

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	June 2, 2020
Time of Incident:	10:00 am
Location of Incident:	Facebook (Online Web)
Date of COPA Notification:	June 10, 2020
Time of COPA Notification:	6:50 pm

On June 2, 2020, Chicago Police Department (“CPD”) member, Officer Jose Jara (“Officer Jara”), engaged in a heated exchange on social media with Complainant, [REDACTED] ([REDACTED] in response to a Facebook post about looters in Little Village. [REDACTED] alleges that Officer Jara stated words to the effect of, “I don’t consider them people.” [REDACTED] also alleges that Officer stated words to the effect of, “you acted like one of those badass gangbangers from Little Village,” and/or “4 feet tall wasn’t enough.” After reviewing the evidence, the Civilian Office of Police Accountability (“COPA”) has determined by clear and convincing evidence that the CPD member’s conduct constitutes misconduct.

**II. INVOLVED PARTIES**

Involved Officer #1:	Officer Jose Jara, Star #17406, Employee No. [REDACTED], Date of Appointment: May 5, 1997, Rank: Police Officer, Unit of Assignment: 102, DOB: [REDACTED], 1971, Gender: Male, Race: Hispanic
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1971, Gender: Male, Race: Hispanic

**III. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Officer Jara	It is alleged by the complainant, [REDACTED] that on or June 2, 2020, at approximately 10:00 am, the accused committed	

	<p>misconduct through the following acts or omissions:</p> <ol style="list-style-type: none"> <li>1. stated words to effect of, “ I don’t consider them people;”</li> <li>2. stated words to the effect of, “you acted like one of those badass gangbangers from Little Village;”</li> <li>3. stated words to the effect of, “4’ feet tall wasn’t enough;” and/or</li> <li>4. failed to follow the Chicago Police Department’s Standards of Conduct during his virtual encounter with ██████████ in violation of Rules 2, 6, and 8 of the CPD Rules.</li> </ol>	<p>Not Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p>
--	---	---

**IV. APPLICABLE RULES AND LAWS**

Rules

1. Rule 1, CPD Rules of Conduct (Prohibiting violation of any law or ordinance)
2. Rule 2, CPD Rules of Conduct (Prohibiting any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department)
3. Rule 6, CPD Rules of Conduct (Prohibiting disobedience of an order or directive, whether written or oral)
4. Rule 8, CPD Rules of Conduct (Prohibiting disrespect to or maltreatment of any person, while on or off duty)
5. Rule 9, CPD Rules of Conduct (Prohibiting engaging in any unjustified verbal or physical altercation with any person, while on or off duty)

General Orders

1. CPD G02-01: *Human Rights and Human Resources* (effective date: October 5, 2017)
2. CPD G09-01-06: *Use of Social Media Outlets* (effective date: February 29, 2020)

Federal Laws

1. First Amendment to the United States Constitution

## V. INVESTIGATION<sup>1</sup>

### a. *Civilian Interviews*

██████████ (██████████)<sup>2</sup>

On June 16, 2020, ██████████ was interviewed by COPA investigators. During his interview, ██████████ told investigators that on June 2, 2020, he observed a photo on Officer Jose Jara's Facebook profile with the caption, "Thanks to the outside help, Little Village is free of looters, etc."<sup>3</sup> ██████████ wrote to Officer Jose Jara's personal Facebook page and stated that his "outside helpers" were the same people who had a shot little girl in the face on Halloween and incited direct racial violence.<sup>4</sup> Officer Jara stated that he does not consider looters to be people at all and ██████████ felt that this statement was a racial trope that dehumanize a particular group.<sup>5</sup> ██████████ told investigators that the he took the word "people" in Officer Jara's statement as a reference to African-Americans.<sup>6</sup> ██████████ then told Officer Jara that if he does not consider them people then he should turn in his badge and join the street gangs.<sup>7</sup> ██████████ also told investigators that he stopped replying before he went back to Facebook and observed that Officer Jara had deleted the post entirely.<sup>8</sup>

Furthermore, on the following day, ██████████ tagged Officer Jara in a Facebook video that showed the "Latin King" street gang harassing motorists and engaging in a gunfight in Little Village.<sup>9</sup> ██████████ told investigators that he wrote to Officer Jara on the tagged video and stated, "this is an example of your 'outside helpers' and what they're doing."<sup>10</sup> ██████████ also stated that Officer Jara responded to the post by mocking his height and bringing up perceptions from when they were in high school together at ██████████.<sup>11</sup> ██████████ recalled Officer Jara stating words to the effect of, "I remember you back in high school you acted like one of those bad-ass gang bangers from Little Village. What happened? Was there a height requirement? Four feet tall wasn't enough? I guess [your] acting career started back then."<sup>12</sup> In his statement with COPA, ██████████ stated that Officer Jara's comments were simply dismissing his point of view about the violence and gang banging activity in their neighborhoods which eventually led to a personal attack.<sup>13</sup>

---

<sup>1</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>2</sup> Attachment #3 and #4 Audio/Transcript Interview of ██████████

<sup>3</sup> Attachment #4 (pg. 4: lines 21-23).

<sup>4</sup> Attachment #4 (pg.5: lines 8-13)

<sup>5</sup> Attachment #4 (pg. 8: lines 12-15)

<sup>6</sup> Attachment #4 (pg. 9: lines 18-21)

<sup>7</sup> Attachment #4 (pg.5)

<sup>8</sup> *Id.*

<sup>9</sup> Attachment #4 (pg.6)

<sup>10</sup> *Id* at lines 7-9.

<sup>11</sup> Attachment #4 (pg 6; 10)

<sup>12</sup> Attachment #4 (pg. 10: lines 8-13)

<sup>13</sup> Attachment #4 (pg. 10: lines 15-19)

**b. Officer Interview****Accused Officer Jose Jara (“Officer Jara”)<sup>14</sup>**

**Officer Jara** gave an audio- recorded statement on May 10, 2021. In summary, Officer Jara told investigators that he was a police officer at Unit 102 which handles communications and media for the Chicago Police Department (“CPD”).<sup>15</sup> Aside from his role at CPD, Officer Jara has a public relations job where he handles advanced screenings and promotions for film studios.<sup>16</sup> Officer Jara told investigators that the incident started because ██████ was asking for promotional film swag for his non-profit organization.<sup>17</sup> On multiple occasions, Officer Jara refused to give ██████ any promotional gear for his organization and he grew upset over a period of time.<sup>18</sup> Officer Jara stated that ██████ requests eventually moved to a private conversation through Facebook messenger where he repeatedly told ██████ that he could not give him anything.<sup>19</sup> Those private conversations were made from Officer Jara’s personal account on Facebook.<sup>20</sup>

On the day of the incident, Officer Jara received a Facebook post from ██████ in reference to looting in Little Village.<sup>21</sup> From his personal account, Officer Jara stated words to the effect of, “Looters couldn’t make it into Little Village, a little outside help kept the looters away.”<sup>22</sup> Officer Jara also stated, “I don’t consider them people” in reference to the looters in Little Village.<sup>23</sup> In his interview with COPA, Officer Jara confirmed that he made the following statements: “you acted like one of those bad-ass gang bangers from Little Village,” and “four feet tall wasn’t enough” in reference to ██████ in Facebook posts.<sup>24</sup> Officer Jara stated that he made these statements to ██████ because he was being bashed as the police and wanted to return the personal attacks.<sup>25</sup> Officer Jara later told COPA investigators that, in hindsight, he should have kept his comments to himself while in his position as a CPD member.<sup>26</sup>

**a. Digital Evidence**

Due to the nature of this instance, Body Worn Camera (“BWC”) was neither required nor available in this online incident. Aside from that, ██████ provided a Facebook video to COPA investigators that bears no relevance to the investigation and/or its outcome.<sup>27</sup>

---

<sup>14</sup> Attachment #9 and Attachment #10 Audio/Transcript Interview of Officer Jose Jara

<sup>15</sup> Attachment 10 (pg. 10).

<sup>16</sup> Attachment 10 (pg. 8)

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> Attachment #10 (pg. 17).

<sup>20</sup> Attachment #10 (pg. 12).

<sup>21</sup> Attachment #10 (pg. 17)

<sup>22</sup> *Id.*

<sup>23</sup> Attachment #10 (pg. 21).

<sup>24</sup> Attachment #10 (pg. 22).

<sup>25</sup> Attachment #10 (pg. 23).

<sup>26</sup> *Id.*

<sup>27</sup> Attachment #17.

**b. Documentary Evidence**

**Exhibit 1**<sup>28</sup> documented Officer Jara’s personal Facebook account that is affiliated with LatinoScoop.com.

**Exhibit 2**<sup>29</sup> documented Officer Jara’s Facebook post that states, “The looters couldn’t make it into Little Village. A little outside help kept the looter away.”

**Exhibit 3**<sup>30</sup> documented Officer Jara’s Facebook comment that states, “Also- I don’t call those coming into neighborhoods to loot PEOPLE. ██████ replied, “you wouldn’t call them people? You need to turn [in] your badge. Maybe go join the gangbangers. They seem to stoop to your standards.”

**Exhibit 4**<sup>31</sup> documented ██████ Facebook comment that states, “that is a lie. I wasn’t a gangbanger, didn’t care for them now. That makes you a liar. Your height joke falls short (pun) as I’m adult who doesn’t have a hang-up about that.”

**Exhibit 5**<sup>32</sup> documented Officer Jara’s Facebook comment in reply, “I remember you back in high school you acted like one of those gangbangers from Little Village. What happened?? Was there a height requirement?? 4’feet tall wasn’t enough. I guess [your] acting career started back then.”

**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;
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 occurred and violated 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

---

<sup>28</sup> Attachment #11 Exhibit 1.

<sup>29</sup> Attachment #12 Exhibit 2.

<sup>30</sup> Attachment #13 Exhibit 3.

<sup>31</sup> Attachment #14 Exhibit 4.

<sup>32</sup> Attachment #15 Exhibit 5.

gathered in an investigation establishes that it is more likely that the misconduct occurred, 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

*Officer Jose Jara*

### a. Officer Jara stated words to the effect of, "I don't consider them people."

COPA recommends a finding of **NOT SUSTAINED** for Allegation 1 against Officer Jara, in that he stated words to the effect of, "I don't consider them people." Pursuant to General Order 09-01-06, officers, whether on or off duty, are prohibited from posting on social media, "any communications that discredit or reflect poorly on the Department, its vision, mission, values, or goals," or "content that is disparaging to a person or group based on race, religion, sexual orientation or any other protected class."<sup>33</sup> Here, Officer Jara stated, "I don't call those coming into neighborhoods to loot PEOPLE," as a publicly made comment in reply to ██████████ on his personal Facebook page.<sup>34</sup> ██████████ believed that Officer Jara's comment was in reference to African-Americans when asked by COPA investigators.<sup>35</sup> However, it is unclear as to whether Officer Jara made this statement to disparage a person or group based on race and/or if this statement discredits or reflects poorly on the Department. Therefore, COPA finds that there is insufficient evidence to prove or disprove this allegation. For these reasons, we find that Allegation 1 against Officer Jara is **NOT SUSTAINED**.

### b. Officer Jara stated words to the effect of, "you acted like one of those badass gangbangers from Little Village."

COPA recommends a finding of **SUSTAINED** for Allegation 2 against Officer Jara in that he stated words to the effect of, "you acted like one of those badass gangbangers from Little Village." CPD prohibits officers, on or off duty, from posting on social media, "any communications that discredit or reflect poorly on the Department, its vision, mission, values, or goals."<sup>36</sup> Department members also have a responsibility to "treat all persons with the courtesy and dignity which is inherently due every person as a human being," and to "act, speak and conduct themselves in a professional manner."<sup>37</sup> Here, pursuant to Exhibit 5, Officer Jara stated "you acted like one of those badass gangbangers from Little Village" in response to ██████████ on a Facebook post, and even admitted to making such statement in his interview with COPA.<sup>38</sup> As a result,

<sup>33</sup> CPD General Order G09-01-06: *Use of Social Media Outlets* (effective February 29, 2020)

<sup>34</sup> Attachment #13 Exhibit 3.

<sup>35</sup> Attachment #4 (pg. 9: lines 18-21)

<sup>36</sup> CPD General Order G09-01-06: *Use of Social Media Outlets* (effective February 29, 2020)

<sup>37</sup> CPD General Order G02-01: *Human Rights and Human Resources* (effective date: October 5, 2017)

<sup>38</sup> Attachment #15 Exhibit 5; Attachment #10 (pg. 23).

Officer Jara's comments were in direct violation of the Department's directives and it reflected poorly on the Department, its vision, mission, values or goals. Officer Jara also had a responsibility to treat all persons with dignity and courtesy, and he failed to adhere to this standard when he spoke to ██████ on Facebook. Therefore, Officer Jara violated the terms of these directives. For these reasons, we find that Allegation 2 against Officer Jara is **SUSTAINED**.

**c. Officer Jara stated words to the effect of, "4' feet tall wasn't enough."**

COPA recommends a finding of **SUSTAINED** for Allegation 3 against Officer Jara in that he stated words to the effect of, "4' feet tall wasn't enough." Here, Officer Jara's admission in his statement with COPA and the screenshots of the Facebook post establishes that the alleged comment "4' feet tall wasn't enough" was made in reference to ██████<sup>39</sup> Officer Jara failed to treat ██████ with dignity and courtesy, and his comments ultimately reflected poorly on the Department and its mission and values. For these reasons, we find that Officer Jara made such comment in violation of CPD directives. Accordingly, COPA finds Allegation 3 is **SUSTAINED**.

**d. Officer Jara failed to follow the Chicago Police Department's Standards of Conduct during his virtual encounter, with ██████ in violation of Rules 2, 6, and 8 of the CPD Rules.**

For the reasons stated above, COPA finds Allegation 4 is **SUSTAINED**.

## **VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**

**a. Officer Jose Jara**

**i. Complimentary and Disciplinary History**

As of July 8, 2021, Officer Jara's Complimentary History comprises of forty-two awards, including one (1) Department Commendation and thirty-three (33) Honorable Mentions. As of July 9, 2021, Officer Jara has zero (0) sustained complaints against him.

**ii. Recommended Penalty, by Allegation**

- 1. Allegation No. 2: 5-Day Suspension**
- 2. Allegation No. 3: 5-Day Suspension**
- 3. Allegation No. 4: 5-Day Suspension**

---

<sup>39</sup> Attachment #15 Exhibit 5

Approved:



12/23/2021

---

Matthew Haynam  
*Deputy Chief Investigator*

---

Date