



Log # 2023-0003211

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On June 20, 2023, the Civilian Office of Police Accountability (COPA) received a telephone complaint from ██████████ reporting alleged misconduct by a member of the Chicago Police Department (CPD). ██████████ alleged that on June 18, 2023, Officer Stephen Heinz stopped him, harassed him, and transported him to another location, all without justification.² Upon review of the evidence, COPA served an allegation that Officer Heinz arrested ██████████ without justification. Following its investigation, COPA reached a not sustained finding.

II. SUMMARY OF EVIDENCE³

On June 18, 2023, at around 5:29 pm, Officer Heinz and his partner, Officer Renard Morgan, were on duty in the area of 6300 South Artesian Avenue. Officer Heinz received a phone call from an officer working in the Strategic Decision Support Center (SDSC) room, who told him that they were looking for a black male wearing a white undershirt who ran from CPD officers earlier that day.⁴

Officer Heinz approached a man who matched the description, now known as ██████████ standing on the sidewalk with a cup in his hand.⁵ Officer Heinz asked ██████████ what was in his cup, and ██████████ responded that it was a slushy.⁶ During a brief conversation, ██████████ denied that he had been selling anything earlier, and he offered to allow Officer Heinz to search him. Officer Heinz did not conduct a pat down and instead began walking away from ██████████. ██████████ complained that Officer Heinz should not just walk up to people like that because it could start a conflict.⁷ ██████████ then crossed the street by walking in front of a car that was blocking a portion of the crosswalk.⁸ As ██████████ walked around the car, he was at least five feet outside the crosswalk.

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, In Car Camera (ICC), CPD reports, and officer interviews.

⁴ Att. 6, Event Query; Att. 26, Transcript of Officer Heinz, pgs. 8 to 9; Att. 25, Transcript of Officer Morgan, pg. 8.

⁵ Att. 26, pg. 8; Att. 4, BWC of Officer Heinz at 17:30:25.

⁶ Att. 26, pg. 13; Att. 25, pg. 9; Att. 4 at 17:30:35.

⁷ Att. 4 at 17:31:05.

⁸ Att. 26, pgs. 9 and 13; Att. 4 at 17:31:17.

Officer Heinz told ██████ that he was obstructing the roadway.⁹ Officer Heinz placed handcuffs on ██████ and put him in the back of the CPD vehicle.¹⁰ Officer Heinz told Officer Morgan to go to the “spot,”¹¹ and Officer Morgan drove the CPD vehicle to a vacant parking lot about two blocks away.¹² ██████ argued that he was not obstructing the vehicle because the vehicle was obstructing him from crossing the street using the crosswalk.¹³ Officer Heinz wrote ██████ a citation for obstructing vehicular traffic and released him.¹⁴

In their statements to COPA, both officers explained that the reason they drove ██████ to the parking lot was because the location where they initially detained him was a high crime area with multiple shootings, and they wanted to conduct the investigatory stop in a safer area.¹⁵

Officer Heinz also told COPA that, while it was true that a vehicle was stopped in the crosswalk and he could have cited the driver of that vehicle for obstructing the crosswalk, he chose not to because: (1) he had already been engaging with ██████ and (2) he was concerned that the driver might have taken his foot off the brake and “caused great injury to Mr. ██████”¹⁶

III. ALLEGATIONS

Officer Stephen Heinz:

1. Arrested ██████ without justification.
 - Not Sustained.

IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual’s truthfulness and 2) the reliability of the individual’s account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual’s ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory.

In this case, Officer Heinz’s judgment that ██████ was obstructing the vehicle in the crosswalk is undermined by the BWC footage, which shows that ██████ did attempt to use the crosswalk; however, because there was a vehicle stopped in the crosswalk, ██████ walked around the front of the vehicle to continue across the street. This raises questions about Officer Heinz’s reliability, as it appears he did not accurately perceive the event at the time it occurred.

⁹ Att. 26, pg. 9; Att. 4 at 17:31:25.

¹⁰ Att. 25, pgs. 10 and 11; Att. 4 at 17:31:33.

¹¹ Att. 25, pgs. 12 and 16; Att. 4 at 17:32:44 to 17:32:53.

¹² Att. 25, pg. 11.

¹³ Att. 4 at 17:36:00 to 17:36:46; Att. 5, BWC of Officer Morgan from 17:35:58 to 17:36:46. COPA notes that Officer Morgan did not timely activate his BWC during this incident. See CMS Note CO-1413189.

¹⁴ Att. 25, pg. 13; Att. 4 from 17:36:46 to 17:46:45; Att. 5 at 17:46:40; Att. 2, ICC from 2:54 to 4:15.

¹⁵ Att. 25, pgs. 11 and 12; Att. 26, pg. 17.

¹⁶ Att. 26, pgs. 14 and 15.

Officer Morgan had difficulty recalling the incident and did not remember why the stop occurred. Given the fairly routine nature of the investigatory stop, and the fact that Officer Morgan was interviewed more than a year after the incident, COPA does not question the truthfulness of his inability to recall the incident.

██████████ alleged to COPA that Officer Heinz improperly stopped him, handcuffed him, transported him to another location, and harassed him, but he was unresponsive to COPA's attempts to interview him.¹⁷ Nonetheless, the BWC footage largely corroborates ██████████ initial phone complaint to COPA.

V. ANALYSIS¹⁸

COPA finds the allegation that Officer Heinz arrested ██████████ without justification **is not sustained.**

Illinois courts consider the following factors in determining whether an arrest has occurred: “(1) the time, place, length, mood, and mode of the encounter between the defendant and the police; (2) the number of police officers present; (3) any indicia of formal arrest or restraint, such as the use of handcuffs or drawing of guns; (4) the intention of the officers; (5) the subjective belief or understanding of the defendant; (6) whether the defendant was told he could refuse to accompany the police; (7) whether the defendant was transported in a police car; (8) whether the defendant was told he was free to leave; (9) whether the defendant was told he was under arrest; and (10) the language used by officers.”¹⁹

In this incident, several of the factors suggest that ██████████ was under arrest, including the use of handcuffs, and the fact that the officers transported ██████████ to a second location. On the other hand, the detention was relatively short, there were only two officers, they did not draw their firearms, they subjectively did not intend to arrest ██████████ was not told he was under arrest, and the language used by the officers was not particularly strong. Further, the officers provided a reasonable explanation for why ██████████ was transported two blocks away: to complete the detention in a safe location.

As such, there is a not a preponderance of evidence to establish ██████████ was *arrested* without justification. COPA does note, however, that Officer Heinz's decision to *detain* and cite ██████████ for obstructing vehicular traffic when it was clear that a vehicle was, in fact, obstructing the crosswalk, is not well-taken.²⁰ COPA recommends that Officer Heinz reconsider his actions in this incident and recognize the troubling nature of this interaction.

¹⁷ See the CMS incident description and CMS Notes CO-1346768, CO-1346795, CO-1347644, CO-1348920, CO-1351278, CO-1351845, CO-1352063, CO-1352536, CO-1352586, CO-1352587.

¹⁸ For a definition of COPA's findings and standards of proof, *see* Appendix B.

¹⁹ *People v. Vasquez*, 388 Ill. App. 3d 532, 549 (1st Dist. 2009); *People v. Gomez*, 2011 IL App (1st) 092185, ¶59.

²⁰ COPA considered serving an allegation related to ██████████ detention, but ultimately decided the evidence did not support it. Although Officer Heinz's decision to detain ██████████ was questionable, the BWC footage shows that ██████████ did, in fact, cross the street outside of the crosswalk.

Approved:



Steffany Hreno
Director of Investigations

10/22/2024

Date

Appendix ACase Details

Date/Time/Location of Incident:	June 18, 2023/ 3:00 pm / 6300 S. Artesian Avenue.
Date/Time of COPA Notification:	June 20, 2023/ 4:06 pm
Involved Member #1:	Stephen Heinz, Star # 19528, Employee ID# [REDACTED], Date of Appointment: 2/20/2018, Unit of Assignment: 008, Male, Black.
Involved Member #2:	Renard Morgan, Star # 13159, Employee # [REDACTED], Date of Appointment: 9/30/2022, Unit of Assignment: 005, Male, Black.
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.

Applicable Policies and Laws

- *People v. Vasquez*, 388 Ill. App. 3d 532, 549 (1st Dist. 2009)
- *People v. Gomez*, 2011 IL App (1st) 092185, ¶59.

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.²¹ 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.”²²

²¹ 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).

²² *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