



CITY OF CHICAGO
OFFICE OF INSPECTOR GENERAL

Recommendation to Reopen Chicago Police Department Misconduct Investigation

Log #2020-0002888

Published September 30, 2024

DEBORAH WITZBURG | INSPECTOR GENERAL FOR THE CITY OF CHICAGO
TOBARA RICHARDSON | DEPUTY INSPECTOR GENERAL FOR PUBLIC SAFETY

September 30, 2024

Pursuant to the Municipal Code of Chicago (MCC) § 2-56-230(c)(ii), the Public Safety section of the City of Chicago Office of Inspector General (OIG) conducts reviews of individual closed disciplinary investigations conducted by the Civilian Office of Police Accountability (COPA) and the Chicago Police Department's (CPD) Bureau of Internal Affairs (BIA). Based on those reviews, OIG may make a recommendation to reopen the investigation to address a deficiency materially affecting its outcome.¹

OIG reviewed a COPA investigation concerning allegations of an improper stop and search against three CPD members. It was further alleged that one of the CPD members used excessive force by slapping the complainant in their face during the incident.

During its review, OIG identified that one of the CPD members made a false statement to COPA when they told investigators the complainant gave permission to search their glove compartment. A review of body worn camera (BWC) footage demonstrates the opposite of the CPD member's claim.

OIG recommended that COPA reopen the investigation to conduct a Rule 14 analysis related to the CPD member's statement that they received consent to search the glove compartment.

In response to OIG's recommendations, COPA declined to reopen the investigation, stating it did "not agree that there is sufficient evidence to prove that [the CPD member] intended to deceive in this instance." Therefore, COPA "cannot find an appropriate basis to re-open this investigation." COPA clarified that it "does not believe that it can show that [the CPD member's] statement about obtaining the complainant's consent was willfully false." COPA noted that the CPD member was interviewed approximately two and half years after the incident occurred and "told investigators several times that [they were] responding to the questions based on [their] recollection."

OIG's letter to COPA containing its recommendations is attached at Appendix A. COPA's response is attached at Appendix B.

¹ Once BIA or COPA has responded to an OIG recommendation to reopen an investigation, and once the underlying investigation has reached a final disciplinary decision, OIG's recommendation letters and the agencies' responses will be published on OIG's website. In these procedural postures, OIG's recommendations to reopen and the agencies' responses have been available and, from time to time, released pursuant to MCC § 2-56-250 and the Illinois Freedom of Information Act. These recommendations to reopen, issued pursuant to MCC § 2-56-230(c), are separate from OIG's own confidential investigative work, which is governed by the confidentiality provisions set out in MCC § 2-56-110.

Appendix A | OIG Letter



Deborah Witzburg | Inspector General
City of Chicago
Office of Inspector General
740 N. Sedgwick St., Ste 200
Chicago, IL 60654
Phone: (773) 478-7799

Via Electronic Mail

February 29, 2024

ANDREA KERSTEN
CHIEF ADMINISTRATOR
CIVILIAN OFFICE OF POLICE ACCOUNTABILITY
1615 WEST CHICAGO AVENUE, 4TH FLOOR
CHICAGO, ILLINOIS 60622

Re: Log #2020-0002888

Dear Chief Administrator Kersten:

Pursuant to § 2-56-230(c)(ii) of the Municipal Code of Chicago (MCC), the Office of Inspector General's (OIG) Public Safety section has conducted a preliminary review of the investigation conducted by the Civilian Office of Police Accountability (COPA) in Log #2020-0002888. OIG recommends the investigation be reopened to conduct a Rule 14 analysis. Log #2020-0002888 is currently in a Command Channel Review status.

Log #2020-0002888 concerns allegations made by the complainant against CPD members Anna Hosepian, Star #2851, Matthew Gozdal III, Star #9220, and Matthew Beesley, Star #18844, related to an improper stop and search. The complainant alleged Officer Hosepian used excessive force when she slapped them in their face during the incident. COPA sustained allegations against Officers Hosepian and Gozdal. For Officer Hosepian, COPA recommended a "20-day up to 60-day suspension," anger management and de-escalation training. For Officer Gozdal, COPA recommended a 30-day suspension and de-escalation training.

The Investigatory Stop Report (ISR) completed by Officer Gozdal for this incident specifies that on June 25, 2020, Officers Hosepian, Gozdal, and Beesley conducted a traffic stop on the complainant at approximately 10:20 a.m. for failing to use a turn signal 100 feet prior to turning.¹ The Body Worn Camera (BWC) footage of Officer Hosepian starts with Officer Hosepian approaching the complainant's vehicle and Officer Gozdal opening the driver's door.² Officer Hosepian requested the complainant provide their identification, but the complainant refused and asked that the Officers close the driver's side door. Officer Hosepian ordered the complainant to step out of the vehicle, but the complainant did not comply. Officer Gozdal reached into the vehicle to unbuckle the complainant's seatbelt and pulled the complainant out of the car to detain them.³ The complainant told Officers they were feeling alright until the Officers approached and tried to kill them, and Officer Hosepian told the

¹ Attachment 7.

² Attachment 10, at 0:01 – 0:08.

³ Ibid., at 0:17 – 1:38.

complainant to calm down, stating, “I’m not in the mood for this shit, alright? Just calm down.”⁴ While Officer Gozdal conducted a protective pat down of the complainant, the complainant told Officers they did not have any right to pull them out of the car and search them. Officer Gozdal detained the complainant at the rear of the vehicle for the remainder of the traffic stop.

Officer Hosepian asked the complainant three times where their insurance was located in the vehicle, and the complainant responded, “I’m not giving you nothing.”⁵ When Officer Hosepian opened the rear driver’s side door to search, the complainant yelled out, “Why you searching my car? I did not give you permission to search my goddamn car.”⁶ Officer Hosepian approached the handcuffed complainant in the rear of the vehicle and stated, “Don’t fucking yell. Shut the fuck up. Shut the fuck up.”, and delivered an open hand strike to the complainant’s face.⁷ Officer Hosepian searched the front passenger side of the vehicle and opened up the glove compartment before moving to the rear passenger side of the vehicle..⁸ The complainant yelled that Officer Hosepian illegally searched their car and slapped them in their face, and Officer Hosepian stated to the complainant, “I pushed you away so shut the fuck up, alright? Idiot.”⁹

Officer Hosepian again asked the complainant where their insurance was located, and the complainant responded, “Man, in that car. You see it.”¹⁰ Officer Hosepian asked the complainant, “Where in the car?” The complainant stated, “Forget that. I don’t got no words for you, Hosepian. You slapped me. You assaulted me.” Officer Hosepian again asked the complainant, “Where in the car?”, but the complainant refused to answer and yelled out, “Battery. Battery.”¹¹ Officer Gozdal also asked the complainant for the location of their insurance, and the complainant responded, “Hosepian assaulted me.” Officer Hosepian returned to the front passenger side of the vehicle, opened the glove compartment, removed the contents of the glove compartment, and searched through the complainant’s personal property for proof of insurance.¹² Officer Hosepian told the complainant three times they did not have insurance, and the complainant responded, “Write your ticket and go home then, lady.” The complainant was issued one citation for driving without insurance and received another citation for failing to use a turn signal prior to turning.

During Officer Hosepian’s interview, COPA asked Officer Hosepian the reason for searching the complainant’s glove compartment. Officer Hosepian testified that the complainant gave permission to search the glove compartment for the insurance paperwork, stating, “[They] got a ticket for – when I asked [them] for, [they are] the one that told me to go into the glove compartment because I kept requesting for insurance. So um, [they] said in the glove compartment, if I recall correctly and the paperwork came out and I think [they] had two difference insurances in there and it didn’t belong to [them] or the vehicle.”¹³ COPA asked Officer Hosepian, “So you’re saying [they] gave you permission to go into the glove compartment to find that paperwork?” Officer Hosepian responded, “I believe so,

⁴ Ibid., at 1:46.

⁵ Ibid., at 2:11 - 2:16.

⁶ Ibid., at 3:04 – 3:39.

⁷ Ibid., at 3:40.

⁸ Ibid., at 3:54.

⁹ Ibid., at 4:36 - 4:43.

¹⁰ Ibid., at 4:56 – 5:01.

¹¹ Ibid., at 5:02 – 5:08.

¹² Ibid., at 5:21 – 6:30.

¹³ Attachment 6, at 30:17 -31:01.

yes.”¹⁴ In the Final Summary Report, COPA acknowledged “Officer Hosepian said she went into [the complainant’s] glove compartment because [they] told her that [their] insurance information was there.”¹⁵ Although Officer Hosepian’s BWC footage of the incident refutes Officer Hosepian’s statement that the complainant provided permission to search their glovebox, COPA did not investigate nor conduct any analysis regarding a Rule 14 violation.

Based on OIG’s preliminary review, and without taking any position on any other aspect of the investigation or its findings, OIG recommends COPA reopen Log #2020-0002888 to include a Rule 14 analysis for statements made by Officer Hosepian to COPA and to determine if her conduct violates any additional applicable rules and directives.

Please contact Chief Investigative Analyst LaDonna Candia-Flanagan at lcandia-flanagan@igchicago.org or (773) 478-5614 with any questions. Please send your response to this recommendation before a final disciplinary decision is made with respect to this investigation and in no case later than the time allowed by MCC § 2-56-245. OIG will consider a failure to respond in the time permitted by ordinance to be a declination of our recommendation. OIG looks forward to COPA’s response and recommends COPA incorporate this letter and its response into the electronic case file to provide for a complete record.

Respectfully,



Tobara Richardson
Deputy Inspector General for Public Safety
Office of Inspector General

cc: Deborah Witzburg, Inspector General, OIG
Samuel Chae, Associate General Counsel for Public Safety, OIG
LaDonna Candia-Flanagan, Chief Investigative Analyst for Public Safety, OIG
Robin Murphy, General Counsel, COPA
Angela Snell, Chief Investigative Law Officer, COPA
Yolanda Talley, Chief, Bureau of Internal Affairs, CPD

¹⁴ Ibid., at 31:02.

¹⁵ Attachment 46, at pg. 3.

Appendix B | Department Response



May 8, 2024

Tobara Richardson
Deputy Inspector General for Public Safety
Office of Inspector General
740 North Sedgwick Street, Suite 200
Chicago, Illinois 60654

Via Electronic Mail

Re: Re-Open Recommendation Log No. 2022-0002888

Dear Deputy Inspector General Richardson:

I am in receipt of your February 29, 2024 letter recommending that COPA re-open and conduct additional investigation in Log No. 2020-0002888. We understand the Office of the Inspector General - Deputy Inspector General for Public Safety (PSIG) recommends re-opening this case to conduct a rule 14 analysis. For the reasons stated below, COPA does not concur with PSIG's recommendation to re-open.

PSIG asks that COPA reopen this log to consider whether Police Officer Anna Hosepian made false statements when she told COPA that the complainant gave officers permission to search his vehicle's glove compartment. COPA's investigation included several sustained allegations, including an allegation that Officer Hosepian searched the complainant's vehicle without justification.

Proof of a Rule 14 violation requires three elements: that a false statement was made, that it was made willfully, and that it was made about a fact that was material to the incident under investigation.¹ COPA does not believe the evidence proves Officer Hosepian's statements to COPA violated Rule 14.

COPA does not believe that it can show that Officer Hosepian's statement about obtaining the complainant's consent was willfully false. Officer Hosepian was interviewed about the incident approximately two and half years after it took place. She told COPA investigators several times that she was responding to questions based on her recollection. COPA agrees Officer Hosepian's recollection was wrong. But COPA does not agree that there is sufficient evidence to prove that Officer Hosepian intended to deceive in this instance.

Under COPA's ordinance, the Chief Administrator may, in their discretion, re-open any closed investigation upon PSIG's recommendation.² Here, I cannot find an appropriate basis to re-open this investigation. I appreciate your continued diligent and careful review of closed COPA investigations.

¹ See *Agreement between City of Chicago Department of Police and Fraternal Order of Police Lodge No. 7* §6.1(M).

² MCC § 2-78-120(x)(iii).

Respectfully,

A handwritten signature in blue ink, appearing to read 'Andrea Kersten', with a stylized, flowing script.

Andrea Kersten
Chief Administrator
Civilian Office of Police Accountability

cc: Deborah Witzburg (OIG)
 Samuel Chae (OIG)
 LaDonna Candia-Flanagan (OIG)
 Yolanda Talley (CPD)
 Robin Murphy (COPA)
 Angela Snell (COPA)



LaDonna Candia-Flanagan
Chief Investigative Analyst for Public Safety

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For further information about this report, please contact the City of Chicago Office of Inspector General, 740 N. Sedgwick St., Suite 200, Chicago, IL 60654, or visit our website at igchicago.org.

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