

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	04/15/2019
Time of Incident:	3:20 PM
Location of Incident:	██████████ ██████████, Chicago, IL 60619
Date of COPA Notification:	04/16/2019
Time of COPA Notification:	12:54 PM

At approximately 3:20 PM, April 15, 2019, **Officers Buckley and Villarreal of the 6th District** received a call for service at ██████████ ██████████, Chicago, IL, regarding a disturbance. Upon arrival, the officers met ██████████ (“██████████”) and ██████████ (“██████████”) concerning serving a five-day notice on an unknown person, identified as **complainant ██████████** (“██████████”), who occupied an apartment in the building. During their investigation, the officers requested a name check from the OEMC dispatcher. The officers’ investigation concluded ██████████ did not have a lease to live in the apartment. ██████████ voluntarily left the apartment and walked down the block. Believing the event had finished, Officer Buckley and Officer Villarreal turned off their body-worn cameras and continued talking with ██████████ and ██████████. Shortly thereafter, OEMC dispatch confirmed ██████████ had an outstanding warrant. The officers immediately entered their CPD vehicle and proceeded towards ██████████. Officers Buckley and Villarreal stopped ██████████, placing him under arrest. Allegedly, a struggle ensued with the officers, with ██████████ stating he did not have a warrant for his arrest. ██████████ alleges the officers forcefully grabbed and choked him, while placing him into the rear seat of their CPD vehicle. After being transported to the 6th District, ██████████ learned his arrest was due to mistaken identity. ██████████ also alleges being denied medical attention at the 6th District.

II. INVOLVED PARTIES

Involved Officer #1:	Joel A. Buckley, Star# 4821, Employee# ██████████, Date of Appointment: 05/22/1991, Police Officer/FTO, UOA: 6 th District, DOB: ██████████/1963, Male, Black
Involved Officer #2:	Joel Villarreal, Star# 19393, Employee# ██████████, Date of Appointment: 07/27/2018, Police Officer, UOA: 6 th District, DOB: ██████████/1994, Male, White Hispanic

Involved Individual #1: [REDACTED], DOB: [REDACTED]/1985, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Buckley	It is alleged that on or around April 15, 2019, at approximately 3:20 PM, at or near [REDACTED], Chicago, IL, Officer Buckley:	
	1. Stopped [REDACTED] without justification, in violation of Rule 1.	Exonerated
	2. Detained [REDACTED] without justification, in violation of Rule 1.	Exonerated
	3. Forcefully grabbed [REDACTED] around his throat without justification, in violation of Rules 8 and 9.	Not Sustained
	4. Forcefully choked [REDACTED] around his throat without justification, in violation of Rules 8 and 9.	Not Sustained
	5. Arrested [REDACTED] without justification, in violation of Rule 1	Exonerated
Officer Villarreal	It is alleged that on or around April 15, 2019, at approximately 3:20 PM, at or near [REDACTED], Chicago, IL, Officer Villarreal:	
1. Stopped [REDACTED] without justification, in violation of Rule 1.	Exonerated	

2. Detained [REDACTED] without justification, in violation of Rule 1.	Exonerated
3. Forcefully grabbed [REDACTED] around his throat without justification, in violation of Rules 8 and 9.	Not Sustained
4. Forcefully choked [REDACTED] around his throat without justification, in violation of Rules 8 and 9.	Not Sustained
5. Arrested [REDACTED] without justification, in violation of Rule 1.	Exonerated
6. Failed to comply with Special Order SO3-14, Body Worn Cameras, by failing to activate your body-worn camera, in violation of Rule 5.	Sustained/Violation Noted

IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 1:** Violation of any law or ordinance.
 2. **Rule 5:** Failure to perform any duty.
 3. **Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
 4. **Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
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Special Orders

1. **S03-14:** Body-Worn Cameras
-

Federal Laws

1. **4th Amendment,** U.S. Constitution
-

V. INVESTIGATION

a. Interviews

On April 16, 2019, **complainant** [REDACTED] (“[REDACTED]”) gave COPA an audio-recorded interview.¹ On April 15, 2019, [REDACTED] dialed 911 requesting police to [REDACTED] [REDACTED] because his landlord tried changing the locks to the apartment. Upon their arrival, the officers asked for his identification. An officer did a name check, which came back clear. Officers told [REDACTED] to leave the premises and return “with a white shirt.”² to retrieve his belongings. He left the apartment and walked up the block near [REDACTED] [REDACTED], and dialed 911, requesting a supervisor. Approximately fifteen minutes later, the officers approached him on the street and asked him to “come here.”³ [REDACTED] approached the marked CPD vehicle. After being handcuffed and being told to get into their vehicle, an officer tells him, “you should’ve left cause now you have a drug case.”⁴ Waiting for the supervisor’s arrival and believing the officers were going to plant drugs on him, [REDACTED] refused to get into the officers’ vehicle.

An officer, identified as **accused Police Officer Joel Villarreal (“Officer Villarreal”)**, Star# 19393, 6th District, grabbed [REDACTED]’ legs. The other, identified as **accused FTO/Police Officer Joel Buckley (“Officer Buckley”)**, Star# 4821, 6th District, grabbed him from behind, choking his neck. While choking his neck, Officer Buckley attempted to pull him into the vehicle. After failing to get him inside, Officer Buckley walked around to the other side of the car and grabbed [REDACTED]’ by the neck to pull him in. The officer was “squeezing and choking his Adam’s apple,”⁵ pulling him down into the rear seat. [REDACTED] was in this position for approximately seven minutes. He told Officer Buckley he could not breathe, but the officer continued squeezing his neck. Officer Buckley told Officer Villarreal to hold his legs. After “blacking out for a little minute,”⁶ he pulls his legs into the officers’ vehicle “because I couldn’t breathe anymore.”⁷

On September 16, 2019, **witness** [REDACTED] (“[REDACTED]”) gave COPA an audio-recorded interview.⁸ On April 15, 2019, [REDACTED] dialed 911 to request the presence of CPD officers while serving a five-day notice to an unknown occupant, identified as complainant [REDACTED], from an apartment. After being arrest from previous contact with [REDACTED], she called 911 for officers to assist her in serving [REDACTED] the five-day notice. Upon their arrival, [REDACTED] requested Officers Buckley and Villarreal to witness her serving [REDACTED] the five-day notice. [REDACTED] manages the building for the landlord, her mother, [REDACTED] (“[REDACTED]”). After giving Officer Buckley the five-day notice, he noticed it listed an unknown occupant. [REDACTED] only knew the unknown tenant

¹ Attachment 7

² Attachment 7 at 5:15

³ Id., at 5:33

⁴ Id., at 5:38

⁵ Id., at 6:29

⁶ Id., at 7:38

⁷ Id., at 7:48

⁸ Attachment 11

as “██████████.”⁹ He previously identified himself as the brother of the prior apartment tenant. Officers Buckley and Villarreal walked upstairs, followed by ██████████ and ██████████. Officer Buckley asked the unknown tenant his name, to which he responded “██████████”. After asking and receiving his identification, Officer Buckley performed a name check over the communications district. Officer Buckley asked ██████████ to provide proof he lived in the apartment. ██████████ offered mail, but Officer Buckley needed additional proof. He told Officer Buckley his brother, ██████████, is the tenant residing in the apartment. ██████████ informed Officer Buckley that ██████████ moved. After observing the apartment empty, Officer Buckley had ██████████ contacted ██████████, placing the call on speakerphone.

██████████ ██████████ told the officer that after falling behind on rent, he and ██████████ agreed he move out of the apartment. ██████████ ██████████ also knew of no agreement between his brother and ██████████, that would allow him to stay in the apartment. After the phone call ended, Officer Buckley told ██████████ ██████████ he had to leave. After surrendering the apartment keys to ██████████ all parties walked downstairs. ██████████ ██████████ walked down the street, telling the officers he was calling for “a white shirt.”¹⁰ The officers told ██████████ ██████████ they would wait until the “white shirt” arrived. While talking to Officers Buckley and Villarreal, ██████████ heard over the radio that ██████████ ██████████ “had a warrant in his name.”¹¹ The officers excused themselves and drove approximately a half-block east from ██████████ ██████████ in ██████████ ██████████’ direction. ██████████ saw the officers arrest ██████████, placing him into their CPD vehicle. She observed ██████████ as compliant, putting his hands on the CPD vehicle, handcuffed, and placed in the car. ██████████ did not see Officers Buckley or Villarreal strike, pull into the vehicle, grab, use force, or any physical altercation between them and ██████████. She approximated the officers’ arrest of ██████████’ took “a minute or two.”¹² A CPD supervisor never arrived.

██████████ related Officers Buckley and Villarreal “acted professionally,”¹³ and if she could, “I like to give them a merit. They were the only ones that listened to me. They did their job.”¹⁴

On January 13, 2021, **Officer Villarreal** gave COPA an audio-recorded interview.¹⁵ On April 15, 2019, while assigned to Beat 633 with Officer/FTO Buckley, received an Office of Emergency Management (OEMC) dispatch to ██████████ ██████████ regarding a landlord-tenant issue. The officers spoke with the caller, identified as witness ██████████ on serving a five-day notice to an unknown individual, later identified as complainant ██████████. Not being as experience, Officer Villarreal let FTO/Officer Buckley take the lead. ██████████ told the officers that the unknown individual should not be in the apartment. The officers walked up to the second-floor apartment, meeting the

⁹ Id., at 3:16

¹⁰ Id., at 10:20

¹¹ Id., at 9:57

¹² Id., at 13:12

¹³ Id., at 13:43

¹⁴ Id., at 13:48

¹⁵ Attachment 15

unknown person identified by the officers as [REDACTED]. While determining the situation, Officer Buckley requested identification from [REDACTED] to verify his identity, running a name check over the air. After calling and speaking with his brother [REDACTED], the officers determined [REDACTED] had the lease agreement with the landlord, not [REDACTED]. During the interaction, the officers waited for a response from [REDACTED]' name check. [REDACTED] was told he did not belong at the apartment and to leave. He left the apartment, the officers went downstairs, and determining the event over, turned off their body-worn cameras (BWC). During the incident, [REDACTED] did not request a supervisor, nor did a supervisor arrive at the location.

Officers Villarreal and Buckley stayed at the location for a few minutes, speaking to [REDACTED] and [REDACTED] on the sidewalk regarding what they should do next. Several minutes later, the zone dispatch contacted the officers informing them that [REDACTED] had an outstanding warrant. The officers get into their marked CPD vehicle, driving half a block stopping [REDACTED]. After asking to see his hands, Officer Villarreal handcuffs [REDACTED], informing him he is under arrest. [REDACTED] asked why he was being arrested. He was told because of an outstanding warrant for dangerous drugs. As Officer Villarreal opened the vehicle backdoor, [REDACTED] began moving around to avoid getting in. Officers Villarreal and Buckley grabbed [REDACTED] by his garments. During this, as Officer Villarreal started activating his BWC, "it fell off."¹⁶ Officer Villarreal grabbed [REDACTED]' garments by his abdomen, pushing him toward the door frame. Officer Buckley walked around to the vehicle's other door, placing his hands under [REDACTED]' armpits, pulling him into the vehicle.

During this, Officer Villarreal describes [REDACTED] passively resisting, acting "as dead weight."¹⁷ The officers transported [REDACTED] to the 6th District. From the time of arrest to arrival at the 6th District, took approximately ten minutes. At the District, Officer Buckley verified the outstanding warrant. Although zone dispatch said [REDACTED]' had an outstanding warrant, officers later learned it was for another person using the alias, [REDACTED], and a different date of birth. Officer Villarreal did not recall how long [REDACTED] was detained at the District. He also is not aware of [REDACTED] asking for a sergeant at the District.

On January 15, 2021, the, Officer/**FTO Buckley** gave COPA an audio-recorded interview.¹⁸ On April 15, 2019, Officer Buckley, while assigned to Beat 633 with Officer Villarreal, received an **Office of Emergency Management (OEMC)** dispatch to [REDACTED] [REDACTED], regarding a landlord-tenant disturbance. At the location, Officers Buckley and Villarreal made contact with the witness, [REDACTED], and her mother. The discussion with the women regarded the complainant [REDACTED]. The landlord had an agreement with the brother, identified as [REDACTED], and wanted to serve a "five-day notice" on [REDACTED]. Officer Buckley explained, "that was

¹⁶ Attachment 15 at 21:33

¹⁷ Id., at 23:00

¹⁸ Attachment 25

something the police department didn't do."¹⁹ The landlord explained that she felt more comfortable if they accompanied her to serve the notice.

Officers Buckley and Villarreal went to the upstairs apartment and knocked on the door. The door opened and the individual identified himself as [REDACTED]. The officers requested the landlord come upstairs and identify [REDACTED]. The landlord, Bailey, identified [REDACTED] as not being the person renting the apartment. The officers performed a name check, although the dispatcher did not immediately reply with information on [REDACTED], possibly because an emergency occurred on the zone at this time. Officer Buckley asked the landlord to call the person who rented the apartment, requesting the call on speakerphone so everyone could hear. Afterward, the officers concluded [REDACTED] was not supposed to be there. He then voluntarily agreed to leave the apartment. Once downstairs with the landlord and manager, and upon [REDACTED] leaving the building, Officer Buckley concluded the event had ended, and turned off his BWC. Approximately two minutes after finishing the event, the OEMC dispatcher contacted the officers via radio, confirming [REDACTED] had a fugitive warrant. The officers got in their vehicle, drove approximately four houses down and stopped [REDACTED]. The officers told [REDACTED] he had an outstanding warrant. [REDACTED] said he did not have a warrant. He was somewhat uncooperative with the officers, prompting Officer Buckley to walk to the other side of their vehicle and pull [REDACTED] into the rear seat. During this, [REDACTED]' body was limp. The arrest of [REDACTED] happened quickly. Officer Buckley stated "once hearing he [REDACTED] had a warrant for dangerous drugs, we immediately went."²⁰ Officer Buckley admitted, "I should've been more thoughtful to turn the camera on, but at that point, I was thinking about taking him [REDACTED] into custody and didn't think about the camera at the time."²¹ [REDACTED] did not request medical assistance while being transported to, nor upon arrival to, the 6th District. Upon verification, the officers found out the person wanted under the warrant was not [REDACTED]. The officers explained to him what occurred regarding the warrant. [REDACTED] appeared to understand, and approximately ten minutes later, was released from custody.

b. Digital Evidence

The **BWC of Officer Buckley** shows the initial contact and conversation regarding a five-day notice he and Officer Villarreal²² have with [REDACTED] and her mother, [REDACTED] at [REDACTED].²³ The officers proceed upstairs and have contact with complainant [REDACTED], requesting identification. The BWC shows Officer Buckley asking [REDACTED] if he had a lease to the apartment. [REDACTED] responds, "I was living with my brother [REDACTED]."²⁴ Officer Buckley directs Officer Villarreal to call [REDACTED] and [REDACTED] to the upstairs apartment. He asks the women to identify if [REDACTED] is

¹⁹ Attachment 25 at 13:11

²⁰ Id., at 29:15

²¹ Id., at 24:21

²² Officer Villarreal's BWC mirrors Officer Buckley's BWC.

²³ Attachment 14

²⁴ Attachment 14 at 5:09

the lessee. The landlord ██████ says, “Not that I know of, not the one I saw.”²⁵ Officer Buckley requests OEMC zone dispatch run a name check on ██████. It also indicates ██████ calling the former tenant, ██████, on her cell, placing the call on speakerphone. A male, identified as ██████, told Officer Buckley he had the lease with ██████, had fallen behind on rent, and moved out. He was not aware of any lease arrangements between the landlord and his brother. The BWC shows Officer Buckley telling ██████ to leave the apartment. ██████ tells Officer Buckley he had items to remove from the apartment. Officer Buckley tells him to return with a truck and a police escort to remove said items. The BWC shows ██████ leaving the apartment, the officers briefly talking to ██████ and ██████, and then exit downstairs. ██████ and ██████ follow the officers downstairs, talking to Officer Buckley. Believing the event is over, Officer Buckley turns off his BWC.

c. Documentary Evidence

OEMC Event Query Report # ██████²⁶ shows that at approximately 3:24 PM, April 15, 2019, Beat 633, manned by Officers Buckley and Villarreal, were dispatched to a disturbance at ██████. The report shows a name check requested through the zone dispatcher on complainant ██████. Additionally, the report shows the officers transporting ██████ to the 6th District. The report indicates another individual using the exact date of birth and name as complainant ██████ as an alias.

A **CPD Arrest Report**²⁷ dated April 15, 2019, shows ██████ released without being charged from the 6th District. Confirmation from the Law Enforcement Agencies Data Systems (LEADS) shows the alias names matched, but the wanted individual was a different age and race/ethnicity. The arrest report does not indicate ██████ receiving any medical treatment.

█████’ provided medical documents²⁸ show that on April 16, 2019, he is treated at Saint Bernard Hospital for assault. He was given an NSAID prescription and released from the emergency room.

VI. LEGAL STANDARD

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;

²⁵ Id., at 6:30

²⁶ Attachment 16

²⁷ Attachment 19

²⁸ Attachment 6

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 the conduct reviewed complied with Department policy. *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 has found to be more probably true than not). 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. *See e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). 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.” *Id.* at ¶ 28.

VII. ANALYSIS

1. Stop and Detention of [REDACTED] without justification

The Fourth Amendment of the United States Constitution and the Illinois Constitution of 1970 guarantees the right of individuals to be free from unreasonable searches and seizures. U.S. Const., amend. IV; Ill. Const. 1970, art. I, § 6. Police-citizen encounters are categorized into three tiers: (1) an arrest of a citizen, which must be supported by probable cause; (2) a temporary investigative seizure conducted according to *Terry v. Ohio*, 392 U.S. 1 (1968) and 725 ILCS 5/107- 14, which must be supported by reasonable, articulable suspicion of criminal activity; and (3) a consensual encounter, which does not implicate any Fourth Amendment interests. *People v. McDonough*, 239 Ill. 2d 260, 268 (2010). Officers Buckley and Villarreal received an OEMC dispatch to a disturbance at [REDACTED]. Upon arrival, [REDACTED] requested the officers witness her serving a five-day notice to an unknown occupant, identified as complainant [REDACTED], from an apartment. After knocking on the apartment door, it was opened by a black male identifying himself as [REDACTED]. [REDACTED] alleged he lived in the apartment, but the landlord [REDACTED] claimed she did not know him as the tenant residing in the apartment. The officers asked [REDACTED] for identification, which he provided. Through their investigation, the officers determined [REDACTED] did not legally reside at the location. Afterward, he voluntarily left the premises. While talking with [REDACTED] and [REDACTED], after the conclusion of the meeting with [REDACTED], the officers received information from OEMC dispatch that he had an outstanding warrant. The officers drove approximately a half-block, stopping [REDACTED] and placing him under arrest. While it was later determined that [REDACTED] did not have an outstanding warrant, the information the officers had at the time of his arrest, gave them probable cause to arrest him. Based upon clear and convincing evidence, COPA exonerates that Officers Buckley and Villarreal for the stop and detention of [REDACTED] without justification.

2. *Forcefully grabbed and choked [REDACTED] without justification*

While investigating complainant [REDACTED] at the apartment, the officers performed a name check on [REDACTED]. The name check results did not occur until after [REDACTED] voluntarily left the apartment and walked away from the location. The witness, [REDACTED], heard the zone dispatcher tell the officers [REDACTED] had an outstanding warrant. The officers excused themselves and drove approximately a half-block east to [REDACTED]' location. While arresting [REDACTED], [REDACTED] stated she did not see the officers strike, pull into the vehicle, grab, use force, or any physical altercation between them and [REDACTED]. She described [REDACTED] as compliant during his arrest. Both officers indicated [REDACTED] as compliant but that his body went limp. Officer Villarreal grabbed [REDACTED]' garments by his abdomen, pushing him toward the door frame. Officer Buckley walked around to the vehicle's other door, placing his hands under [REDACTED]' armpits, pulling him into the vehicle. Before he could activate it, Officer Villarreal's BWC fell off while getting [REDACTED] in the vehicle. With the immediacy of [REDACTED]' arrest, Officer Buckley admitted forgetting to turn on his BWC. Based on the lack of BWC capturing the arrest and conflicting statements from [REDACTED] and the officers, COPA does not have the preponderance of evidence to refute or assert the officers forcefully grabbed or choked [REDACTED]. Therefore, COPA concludes a not sustained for the allegations that Officer Buckley and Officer Villarreal forcefully grabbed and choked [REDACTED] without justification.

3. *Arrested [REDACTED] without justification*

An officer must have probable cause to arrest a subject. *People v. Johnson*, 408 Ill. App. 3d 107 (citing *Beck v. Ohio*, 379 U.S. 89, 91, (1964)). "Probable cause to arrest exists when the totality of the facts and circumstances known to a police officer would lead a person of reasonable caution to believe that the person apprehended has committed a crime, and its existence depends on the totality of the circumstances at the time of the arrest." *People v. D.W.* (In re D.W.), 341 Ill. App. 3d 517, 526 (1st Dist. 2003). The officer's subjective belief is not determinative; rather, probable cause is an objective standard. *People v. Chapman*, 194 Ill. 2d 186, 218-19, (2000). Based upon information from an authoritative source, the OEMC dispatcher, that a valid arrest warrant exists, Officers Buckley and Villarreal had probable cause to arrest [REDACTED]. Based on clear and convincing evidence, COPA exonerates Officer Buckley and Officer Villarreal of the allegation of arresting [REDACTED] without justification.

4. *Failure to activate body-worn camera*

The decision to electronically record a law-enforcement-related encounter is mandatory, not discretionary, except where specifically indicated in Chicago Police Department (CPD) Directives. CPD members "will activate the system to event mode at the beginning of an incident and will record the entire incident for all law-enforcement-related activities. If circumstances prevent

activating the BWC at the beginning of an incident, the member will activate the BWC as soon as practical.”²⁹ An arrest is a law-enforcement-related activity.

After [REDACTED] voluntarily left the apartment and exited the building, the officers believed the event was over and turned off their BWC. [REDACTED] had walked approximately one-half block from the location. While providing additional information to [REDACTED] and [REDACTED], the officers received information from the OEMC zone dispatcher that [REDACTED] had an outstanding warrant.³⁰ The officers got into their vehicle and drove the half-block, stopping and arresting [REDACTED] on the outstanding warrant. In the immediacy of the situation, Officers Buckley and Villarreal did not activate their BWCs. Officer Villarreal states he could not start his BWC because it fell off while arresting [REDACTED]. Officer Buckley admits he should have been more thoughtful in turning on his BWC, but at that moment, he was concentrating on arresting [REDACTED]. While malice does not appear in the officers’ actions, nonetheless, Special Order S03-14, *Body Worn Cameras*, specifically delineates that CPD members shall activate their BWC at the beginning of a law-enforcement-related activity i.e., an arrest. Based upon the preponderance of the evidence, COPA sustains the allegation against Officer Buckley and Officer Villarreal of failure to activate their body-worn camera.

RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS³¹

a. Officer Buckley

Complimentary and Disciplinary History Officer Buckley was appointed to the Chicago Police Department (CPD) on May 22, 1991. During his tenure with CPD, Officer Buckley has received three Crime Reduction Ribbons, three Attendance Recognition Awards, thirteen Complimentary Letters, a Democratic National Convention Award, three Department Commendations, a Deployment Operations Center Award, a Physical Fitness Emblem of Recognition, and a Field Training Award.

Additionally, Officer Buckley earned eighty-five Honorable Mentions, a Joint Operations Award, a Life-Saving Award, a NATO Summit Service Award, and a 2008 Presidential Election Deployment Award, Problem-Solving Award, and a Special Commendation.

i. Recommended Penalty, by Allegation

1. Allegation No. 6

²⁹ Special Order S03-14, *Body Worn Cameras*

³⁰ [REDACTED] corroborates this information in her statement.

³¹ Only include this section for investigations with at least one sustained allegation.

Based upon the preponderance of the evidence, COPA sustains the allegation of Failed to comply with Special Order SO3-14, Body Worn Cameras, by failing to activate your body-worn camera against Officer Buckley. It is recommended that Officer Buckley receive a violation noted.

Mitigation factors include Officer Buckley readily admitting that with the immediacy of [REDACTED]'s arrest, he forgot to turn on the BWC. Officer Buckley also admitted he should have been more thoughtful in turning on the BWC. Additional mitigating factors are Officer Buckley's complementary history, coupled with no sustained complaints or summary punishments.

b. Officer Villarreal

i. Complimentary and Disciplinary History

Officer Villarreal was appointed to the Chicago Police Department (CPD) on July 27, 2018. During his tenure with CPD, Officer Villarreal has received a 2019 Crime Reduction Award and twelve Honorable Mentions.

ii. Recommended Penalty, by Allegation

1. Allegation No. 6

Based upon the preponderance of the evidence, COPA sustains the allegation of Failed to comply with Special Order SO3-14, Body Worn Cameras, by failing to activate your body-worn camera against Officer Villarreal. It is recommended that Officer Villarreal receive a violation noted.

Mitigating factors for Officer Villarreal include that as he was attempting to activate the BWC, the front of the device fell off while trying to get [REDACTED] into the CPD vehicle. Additional mitigating factors include Officer Villarreal's complimentary history, coupled with no sustained complaints or summary punishments.

VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation ³²
Officer Buckley	It is alleged that on or around April 15, 2019, at approximately 3:20 PM, at or near [REDACTED], Chicago, IL, Officer Buckley: 1. Stopped [REDACTED] without justification, in violation of Rule 1.	Exonerated

³² Penalty recommendations are only applicable to "Sustained" findings.

	<p>2. Detained [REDACTED] without justification, in violation of Rule 1.</p> <p>3. Forcefully grabbed [REDACTED] around his throat without justification, in violation of Rules 8 and 9.</p> <p>4. Forcefully choked [REDACTED] around his throat without justification, in violation of Rules 8 and 9.</p> <p>5. Arrested [REDACTED] without justification, in violation of Rule 1.</p> <p>6. Failed to comply with Special Order SO3-14, Body Worn Cameras, by failing to activate your body-worn camera, in violation of Rule 5.</p>	<p>Exonerated</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Exonerated</p> <p>Sustained/Violation Noted</p>
<p>Officer Villarreal</p>	<p>It is alleged that on or around April 15, 2019, at approximately 3:20 PM, at or near [REDACTED], Chicago, IL, Officer Villarreal:</p> <p>1. Stopped [REDACTED] without justification, in violation of Rule 1.</p> <p>2. Detained [REDACTED] without justification, in violation of Rule 1.</p> <p>3. Forcefully grabbed [REDACTED] around his throat without justification, in violation of Rules 8 and 9.</p> <p>4. Forcefully choked [REDACTED] around his throat without justification, in violation of Rules 8 and 9.</p> <p>5. Arrested [REDACTED] without justification, in violation of Rule 1.</p>	<p>Exonerated</p> <p>Exonerated</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Exonerated</p>

6. Failed to comply with Special Order SO3-14, Body Worn Cameras, by failing to activate your body-worn camera, in violation of Rule 5.

Sustained/Violation
Noted

Approved:



5-25-2021

Angela Hearts-Glass
Deputy Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	12
Investigator:	Mark A. Glenn
Supervising Investigator:	Andrew Dalkin
Deputy Chief Administrator:	Angela Hearts-Glass