ that he needed to be educated before he could discuss the subject of police profiling with him, and ended with Officer Parisi warning him, “Don’t start, because I’ll write you every ticket in the book and then we’ll, uh, we’ll tear this bitch apart because we have reason to believe there might be something in there that you’re hiding.”⁷⁰ When asked if he considered his speech toward ██████ to have been appropriate in this situation, Officer Parisi asserted that it was appropriate, although he conceded that he could have framed his words differently.⁷¹ He denied that he had been questioning ██████ intelligence, and stated that he was reducing ██████ level of agitation by warning him of the repercussions he would receive if he continued to argue against the officers.⁷² In Officer Parisi’s view, he and his partners actually “decompressed the whole situation” as a result of his addressing ██████ in this manner.⁷³ He acknowledged that he had used profanity during this incident, but he defended this as routine conduct, saying, “...this is how it goes out there every day.”⁷⁴

When asked if he thought it had been appropriate to tell ██████ he had to “be educated,” Officer Parisi answered, “Yeah, it is. If you’re going to question an officer who has to be educated to take this job, then you better be educated yourself and know your laws if you’re going to question what I’m doing.”⁷⁵ He went on to state that would not allow anyone to continue questioning his authority after he had explained the law to them once, saying, “...you’re not going to keep going at me when I’ve explained it to you already and told you exactly the reason.”⁷⁶

Officer Parisi said he had decided to handcuff ██████ because he had been moving around frequently and his speech indicated he was becoming frustrated with the situation; according to Officer Parisi, these behaviors led him to be concerned that ██████ might run away.⁷⁷ He pointed out how he had not performed a full pat-down on ██████ and had informed him that he was not under arrest but was only being detained.⁷⁸ Officer Parisi also said he wanted to add that he and his partners asked ██████ two passengers to exit from the vehicle at this point in the stop, and in order to maintain officer safety while managing the movements of these three people he felt it was necessary to detain ██████⁷⁹

Another BWC clip was played, and Officer Parisi was asked why he had made the comment that a grown man was supposed to have his ID with him; he answered that carrying identification

⁶⁹ Att. 26, pg. 15, lns. 16 to 20.

⁷⁰ Att. 26, pg. 16, lns. 2 to 7; also Att. 2 at 3:57 to 4:25.

⁷¹ Att. 26, pg. 16, lns. 8 to 12.

⁷² Att. 26, pg. 16, lns. 13 to 22.

⁷³ Att. 26, pg. 16, lns. 23 to 24.

⁷⁴ Att. 26, pg. 17, lns. 5 to 6.

⁷⁵ Att. 26, pg. 17, lns. 7 to 13.

⁷⁶ Att. 26, pg. 17, lns. 15 to 17.

⁷⁷ Att. 26, pg. 17, lns. 20 to 24.

⁷⁸ Att. 26, pg. 18, lns. 1 to 10.

⁷⁹ Att. 26, pg. 18, lns. 17 to 23.

was something a responsible person over the age of eighteen is supposed to do.⁸⁰ As if to support his point, he stated that many homicide victims are discovered without any identification, and then repeated his position that a grown man should have carried an ID.⁸¹ Following this, a final BWC clip was played from the point in the stop when Officer Parisi had told ██████ that whenever he stopped a vehicle he detained all of the occupants; when asked if this was an accurate statement, Officer Parisi answered that it was not.⁸² He explained that he did not approach all traffic stops in the same way, and did not remove citizens from their vehicles in each case, but in this particular case he and his partners had been alarmed by the fact that ██████ had immediately exited his vehicle of his own volition; this, he said, had been the reason why ██████ passengers had been ordered to also exit the vehicle.⁸³ He stated that at the conclusion of the stop, he and the other officers had used their discretion and had declined to issue a citation for ██████ expired license plate registration.⁸⁴

With regard to the ISRs associated with this stop, Officer Parisi stated that he had personally completed them and made identical entries on all three of them.⁸⁵ When asked to explain why he had reported on all the ISRs that protective pat downs were conducted with consent, he answered that he had made a mistake while filling out the forms too quickly.⁸⁶ He asserted that he had received permission from ██████ to conduct a pat down; he explained that when he ordered ██████ to remove his hands from his pockets ██████ had responded by raising both his hands up, and he interpreted this as a gesture indicating that ██████ was willing to be searched.⁸⁷ He acknowledged that he checked the wrong box on the ISRs for ██████ and ██████ thereby incorrectly reporting that they had consented to pat downs.⁸⁸ Officer Parisi said he had been concerned about a suspicious bulge in the front pocket of ██████ sweatshirt, and had noted this on ██████ ISR, but he admitted that he incorrectly copied this language into the other two ISRs even though he had not identified any such bulges on the persons of ██████ or ██████⁸⁹ He admitted that no ISR receipts had been given to ██████ or the others, and explained that they had not had any receipt cards with them at the time.⁹⁰ He went on to say that this may have occurred because they had forgotten to request the cards before beginning their daily assignment, but also said there had been a general shortage of these documents at the time of this stop.⁹¹

Although Officer Parisi admitted fault for failing to issue ISR receipts and for entering incorrect information on two of the three ISRs, he denied all the other allegations against him.

⁸⁰ Att. 26, pg. 19, lns. 5 to 13; also Att. 2 at 5:04 to 5:11. (Note: when viewed in the greater context of the video, it is apparent that this comment was specifically directed toward ██████ who did not have any identification with him during this stop.)

⁸¹ Att. 26, pg. 19, lns. 13 to 19.

⁸² Att. 26, pg. 22, lns. 10 to 16.

⁸³ Att. 26, pgs. 22 to 24.

⁸⁴ Att. 26, pg. 25, lns. 5 to 7.

⁸⁵ Att. 26, pg. 25, lns. 19 to 23.

⁸⁶ Att. 26, pgs. 25 to 26.

⁸⁷ Att. 26, pg. 26, lns. 4 to 10.

⁸⁸ Att. 26, pgs. 26 to 27.

⁸⁹ Att. 26, pgs. 27 to 28.

⁹⁰ Att. 26, pg. 28, lns. 18 to 20.

⁹¹ Att. 26, pgs. 28 to 29.

Officers Kotrba and Shomody also gave statements to COPA; their accounts of this stop were both substantially similar to Officer Parisi's depiction of events. They affirmed that the reason for this stop had been based on their observation of several facts: ██████ had been operating a vehicle with an expired license plate registration, he had used an alley as a throughway, he parked on a driveway adjacent to what appeared to be an empty house, and once parked, he immediately exited the vehicle and walked around it.⁹²

Officer Shomody stated that ██████ had told them his vehicle had electrical problems which prevented the tinted windows from being lowered, but this was proven to be false when Officer Shomody opened the unlocked driver's door and lowered the rear windows himself.⁹³ When asked for the reasons why ██████ and ██████ had been removed from the vehicle, and why he had searched the vehicle, Officer Shomody explained that based on ██████ driving maneuvers, his swift exit from the vehicle, and his dishonesty about the functionality of the vehicle's windows, he and his fellow officers had reason to believe there might be contraband in the vehicle; consequently, he said, it had been necessary to investigate further by removing the vehicle occupants and conducting a search.⁹⁴ He also explained that ██████ had been handcuffed⁹⁵ and patted down⁹⁶ as an officer safety measure, although he could not recall why ██████ had not also been handcuffed.⁹⁷ Officer Shomody stated that he did not believe he had patted down ██████ and did not recall if anyone else had done so.⁹⁸ When asked if he had obtained consent from ██████ prior to patting him down, he answered that he could not remember asking for consent.⁹⁹ He said he and his partners had not issued ISR receipts at the conclusion of the stop because they did not have any of the forms with them, and he stated that it was common for them to have a shortage of necessary field documents.¹⁰⁰ He denied all the other allegations brought against him.¹⁰¹

During his interview with COPA, Officer Kotrba stated that his role in searching ██████ Jeep had been limited to an examination of the driver-side rear door panel.¹⁰² He explained that there was a hole in the door, and he had seen something inside the hole which might have been a white baggie of narcotics; however, once he felt inside the hole he found the item was only a discarded wrapper.¹⁰³ When asked if he and his partners had issued ISR receipts after the stop, he admitted they had not because they did not have the necessary receipt cards.¹⁰⁴ He denied the other allegations.¹⁰⁵

⁹² Att. 25, pgs. 7 to 8; also Att. 27, pg. lns. 8 to 22.

⁹³ Att. 27, pg. 10, lns. 10 to 20.

⁹⁴ Att. 27, pgs. 11 to 12.

⁹⁵ Att. 27, pg. 11, lns. 22 to 24.

⁹⁶ Att. 27, pg. 12, lns. 4 to 5.

⁹⁷ Att. 27, pgs. 11 to 12.

⁹⁸ Att. 27, pg. 12, lns. 20 to 23.

⁹⁹ Att. 27, pg. 13, lns. 8 to 13.

¹⁰⁰ Att. 27, pgs. 14 to 15.

¹⁰¹ Att. 27, pgs. 22 to 24.

¹⁰² Att. 25, pg. 8, lns. 22 to 24.

¹⁰³ Att. 25, pg. 9, lns. 3 to 12.

¹⁰⁴ Att. 25, pg. 9, lns. 19 to 23.

¹⁰⁵ Att. 25, pg. 12, lns. 3 to 15.

COPA attempted to conduct an interview with [REDACTED] but although he agreed to schedule appointments on several occasions, he did not follow through on any of those dates and his statement was never obtained.

III. ALLEGATIONS

Officer Matthew Parisi:

1. Detaining the occupants of [REDACTED] vehicle without justification.
 - Exonerated.
2. Performing a pat-down on [REDACTED] without justification.
 - Exonerated.
3. Engaging in an unjustified verbal altercation with [REDACTED] and/or [REDACTED]
 - Sustained, Violation of Rules 2, 3, 6, 8, and 9.
4. Failing to issue Investigatory Stop Report receipts.
 - Sustained, Violation of Rules 2, 3, 5, 6, and 10.
5. Providing an inaccurate statement by writing that protective pat downs were conducted based on consent, in the Investigatory Stop Reports completed for this incident (ISR #s ISR021100201, ISR021100221, and ISR021100279).
 - Sustained, Violation of Rules 2, 3, 5, 6, and 10.

Officer Steven Kotrba:

1. Detaining the occupants of [REDACTED] vehicle without justification.
 - Exonerated.
2. Searching [REDACTED] vehicle without justification.
 - Exonerated.
3. Failing to issue Investigatory Stop Report receipts.
 - Sustained, Violation of Rules 2, 3, 5, 6 and 10.

Officer Craig Shomody:

1. Detaining the occupants of [REDACTED] vehicle without justification.
 - Exonerated
2. Performing a pat-down on [REDACTED] without justification.
 - Exonerated.
3. Searching [REDACTED] vehicle without justification.
 - Exonerated.
4. Failing to issue Investigatory Stop Report receipts.
 - Sustained, 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 accurately recall the event from

memory. “Credibility involves more than demeanor. It apprehends the over-all evaluation of testimony in the light of its rationality or internal consistency and the manner in which it hangs together with other evidence.”¹⁰⁶

COPA notes that the BWC evidence shows ██████ claiming that his vehicle was experiencing electrical problems, which prevented its windows from being lowered. This was proven to be inaccurate when Officer Shomody subsequently lowered the rear windows. It is possible that ██████ meant that only the front windows were not functioning, but if this had been the case, one would not expect ██████ to have said that none of the windows were operational. ██████ did not provide COPA with a statement to present his side of this encounter, and in the absence of his testimony COPA is left to assess his motives by the BWC recordings alone. Consequently, COPA finds that his conduct during this segment of the stop was not forthcoming, and his credibility is diminished accordingly. Aside from that point, this investigation did not reveal any evidence that caused COPA to doubt the credibility of any of the individuals, sworn or unsworn, who provided statements.

V. ANALYSIS¹⁰⁷

a. The Investigatory Stop and the detention of the vehicle occupants was justified under the circumstances of this incident

COPA finds that Allegation #1 against Officers Parisi, Kotrba, and Shomody, that of having detained ██████ and the occupants of his vehicle without justification, is **exonerated**. CPD members are authorized to conduct an Investigatory Stop “based on Reasonable Articulate Suspicion that the person is committing, is about to commit, or has committed a criminal offense.”¹⁰⁸ In this situation, the officers initially observed ██████ using an alley as a throughway to reach the next block, a minor traffic infraction. Following this, they confirmed that his license plate registration was expired. Either of these violations would have been sufficient to justify conducting an Investigatory Stop on ██████ which in turn would necessitate the detention of the passengers in ██████ vehicle. Nothing about this particular aspect of the incident was contrary to CPD policy, and therefore COPA finds that Allegation #1 against Officers Parisi, Kotrba, and Shomody is exonerated by clear and convincing evidence.

b. The vehicle searches conducted by Officers Shomody and Kotrba

COPA finds that Allegation #2 against Officer Kotrba and Allegation #3 against Officer Shomody are **exonerated**. The Fourth Amendment to the U.S. Constitution protects citizens from unreasonable searches.¹⁰⁹ Searches without a warrant are presumed to be unreasonable except under certain circumstances. Under the “automobile exception” to the search warrant requirement, “law enforcement officers may undertake a warrantless search of a vehicle if there is probable cause to believe that the automobile contains evidence of criminal activity that the officers are

¹⁰⁶ *Carbo v. United States*, 314 F.2d 718, 749 (9th Cir. 1963).

¹⁰⁷ For a definition of COPA’s findings and standards of proof, see Appendix B.

¹⁰⁸ Att. 30, S04-13-09 (II)(A), Investigatory Stop System (effective July 10, 2017 to present).

¹⁰⁹ U.S. Const. amend IV.

entitled to seize.”¹¹⁰ When officers have such probable cause, the search may extend to “all parts of the vehicle in which contraband or evidence could be concealed, including closed compartments, containers, packages, and trunks.”¹¹¹ Officers are not limited to searching the driver’s possessions; “police officers with probable cause to search a car may [also] inspect passengers’ belongings found in the car that are capable of concealing the object of the search.”¹¹² “Probable cause exists when based on known facts and circumstances, a reasonably prudent person would believe that contraband or evidence of a crime will be found in the place to be searched.”¹¹³ The standard is an objective one, viewed from the perspective of a reasonable officer, who is allowed to rely on their training and experience.¹¹⁴

In the case of the vehicle searches conducted in this incident, it is evident that the officers observed several suspicious behaviors from ██████████ (parking beside an empty building when the police approached, immediately exiting his vehicle, claiming to have electrical problems that caused him to stop there, being reluctant to have the vehicle’s windows rolled down) and it is equally evident that a reasonable officer would have considered these behaviors suggestive of the possibility that contraband or evidence of a crime might be found in the vehicle. In COPA’s assessment, the circumstances of this situation, and particularly ██████████ false claim that the vehicle’s window mechanisms were not functioning, established probable cause that criminal activity was likely underway and justified further investigation inside the vehicle. COPA therefore finds that Allegation #2 against Officer Kotrba and Allegation #3 against Officer Shomody are both exonerated by clear and convincing evidence.

c. The protective pat downs conducted by Officers Parisi and Shomody

COPA finds that Allegation #2 against Officers Parisi and Shomody, that of conducting pat downs without justification, is **exonerated**. CPD 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 sworn member or others in the area.”¹¹⁵ If a sworn CPD member feels an item during the pat down and reasonably believes that item to be a weapon, the member may reach into that area of the person’s clothing to retrieve the object; however, the member is not permitted make a general search for evidence of criminal activity during a pat down.¹¹⁶ According to established policy, members may perform protective pat downs when they possess a reasonable articulable suspicion based on “specific and articulable facts, combined with rational inferences from these facts, 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.”¹¹⁷

¹¹⁰ *People v. James*, 163 Ill. 2d 302, 312 (111. 1994) (citing *Carroll v. United States*, 267 U.S. 132 (1925)).

¹¹¹ *United States v. Richards*, 719 F.3d 746, 754 (7th Cir. 2013) (citing *United States v. Williams*, 627 F.3d 247, 251 (7th Cir. 2010)).

¹¹² *Wyoming v. Houghton*, 526 U.S. 295, 307 (1999).

¹¹³ *U.S. v. Richards*, 719 F.3d 746, 754 (7th Cir. 2013).

¹¹⁴ *U.S. v. Richards*, 719 F.3d 746, 754 (7th Cir. 2013).

¹¹⁵ Att. 30, S04-13-09 (II)(B).

¹¹⁶ Att. 30, S04-13-09 (II)(B).

¹¹⁷ Att. 30, S04-13-09 (II)(C)(2).

As previously stated, the officers observed unusual and suspicious behavior from [REDACTED] both before and during this stop, and as COPA has found that the circumstances of this encounter provided justification for the stop and for the vehicle searches, it similarly finds that for the same reasons Officers Parisi and Shomody were justified in performing pat downs on [REDACTED] and [REDACTED] to ensure the safety of everyone at the scene. The stop could have potentially escalated into a serious threat if one of the detainees had a weapon in their possession, and as the law and CPD policy allows pat downs in a situation such as this it follows that conducting this procedure was a reasonable and prudent precaution. COPA also notes that the officers, all of whom were male, correctly followed CPD policy by not patting down [REDACTED] the female detainee; CPD members are required to limit personal searches to persons of the same gender as themselves except when exigent circumstances are involved and there is no time to wait for an officer of the appropriate gender. As the matter stands, the protective pat downs performed in this scenario were entirely within policy, and COPA therefore finds that Allegation #2 against Officers Parisi and Shomody are exonerated, by clear and convincing evidence.

d. All three officers were responsible for the failure to issue Investigatory Stop Report receipts.

COPA finds that Allegation #4 against Officers Parisi and Shomody, and Allegation #3 against Officer Kotrba, all of which are for failing to issue ISR receipts, are **sustained**. CPD members are required to complete an ISR each time they conduct an Investigatory Stop and in any situation in which a detention occurs but no other documentation exists.¹¹⁸ Additionally, CPD policy states that “(u)pon the completion of an Investigatory Stop that involves a Protective Pat Down or any other search, sworn members are required to provide the subject of the stop a completed Investigatory Stop Receipt. The Investigatory Stop Receipt will include the event number, the reason for the stop, and the sworn member’s name and star number.”¹¹⁹

Here, all three officers acknowledged during their interviews that they did not issue ISR receipts at the conclusion of this stop, but they explained that the reason for this was that they were not equipped with the actual receipt cards that they needed to fulfill this requirement. They stated that it was common for them to experience a shortage of field documents such as these, and implied that this was not a problem of their own making. However, this does not alter the fact that [REDACTED] and [REDACTED] were all entitled to receive an ISR receipt according to CPD directives, and therefore the officers must bear the responsibility for this failure. Consequently, COPA finds that Allegation #4 against Officers Parisi and Shomody and Allegation #3 against Officer Kotrba are sustained as violations of Rules 2, 3, 5, 6, and 10, by a preponderance of the evidence.

e. Officer Parasi’s manner of speech and overall conduct toward the detainees amounted to engaging in an unjustified verbal altercation

COPA finds that Allegation #3 against Officer Parisi, that of engaging in an unjustified verbal altercation with [REDACTED] and/or [REDACTED] is **sustained**. CPD’s Rules of Conduct establish

¹¹⁸ Att.30, S04-13-09 (III)(C-D).

¹¹⁹ Att.30, S04-13-09 (VII)((3).

a list of prohibited acts, including Rule 8, which states that sworn members may not disrespect or maltreat any person, and Rule 9, which prohibits members from engaging in any unjustified verbal or physical altercation with any person.¹²⁰ CPD members are required to maintain a commitment to “observing, upholding, and enforcing all laws relating to individual rights.”¹²¹ At all times, they must ensure that they “interact with all members of the public in an unbiased, fair, and respectful manner,”¹²² and “treat all persons with the courtesy and dignity which is inherently due to every person as a human being.”¹²³ They are expected to “act, speak, and conduct themselves in a courteous, respectful, and professional manner, recognizing their obligation to safeguard life and property, and maintain a courteous, professional attitude.”¹²⁴ Moreover, CPD members are specifically instructed not to “exhibit a condescending attitude or direct any derogatory terms toward any person in any manner,” and they are further enjoined against using language or taking action “intended to taunt or denigrate an individual, including racist or derogatory language.”¹²⁵

Here, the BWC evidence demonstrates that during his interaction with ██████████ and ██████████ Officer Parisi consistently interrupted their attempts to speak with him and at times pointedly ignored them as he suddenly changed the topic of conversation or began speaking to someone else. He used profanity while addressing them, such as when told ██████████ “we’ll tear this bitch apart” in reference to conducting a search of the Jeep.¹²⁶ On several occasions he spoke in a belittling way about the fact that ██████████ did not have an ID, and strongly implied that ██████████ could not be considered a man if he did not carry identification documents.¹²⁷ He said ██████████ was wrong to be upset about being detained by the police, and told him that if he did not like getting pulled out of his vehicle and detained in handcuffs then he should move somewhere else.¹²⁸ When ██████████ challenged him about the aggressiveness of his behavior, Officer Parisi attempted to excuse himself by blaming his conduct on the neighborhood he was working in, saying, “...we’re aggressive over here because there’s a lot of shit that goes on over here.”¹²⁹

During his interview with COPA, Officer Parisi was asked whether he believed it had been appropriate for him to respond to ██████████ remark about profiling by telling him, “You need to know your definitions of profiling and be educated to tell me that.”¹³⁰ Officer Parisi defended his statement by saying, “...if you’re going to question an officer who has to be educated to take this job, then you better be educated yourself and know your laws if you’re going to question what I’m doing.”¹³¹ To further clarify his attitude toward addressing a citizen’s questions, he firmly asserted that he would not allow anyone to continue questioning him after he had already explained the legal basis for his police actions once, saying, “...you’re not going to keep going at me when I’ve

¹²⁰ Rules and Regulations of the Chicago Police Department, Rules 8 and 9, pg. 7 (effective April 16, 2015 to present).

¹²¹ Att. 31, G02-01(III)(A), Protection of Human Rights (effective June 30, 2022 to present).

¹²² Att. 31, G02-01(III)(B)(1).

¹²³ Att. 31, G02-01(III)(B)(2).

¹²⁴ Att. 31, G02-01(III)(B)(3).

¹²⁵ Att. 31, G02-01(III)(B)(4).

¹²⁶ Att. 2 at 4:13 to 4:24; also 4:32 to 4:44.

¹²⁷ Att. 2 at 3:05 to 3:12, 5:07 to 5:09, and 5:18 to 5:43.

¹²⁸ Att. 2 at 8:57 to 9:28.

¹²⁹ Att. 2 at 3:47 to 4:02.

¹³⁰ Att. 2 at 4:02 to 4:11; also Att. 1 at 4:10 to 4:19.

¹³¹ Att. 26, pg. 17, lns. 9 to 13.

explained it to you already and told you exactly the reason.”¹³² Officer Parisi expressed no regret or remorse about his conduct toward ██████████ and ██████████ and consequently COPA finds that Allegation #3 against him is sustained as a violation of Rules 2, 3, 6, 8, and 9, by a preponderance of the evidence.

f. Concerning Officer Parisi’s inaccurate statement on the Investigatory Stop Reports

COPA finds that Allegation #5 against Officer Parisi, that he provided an inaccurate statement by writing in the ISRs he authored that the protective pat-downs for this stop were conducted with consent, is **sustained**. In order to uphold the law and maintain the safety of Chicago’s citizens, CPD members are sanctioned to wield authoritative powers which greatly exceed those possessed by the populace at large. As a consequence of the extraordinary trust which has been placed in them, CPD members are required to maintain a high ethical standard in every aspect of their conduct. In particular, members are expected to be truthful and forthright in all official communications and reports. During Officer Parisi’s interview with COPA, he stated that he believed ██████████ had silently signified that he was giving consent to be searched when he voluntarily raised his arms up. This, he claimed, justified him to check the box on ██████████ ISR which indicated that consent was given for that particular protective pat down. However, Officer Parisi acknowledged that when he also filled out the ISRs for ██████████ and ██████████ he had made a mistake by also checking the same box on those forms. He stated that these were clerical errors and given the fact that the video evidence shows no pat down was ever actually performed on ██████████ COPA is inclined to accept that these were truly mistakes rather than intentional acts of false reporting. Nevertheless, Officer Parisi’s errors prove that he committed a form of misconduct through inattention to duty, and COPA therefore finds that Allegation #5 against him is sustained as a violation of Rules 2, 3, 5, 6, and 10, by a preponderance of the evidence.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Matthew Parisi

i. Complimentary and Disciplinary History¹³³

Officer Parisi’s complimentary history is comprised of 131 awards, the highlights of which include seven Department Commendations, one Honorable Mention Ribbon Award, and two Traffic Stop of the Month Awards. His disciplinary history includes an October 2023 SPAR for Failure to Perform Assigned Tasks, resulting in no disciplinary action.

ii. Recommended Discipline

COPA has found that Officer Parisi violated Rules 2, 3, 5, 6, 8, 9, and 10 when he engaged in an unjustified verbal altercation, failed to issue ISR receipts, and provided an inaccurate statement in an ISR.

¹³² Att. 26, pg. 17, lns. 15 to 17.

¹³³ Att. 32.

In aggravation, COPA notes that Officer Parisi used unnecessarily disrespectful language with ██████ and arguably threatened ██████ with retaliation when he warned that ██████ would “catch the blunt of it” if ██████ complained. In addition, Officer Parisi’s behavior only served to escalate the situation while his condescending attitude and use of profanity, all captured on BWC, reflected poorly on CPD. Finally, COPA notes that Officer Parisi had been an officer for over 10 years at the time of this incident, so his misconduct cannot be attributed to lack of experience or training.

In mitigation COPA has considered Officer Parisi’s extensive complimentary history. COPA also notes that he accepted some responsibility for his actions by acknowledging that no ISR receipts were given and by explaining that he made a mistake in the ISRs because he filled them out too quickly.

In light of these aggravating and mitigating factors, COPA recommends a penalty of a **5-day suspension** and **retraining** on Professionalism and CPD’s ISR policy.

b. Officer Steven Kotrba

i. Complimentary and Disciplinary History¹³⁴

Officer Kotrba’s complimentary history is comprised of 48 awards, the highlights of which include three Department commendations. His disciplinary history includes one sustained finding for a December 2020 incident involving late BWC activation, resulting in a reprimand.

ii. Recommended Discipline

COPA has found that Officer Kotrba violated Rules 2, 3, 5, 6, and 10 when he failed to issue ISR receipts. In mitigation, COPA notes that Officer Kotrba had a limited role in this incident, as he spent much of it in the CPD vehicle running names. He also acknowledged that no ISR receipts were given, explaining that the officers did not have receipts to give, due to a possible supply shortage. Officer Kotrba also has a notable complimentary history.

In light of Officer Kotrba’s complimentary history, as well as his limited role in this incident likely attributable to a supply shortage, COPA recommends a penalty of a **violation noted**.

c. Officer Craig Shomody

i. Complimentary and Disciplinary History¹³⁵

Officer Shomody’s complimentary history is comprised of 57 awards, the highlights of which include one Life Saving Award and five Department Commendations. His disciplinary history includes a January 2024 reprimand for inattention to duty.

¹³⁴ Att. 33.

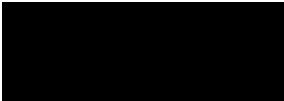
¹³⁵ Att. 34.

ii. Recommended Discipline

COPA has found that Officer Shomody violated Rules 2, 3, 5, 6, and 10 when he failed to issue ISR receipts. In mitigation, COPA notes that Officer Shomody also had a limited role in this incident. He acknowledged that ISR receipts were not issued after the traffic stop and explained that it was common for officers to lack necessary forms. COPA also notes Officer Shomody’s noteworthy complimentary history.

In light of Officer Shomody’s complimentary history, as well as his limited role in this incident likely attributable to a supply shortage, COPA recommends a penalty of a **violation noted**.

Approved:



Steffany Hreno
Director of Investigations

9/4/2024

Date

Appendix ACase Details

Date/Time/Location of Incident:	March 23, 2023 / 12:23 pm / 316 W. 106 th St., Chicago, IL
Date/Time of COPA Notification:	March 23, 2023 / 2:36 pm
Involved Officer #1:	Officer Mathew Parisi / Star #9649 / Employee ID # [REDACTED] / Date of Appointment: October 5, 2012 / Unit of Assignment: 005 th District / Male / White
Involved Officer #2:	Officer Steven Kotrba / Star #4477 / Employee ID # [REDACTED] / Date of Appointment: November 16, 2017 / Unit of Assignment: 005 th District / Male / White
Involved Officer #3:	Officer Craig Shomody / Star # 14712 / Employee ID # [REDACTED] / Date of Appointment: February 2, 2015 / Unit of Assignment: 005 th District / Male / White
Involved Individual #1:	[REDACTED] / Male / Black
Involved Individual #2:	[REDACTED] / Male / Black
Involved Individual #3:	[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.

Applicable Policies and Laws

- Rules and Regulations of the Chicago Police Department (effective April 16, 2015 to present).
- G02-01: Protection of Human Rights (effective June 30, 2022 to present).
- 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.¹³⁶ 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.”¹³⁷

¹³⁶ 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).

¹³⁷ *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