

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

| | |
|----------------------------|-------------------------------|
| Date of Incident: | July 1, 2017 |
| Time of Incident: | 10:50 pm |
| Location of Incident: | [REDACTED] |
| Type of COPA Notification: | Associated Case: log# 1085782 |

On July 1, 2017 at approximately 10:50 p.m. Officer Bronke, Officer Cojocnean and Officer Valdovinos responded to [REDACTED] after receiving a call over the radio of “person with a gun, shots fired.” The incident ultimately resulted in Officer Cojocnean fatally shooting a [REDACTED]². Officer Cojocnean, Officer Bronke and Officer Valdovinos were equipped with body worn cameras on the date of the incident. All three officers activated their body worn cameras after the shooting.

II. INVOLVED PARTIES

| | |
|----------------------|--|
| Involved Officer #1: | Mark Bronke, star #15695, employee ID# [REDACTED], September 29, 2014, Police Officer, 010, [REDACTED] 1991, male, caucasian |
| Involved Officer #2: | Dan Cojocnean, star #15003, employee ID# [REDACTED], February 2, 2015, Police Officer, 010, [REDACTED] 1991, male, caucasian |
| Involved Officer #3: | Jose Valdovinos, star #11820, employee ID # [REDACTED], July 28, 2008, Police Officer, 010, [REDACTED] 1982, male, Hispanic |
| Subject: | [REDACTED], Deceased, Date of Birth [REDACTED], 1980, male, black |

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

² The Officer involved shooting has been thoroughly investigated under Log #1085782.

III. ALLEGATIONS

| Officer | Allegation | Finding |
|--------------------|---|-----------|
| Officer Bronke | 1. It is alleged that on July 1, 2017 at approximately 10:50 p.m. Officer Bronke failed to activate his body worn camera in a timely manner in violation of Special Order S03-14. | SUSTAINED |
| Officer Cojocnean | 1. It is alleged that on July 1, 2017 at approximately 10:50 p.m. Officer Cojocnean failed to activate his body worn camera in a timely manner in violation of Special Order S03-14. | SUSTAINED |
| Officer Valdovinos | 1. It is alleged that on July 1, 2017 at approximately 10:50 p.m. Officer Valdovinos failed to activate his body worn camera in a timely manner in violation of Special Order S03-14. | SUSTAINED |

IV. APPLICABLE RULES AND LAWS

Special Orders

1. Special Order S03-14

V. INVESTIGATION³

a. Interviews

On February 6, 2018 Officer Bronke provided a statement to COPA. Officer Bronke stated that he received training regarding his body worn camera on July 26, 2016 and August 22, 2016. Officer Bronke explained that he was trained to activate the body worn camera when responding to a call and anytime an officer encounters another person. Officer Bronke stated that on July 1, 2017 he activated he body worn camera after Officer Cojocnean fired shots. Officer Bronke stated that he was distracted when he encountered someone standing on the porch, but acknowledged that he should have turned the body worn camera on when he got out of the car.

On February 6, 2018 Officer Cojocnean provided a statement to COPA. Officer Cojocnean stated that he received training regarding his body worn camera on August 25, 2016. Officer Cojocnean explained that he was trained to activate his body worn camera when

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

encountering a person during a police matter. Officer Cojocnean stated that on July 1, 2017 he did not activate his body worn camera in accordance with his training. He stated that at the time of the incident his primary concern was safety and that his current practice is to activate the body worn camera before exiting the vehicle.

On February 6, 2018 Officer Valdovinos provided a statement to COPA. Officer Valdovinos stated that he received training regarding his body worn camera on August 25, 2016. He explained that he was trained to activate the body worn camera anytime an officer has police interaction with a member of the public. Officer Valdovinos stated that he did not activate his camera in a manner consistent with his training in part due to safety concerns and in part because he was driving at the time he initially received the call.

b. Digital Evidence

COPA reviewed the body worn camera footage from Officer Bronke, Officer Valdovinos and Officer Cojocnean. The footage shows that all three officers did not activate the camera upon encountering a person on the front porch but rather after Officer Cojocnean discharged his weapon.

VI. ANALYSIS

Special Order S03-14 §III(A) states that the decision to electronically record a law enforcement related encounter is mandatory and not discretionary. An Officer is required to activate the body worn camera at the beginning of an incident for all law enforcement related activities, which include but are not limited to calls for service, use of force incidents and high-risk situations.

The body worn camera footage from all three officers establishes that they did not activate the device at the beginning of the incident, but rather after Officer Cojocnean discharged his weapon. The initiation of the incident occurred when officers received the call over the radio for shots fired. The officer's body worn cameras should have been activated when they received the incident call. Each officer provided a description of their training that is consistent with the Special Order and each officer acknowledged that he did not activate his camera in accordance with his training.

Special Order S03-14§ II (B) states that the Department does not intend to utilize the body worn camera to discipline members for isolated minor departmental rule infractions. However, in this case, the failure to activate the body worn cameras in a timely manner lead to the absence of critical evidence in the investigation of an officer involved shooting. Body worn cameras provide the community with much needed transparency in cases of officer involved shootings. Likewise, body worn cameras exonerate officers whose actions were within policy. Body worn cameras, in concert with the requisite training were an expensive tool, funded by the public. It's imperative that officers utilize body worn cameras properly. We do not consider this case to be an isolated nor minor departmental rule infraction. We find that Officer Bronke, Officer Cojocnean and Officer Valdovinos had the opportunity to, and should have activated the body worn cameras prior to the shooting in violation of S03-14.

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

| Officer | Allegation | Finding |
|--------------------|---|-----------|
| Officer Bronke | 1. It is alleged that on July 1, 2017 at approximately 10:50 p.m. Officer Bronke failed to activate his body worn camera in a timely manner in violation of Special Order S03-14. | SUSTAINED |
| Officer Cojocnean | 1. It is alleged that on July 1, 2017 at approximately 10:50 p.m. Officer Cojocnean failed to activate his body worn camera in a timely manner in violation of Special Order S03-14. | SUSTAINED |
| Officer Valdovinos | 1. It is alleged that on July 1, 2017 at approximately 10:50 p.m. Officer Valdovinos failed to activate his body worn camera in a timely manner in violation of Special Order S03-14. | SUSTAINED |

Approved:



Andrea Kersten
Deputy Chief Administrator – Chief Investigator

3/28/18
Date

Appendix A

Assigned Investigative Staff

Squad #1

Major Case Specialist:

Jacqueline Hennard

Supervising Investigator:

Regina Holloway

Deputy Chief Administrator:

Andrea Kersten

