

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	September 2, 2020
Time of Incident:	8:00 PM
Location of Incident:	1031 E 78 th St. Chicago, IL 60619
Date of COPA Notification:	September 4, 2020
Time of COPA Notification:	4:19 PM

On September 2, 2020, Chicago Police Department (CPD) members responded to 7841 S. Carpenter Avenue due to a large gathering with narcotics and a weapon present. During the event, there was a call for support officers and there was a call for “shots fired” over police radio transmissions. Apparent gunfire is also audible on the CPD members’ Body Worn Camera (BWC) recordings. The complainant, [REDACTED] ([REDACTED] was at the scene of the disturbance. CPD members arrested numerous individuals, including [REDACTED] who alleged that the accused CPD members arrested him without justification and failed to identify themselves upon his request. [REDACTED] was charged with Disorderly Conduct–Disturbing the Peace. During COPA’s preliminary investigation, investigators observed potential misconduct by Police Officer Jose Lopez (Officer Lopez) in his dealings with [REDACTED] ([REDACTED] another arrestee at the scene. COPA’s investigation found that Officer Lopez used excessive force when he pushed [REDACTED] without justification, that Officer Lopez engaged in an unjustified verbal altercation with [REDACTED] when he used language that tended to belittle or mock [REDACTED] during the arrest, and that Officer Lopez failed to complete a required report to document his use of force. COPA’s investigation also found that Sergeant George Davros (Sgt. Davros) failed to record the entirety of the incident with his BWC. However, COPA found that the arrest of [REDACTED] by Sgt. Davros and Sergeant Timothy Balasz (Sgt. Balasz) was justified because [REDACTED] refused a lawful order to leave the area given by a CPD member who was attempting to address a chaotic scene where gunshots had been fired.

II. INVOLVED PARTIES

Involved Sergeant #1:	Timothy Balasz; Star #1799; Employee ID # [REDACTED]; Date of Appointment: October 28, 2002; Sergeant of Police; Unit 006; Date of Birth: [REDACTED], 1977; Male, White
Involved Sergeant #2:	George Davros; Star #1196; Employee ID # [REDACTED]; Date of Appointment: September 5, 1995; Sergeant of Police; Unit 006; Date of Birth: [REDACTED], 1969; Male; White
Involved Officer #1:	Jose Lopez; Star #11943; Employee ID # [REDACTED]; Date of Appointment: May 1, 2006; Police Officer; Unit 008; Date of Birth: [REDACTED], 1981; Male; Hispanic

Involved Individual #1: [REDACTED] Date of Birth: [REDACTED], 1991; Male; Black

Involved Individual #2: [REDACTED] Date of Birth: [REDACTED], 1981; Male; Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Sergeant Timothy Balasz	<p>1. It is alleged that on September 2, 2020, at approximately 10:23 pm, at or near 7841 S. Carpenter St., Sergeant Timothy Balasz asked another Department member to take [REDACTED] into the police station without justification.</p> <p>2. It is alleged that on September 2, 2020, at approximately 10:23 pm, at the 6th District Station, Sergeant Timothy Balasz failed to provide his name and badge number to [REDACTED] upon request.</p>	<p>Exonerated</p> <p>Not Sustained</p>
Sergeant George Davros	<p>It is alleged that on September 2, 2020, at approximately 10:23 pm, at or near 7841 S. Carpenter St., Sergeant George Davros:</p> <p>1. Arrested [REDACTED] without justification.</p> <p>2. Failed to provide his name and badge number to [REDACTED] upon request.</p> <p>3. Prematurely deactivated his body worn camera in violation of CPD policy.</p>	<p>Exonerated</p> <p>Not Sustained</p> <p>Sustained/ 2-Day Suspension</p>
Jose Lopez	<p>1. It is alleged that on September 2, 2020, at approximately 10:23 pm, at or near 7841 S. Carpenter St., Officer Jose Lopez used unnecessary force when he pushed [REDACTED] onto the ground.</p> <p>2. It is alleged that on September 2, 2020, at approximately 10:23 pm, at or near 7841 S. Carpenter St., Officer Jose Lopez displayed unprofessional conduct when he said, “What’s up player, you wanted that smoke, you wanted that smoke, right? I just gave you that smoke,” to [REDACTED]</p>	<p>Sustained/ Minimum 15-Day Suspension</p> <p>Sustained/ Minimum 15-Day Suspension</p>

	<p>3. It is alleged that on September 2, 2020, at approximately 10:23 pm, at the 6th District Station, Officer Jose Lopez failed to complete a TRR in relation to his altercation with [REDACTED]</p>	<p>Sustained/ Minimum 15-Day Suspension</p>
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IV. APPLICABLE RULES AND LAWS

Rules

Rule 2: Any action 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 8: Disrespect to or maltreatment of any person, while or off duty.

Rule 9: Engaging in any justified verbal or physical altercation with any person, while on or off duty.

Rule 10: Inattention to duty.

Rule 37: Failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank and star number when so requested by other members of the Department or by a private citizen.

General Orders

1. G03-02: De-Escalation, Response to Resistance, And Use of Force (effective date: February 29, 2020)

2. G03-02-01: Response to Resistance and Force Options (effective date: February 29, 2020)

3. G03-02-02: Incidents Requiring the Completion of a Tactical Response Report (effective date: February 29, 2020)

Special Orders

1. S03-14: Body Worn Cameras (effective date: April 30, 2018)

State and Local Laws

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1. 720 ILCS 5/26-1 Disorderly Conduct
 2. Municipal Code of Chicago (MCC) § 8-4-010, Disorderly Conduct

V. INVESTIGATION¹

a. Interviews

On September 9, 2020, ██████████ made a statement to COPA via telephone.² ██████████ recalled the incident involving the police occurred on September 2, 2020, between approximately 7:00 PM and 8:00 PM at 7841 S. Carpenter Street. ██████████ said there was a lot of commotion on the street and the sidewalk following a party, with numerous civilians and police at the location. ██████████ explained that he heard a sergeant tell another sergeant to put handcuffs on him. The first sergeant said that ██████████ was going to jail. ██████████ said the first sergeant did not tell him anything prior to the arrest, but the Sergeant was arguing with his ██████████ brother ██████████ said he was outside of a house but inside the exterior gate when he was arrested. ██████████ described the sergeant who initiated the arrest as white or Hispanic, older, with dark hair. The sergeant who initiated the arrest then passed ██████████ off to a second sergeant who ██████████ described as tall and white. ██████████ said he asked the second sergeant for his name and badge number, but the sergeant did not provide the requested information. ██████████ said he asked the sergeant who initiated the arrest for his badge number at the police station, but that sergeant also failed to provide the information to him. ██████████ described the number of CPD members at the scene as more than twenty and the number of civilians as thirty to forty people. During the incident shots were fired, and people started running and so did the police. ██████████ said there was a woman around forty or fifty years old who was pushed to the ground by a CPD member. ██████████ described the CPD member as a male Hispanic wearing a blue shirt. After the woman was pushed, ██████████ explained that the whole neighborhood started getting upset.

██████████ recalled being taken to the District 6 police station by two blue-shirt officers. ██████████ described his outfit as a black Nike T-shirt with white words that said, "Just do it." ██████████ brother ██████████ was wearing a pink shirt with decorations. ██████████ said his friend ██████████ was also arrested at the scene in a black "Fashion Junky" shirt with colorful lettering. ██████████ believed all three were charged with Disorderly Conduct. ██████████ said his complaints are specifically against the two sergeants who arrested him without justification. ██████████ emphasized that he did not say anything to the sergeants prior to being arrested.

In his statement given to COPA on February 10, 2020, **Sgt. Balasz**³ stated he was on duty the date of the incident and responded to the scene at 7841 S. Carpenter Street. Sgt. Balasz provided the following account of the incident: Sgt. Balasz recalled responding to the scene in response to a call to assist, a 10-1, and a report of shots fired at police. The original incident was a large gathering and disturbance, and the responding officers made a 10-1, which is a code for officers in need of assistance. The 10-1, Sgt. Balasz explained, is an emergency response when officers

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

² Attachment 1.

³ Attachment 85.

need help immediately. Sgt. Balasz recalled that many subjects were fighting and resisting police, and there was a shots fired call. When Sgt. Balasz responded to the scene, he observed a large gathering of 50 to 75 people out on the street and sidewalk yelling, and he believes he witnessed people throwing bottles. When he arrived, there were already CPD members present, and there were people in the street, on the sidewalk, and on their porches. When Sgt. Balasz approached [REDACTED] and the other individuals arrested, [REDACTED] was in a group that had been yelling at the police. Sgt. Balasz specifically observed [REDACTED] yelling at CPD members. Sgt. Balasz said he possibly ordered an officer in the vicinity to arrest [REDACTED] but he did not recall who he was referring to when giving orders to arrest “him.” Sgt. Balasz did not recall asking Sgt. Davros to take [REDACTED]

When asked what [REDACTED] had said, or did, to cause Sgt. Balasz to order another officer to arrest [REDACTED] Sgt. Balasz answered, “He was part of the charge that was related to the disorderly, and the fact that he failed to follow multiple verbal commands to leave the scene. Initially I asked them to go inside, they didn’t, so I figured okay, if they could go inside the gate maybe we could get control of the scene better, they refused that, and then when the other guy walked up and I decided the scene was getting more fluid than it was, that we were gonna’ place him into custody, and at that point, that’s when Mr. [REDACTED] kind of impeded my ability to place that first guy into custody.”⁴ When confronted with the allegation that he refused to tell [REDACTED] his name and star number, Sgt. Balasz answered that [REDACTED] asked for his name and star number multiple times, and he gave it to him multiple times. Sgt. Balasz clarified the reason [REDACTED] was arrested was not solely based on his impeding the arrest of the other subject, and that was only one factor. The disorderly conduct that led to [REDACTED] arrest was his failure to leave the scene after being given multiple verbal commands and after a large crowd began to gather, creating a public safety concern.

In his statement given to COPA on February 23, 2022, **Sgt. Davros**⁵ stated he was on duty in plain clothes on September 2, 2020. Sgt. Davros provided the following account of the incident at 7841 S. Carpenter Street: Sgt. Davros responded to a call for assistance with a large crowd. When Sgt. Davros arrived, there were numerous CPD vehicles there already. Sgt. Davros observed numerous people and CPD members present on the street, and he observed people yelling, shouting, and recording with their phones. Sgt. Davros responded to the scene after the “shots fired” call and he was probably aware of the call for “shots fired” prior to arriving on the scene. Sgt. Davros did not remember any specifics about the arrest of [REDACTED] nor any specific actions taken by [REDACTED] that led to his arrest. Sgt. Davros did not recall the reason for [REDACTED] arrest. Sgt. Davros said the other CPD members involved were the ones listed on [REDACTED] arrest report.

Sgt. Davros said he is familiar with the Department rule regarding members providing their name and star number to members of the public when requested, and that he follows the rule. Sgt. Davros said in this case, if [REDACTED] had asked him for his name and star number, he would have provided them to him. Sgt. Davros did not specifically recall [REDACTED] asking for his name or star number and did not recall having any conversation with [REDACTED] at the police station. Sgt. Davros did not recall if [REDACTED] had asked any other Department member for their name and star number.

Sgt. Davros acknowledged that he was trained on the use of department issued BWC, and he asserted that he follows the Department directive regarding BWC. When asked specifically why

⁴ Attachment 85 (12:13-12:45).

⁵ Attachment 87.

his BWC was deactivated prematurely, Sgt. Davros answered that it was possibly due to human error. Sgt. Davros described the incident as a chaotic situation with people all over the street. Sgt. Davros explained that there were multiple CPD members at the rank of Sergeant who responded to the scene, but there were no CPD member above the rank of Sergeant. When asked who gives orders when there are multiple Sergeants are at a scene, Sgt. Davros replied that it is an individual decision and no one Sergeant takes command of the entire situation. Sgt. Davros did not recall if there were any specific orders given to any civilians on the street during the incident. Sgt. Davros described [REDACTED] behavior while being arrested as compliant. Sgt. Davros confirmed that he was the CPD member who placed handcuffs on [REDACTED]. When asked if, after viewing BWC footage from the incident, he could explain the reason for the arrest of [REDACTED], Sgt. Davros could not. Sgt. Davros did not recall any orders given to him to arrest [REDACTED] and he did not recall if Sgt. Balazs directed him to arrest [REDACTED].

In his statement given to COPA on February 10, 2022, **Officer Jose Lopez**⁶ confirmed being on duty and at the scene of 7841 S. Carpenter Street. Officer Lopez described a chaotic scene where an individual was being arrested for unlawful use of a weapon while numerous people were out on the street drinking. When asked about the incident involving [REDACTED], Officer Lopez said – after watching his BWC recording – that [REDACTED] had approached him and engaged in a brief conversation.⁷ Officer Lopez asked [REDACTED] to step back, but [REDACTED] did not comply. Officer Lopez then pushed [REDACTED] who fell to the ground, and Officer Lopez then got on top of [REDACTED]. Officer Lopez said the language he used while arresting [REDACTED] “was probably a poor choice of word on my behalf,”⁸ and he explained that it was a chaotic scene and that he was under duress.

Officer Lopez explained that there were civilians on the street near their cars and on the sidewalk that CPD members were dealing with. Officer Lopez described the civilians as irate, screaming, and in distress. Officer Lopez explained that he observed multiple officers attempting to arrest one person while a man said something to the effect that they were going to beat Officer Lopez’s ass. Officer Lopez could hear shots fired on his BWC recording and could also hear himself instructing people to leave the area.

Officer Lopez could not recall exactly when he first encountered [REDACTED] on the night of this incident. Officer Lopez did not recall interacting with [REDACTED] prior to this event. Officer Lopez said that [REDACTED] approached him on the sidewalk; it first looked as if [REDACTED] was walking next to him, but then [REDACTED] turned around in a bladed stance. At that point, Officer Lopez told [REDACTED] to step back, but [REDACTED] came back towards him, and Officer Lopez extended his arms towards [REDACTED] chest, and [REDACTED] fell to the ground. Officer Lopez then immediately secured [REDACTED]. Officer Lopez acknowledged exchanging words with [REDACTED] prior to [REDACTED] arrest, but Officer Lopez could not recall what words were said. When asked to describe what he meant by a “bladed stance,” Officer Lopez explained that [REDACTED] was initially walking away from him, but then turned towards him; words were then exchanged between them, and Officer Lopez told [REDACTED] to step back. [REDACTED] then came towards Officer Lopez again, and Officer Lopez then extended his arms towards [REDACTED] chest.

⁶ Attachments 82, 83.

⁷ Attachment 22. Officer Lopez watched his BWC recording immediately prior to his interview with COPA.

⁸ Attachment 83 (7:58 to 8:00).

Officer Lopez was given a copy of the Original Case Incident Report⁹ and the Arrest Report for ██████ for review. Officer Lopez said he did not see anything inaccurate within the reports. Officer Lopez explained that he was not the author of those reports, but they were accurate. Officer Lopez did not recall observing ██████ with clenched fists. Officer Lopez said that based on ██████ stance and his physical contact with him, he believed ██████ to be an assailant and therefore he pushed ██████. Officer Lopez said the incident occurred after the shots were fired at the scene. Officer Lopez did not recall ██████ complaining of any injury, and he did not observe any physical injuries to ██████. Officer Lopez said that he sustained an injury to his own left leg in the process of the arrest. Officer Lopez described the use of the word “smoke” in the context of his statements to ██████ someone is trying to challenge you and you challenge them back. Officer Lopez explained this was his understanding of the word and how he meant it in his statements to ██████.

When asked why he did not fill out a Tactical Response Report (TRR), Officer Lopez explained he was being treated for the injuries he sustained to his leg. Officer Lopez said he understands the directive and knows he was obligated to complete a TRR, and if there was not one in existence, he did not complete one.

b. Digital Evidence

COPA identified 65 Body Worn Camera (BWC) video recordings related to this incident recorded by CPD members. This summary utilizes information from multiple video recordings.¹¹

The BWC recordings show several civilians who appear to be drinking on the public way with some who are irate and acting belligerently towards the CPD members. The CPD members order the civilians to clear the street. During the interactions with the arrestees, ██████ engages in a verbal altercation with the police, and Sgt. Balasz initiates the arrest of ██████. Sgt. Balasz says, “He’s going,” multiple times. Sgt. Davros physically secures ██████ and places handcuffs on him.¹² Officer Cuchetto escorts ██████ to a marked CPD vehicle. Other CPD members then place ██████ in handcuffs. All three men are taken to the District 6 police station.

Officer Lopez can be observed on BWC arresting ██████¹³ Officer Lopez talks to numerous civilians on the street and asks them to clear the street. Multiple gunshots are audible, and Officer Lopez tells multiple civilians, “Get out of here,”¹⁴ apparently in response to the gunshots. After the gunshots, Officer Lopez walks towards a group of civilians on the sidewalk of Carpenter Street and says, “Oh that’s it dude.”¹⁵ It is unclear who Officer Lopez is speaking to or referencing. Officer Lopez then pushes ██████ on his left arm. ██████ turns to Officer Lopez and says, “Don’t push me, don’t touch me.”¹⁶ ██████ grabs or pushes Officer Lopez’s arm away, and

⁹ Attachment 11.

¹⁰ Attachment 9.

¹¹ Attachments 16 through 81.

¹² Attachment 78, BWC of PO Cuchetto (2:20-2:45).

¹³ Attachment 22.

¹⁴ Attachment 22 (4:17 to 4:24).

¹⁵ *Id.* at 4:43 to 4:45.

¹⁶ *Id.* at 4:49 to 4:53.

Officer Lopez responds by asking, “Bro, why you grab’ me dog?”¹⁷ Officer Lopez then states, “Let’s go,”¹⁸ and pushes ██████ in his chest, causing ██████ to fall over a short black fence. ██████ falls to the parkway, and Officer Lopez then gets on top of ██████ to secure him in handcuffs. In the process of placing handcuffs on ██████ Officer Lopez’s BWC falls off, but Lopez can be heard making statements to the effect of, “What’s up player? You wanted that smoke? You wanted that smoke right? I just gave you that smoke, and you didn’t do shit about it.”¹⁹ ██████ then asks, “You just did all that for what?”²⁰ to which Officer Lopez responds, “You said you were going to shoot me that’s why I (inaudible), man, shut the fuck up”²¹ ██████ then says, “I didn’t say shit to you,”²² Officer Lopez escorts ██████ into the street between cars and passes ██████ off to another CPD member.

At the District 6 police station, there are numerous videos with and without audio. The arrestees as well as numerous CPD members can be seen in and around the lockup area. Conversations can be heard between Sgt. Balasz and ██████. Sgt. Balasz can be seen and heard asking ██████ for his name and birthdate. ██████ can also be heard asking why he was being arrested.

c. Documentary Evidence

The **Original Case Incident Report**²³ documents that the CPD’s Community Safety Team South Social Media Team initiated an investigation based on intelligence they gathered about a large gathering with narcotics and weapons at 7800 S. Carpenter Street. Responding officers observed a large crowd in the street. The report also indicates that Officer Washington Mina observed ██████ walking at a quickened pace up steps of a front porch. Officer Mina then observed ██████ hide a firearm while standing at the front of a glass door. A Taurus Model G2C 9MM Semi-automatic handgun was recovered and officers detained ██████. The report also describes the incident involving ██████ and ██████. The report states the group disobeyed verbal commands and refused to leave the area while yelling at assisting officers and inciting the crowd. The report also summarizes the events leading to ██████ arrest. The report states that ██████ approached Officer Lopez in a bladed stance and shoved Officer Lopez’s arm and describes Officer Lopez responding by shoving ██████ to the ground.

The **Arrest Reports for** ██████ ██████ and ██████ have the same summary of events. The reports state that officers were responding to a 10-1 call assisting beat 7614B, and they encountered subjects outside of 7841 S. Carpenter Street who were yelling at police officers. The subjects were given multiple commands to leave the scene and go inside their

¹⁷ *Id.* at 4:52 to 4:53.

¹⁸ *Id.* at 4:54.

¹⁹ *Id.* at 4:55 to 5:20.

²⁰ *Id.* at 5:37.

²¹ *Id.* at 5:40 to 5:44.

²² *Id.* at 5:43.

²³ Attachment 11.

²⁴ Attachment 7.

²⁵ Attachment 9.

properties. The subjects were then arrested and charged with Disorderly Conduct- Breach of Peace.²⁶

The **Arrest Report for [REDACTED]** documents that [REDACTED] refused multiple verbal commands to go inside while yelling at the police. [REDACTED] was also charged with Disorderly Conduct- Breach of Peace.

The **Arrest Report for [REDACTED]** documents that officers were on scene of a party where people were drinking and obstructing traffic. Per the report, [REDACTED] approached Officer Lopez with clenched fists and Officer Lopez asked [REDACTED] to move back. [REDACTED] then bladed his stance and shoved Officer Lopez's arm, and Officer Lopez responded by shoving [REDACTED] to the ground. [REDACTED] was then placed into custody. The report also describes injuries that Officer Lopez sustained to his leg.

An **Office of Emergency Management and Communications Event (OEMC) Query Report**²⁹ details the events at 7841 South Carpenter Street. The report indicates the event type as a "101," indicating it was an emergency call for assistance. The report cross-references a "shots fired" call and lists the responding units that were dispatched.

The **Cook County Criminal Case Summary for Case No. [REDACTED] People v. [REDACTED]** documents that on January 14, 2021, the charge of Disorderly Conduct against [REDACTED] was stricken off with leave to reinstate.³¹

Detective Case Supplementary Report [REDACTED]³² describes the weapon found at the scene, and its owner, [REDACTED] who was charged with unlawful use of a weapon.

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

²⁶ 720 ILCS 5.0/26-1-A-1.

²⁷ Attachment 25.

²⁸ Attachment 8.

²⁹ Attachment 5.

³⁰ Attachment 88.

³¹ The case disposition of "stricken off with leave to reinstate" indicates that a criminal charge against the accused continues to exist and may still be placed on the docket and brought to trial if there is a later motion to reinstate. This disposition does not terminate the proceedings against the accused. *See Ferguson v. City of Chicago*, 820 N.E.2d 455, 459-60 (Ill. 2004).

³² Attachment 12.

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 did not comply with CPD policy.³³ If the evidence gathered in an investigation establishes that it is more likely that the conduct violated 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.³⁴ 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."³⁵

VII. ANALYSIS

Sergeant Balasz # 1799

COPA finds **Allegation #1** against Sergeant Balasz – that he asked another Department member to take ██████████ into the police station without justification – is **Exonerated**. Although BWC recordings show Sgt. Balasz initiate an arrest on ██████████ and saying, "Let's go, take this guy. He's going, he's going, you,"³⁶ Sgt. Balasz was justified in initiating the arrests. Before any arrests were made, Sgt. Balasz addressed ██████████ and the other arrestees and ordered them, words to the effect of, "Go inside, or you're going with me,"³⁷ multiple times. ██████████ did not go inside or leave the public way. Although ██████████ did not say anything to Sgt. Balasz in that moment, he did fail to comply with Sgt. Balasz's lawful orders. Per the Municipal Code of Chicago, a person commits disorderly conduct when he knowingly "[f]ails to obey an order by a peace officer . . . who has identified himself as such, or is otherwise reasonably identifiable as such, issued under circumstances where it is reasonable to believe that the order is necessary to allow public safety officials to address a situation that threatens the public health, safety or welfare."³⁸ Under the circumstances presented by this incident, it was reasonable for Sgt. Balasz to order the crowd on the street and sidewalk to disperse after gunshots were heard in the immediate area and the police were attempting to investigate the origin of the gunshots and to restore order. Sgt. Balasz was justified in asking another Department member to arrest ██████████ when ██████████ remained on the public way and refused to go inside.

³³ See *Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill. 2d 100, 191 (2005) ("A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.").

³⁴ See, e.g., *People v. Coan*, 2016 IL App (2d) 151036.

³⁵ *Id.* ¶ 28.

³⁶ Attachment 30 at 3:56 to 4:02.

³⁷ *Id.* at 2:38 to 3:10.

³⁸ See MCC § 8-4-010, Disorderly Conduct. (Attachment 90.) ██████████ was initially charged under an analogous Illinois disorderly conduct statute, but COPA has chosen to analyze the arrest under the MCC because the MCC language more specifically describes the conduct at issue. So long as the arresting officers had probable cause to arrest ██████████ for any offense, the fact that a different charge was initially listed on the arrest report would not invalidate the arrest or implicate misconduct on the part of the officers.

COPA finds **Allegation #2** against Sergeant Balasz – that he failed to provide his name and star number to ██████████ upon request – **Not Sustained**. Sgt. Balasz asserts that ██████████ asked multiple times for his name and star number, and he responded by giving this information to ██████████ more than once. On Sgt. Balasz’s BWC recording, the sergeant engages in conversation with ██████████ but there is no audio that can confirm or refute that ██████████ asked for the sergeant’s name or star number. Additional BWC recordings from the District 6 police station also show Sgt. Balasz and ██████████ engaging in conversation, but none of these recordings capture ██████████ asking for the sergeant’s name or star number. COPA cannot, however, determine if the available recordings capture the entirety of ██████████ interaction with Sgt. Balasz, so the allegation is Not Sustained.

Sergeant George Davros # 1196

COPA finds **Allegation #1** against Sergeant Davros – that he arrested ██████████ without justification – is **Exonerated**. In Officer Cuchetto’s BWC recording, Sgt. Davros can be observed arresting ██████████. However, as explained above, the arrest of ██████████ was justified. Sgt. Davros reasonably relied on instructions from another CPD member, Sgt. Balasz, when initiating the arrest, even though Sgt. Davros did not have personal knowledge of the facts underlying Sgt. Balasz justification for the arrest.³⁹

COPA finds **Allegation #2** against Sgt. Davros – that he failed to provide his name and badge number to ██████████ upon request – **Not Sustained**. In his statement to COPA, Sgt. Davros said that he habitually follows Department rules that require him to provide his name and star number to civilians when they ask for this information. Sgt. Davros could not specifically recall if ██████████ asked him for his name or star number but stated he would have given this information if asked. Other than the statements by both parties, there is no evidence to sustain or to unfound the allegation.

COPA finds **Allegation #3** against Sergeant Davros – that he prematurely deactivated his BWC in violation of CPD directives – is **Sustained**. Sgt. Davros’ BWC is activated at 22:18:24 on September 2, 2020, upon arrival at 7841 S. Carpenter Street. Thirty-three seconds later, his BWC is deactivated and is not reactivated until 22:43:12 on the same date, when Sgt. Davros was at the District 6 police station. Per Special Order S03-14, Section III.2.A, “The Department member 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.” Sgt. Davros admitted that his recording did not capture the entire incident, citing possible human error. Sgt. Davros failed to record the entire incident during the arrest of ██████████ thus the allegation is sustained. By failing to record the entire incident, Sgt. Davros violated Special Order S03-14 (thereby violating Rule 6) and failed to perform a required duty (violating Rule 5).

Officer Jose Lopez # 11943

³⁹ See *People v. Butler*, 2021 IL App (1st) 171400, ¶ 46 (“[P]robable cause [to arrest] may be established from the collective knowledge of police officers working in concert.”) (citing *People v. Moore*, 378 Ill. App. 3d 41, 48 (2007)).

COPA finds **Allegation #1** against Officer Jose Lopez – that he used unnecessary force when he pushed ██████ onto the ground – is **Sustained**. In Officer Lopez’s BWC recording, he interacts with ██████ and pushes ██████ to the ground. ██████ seems confused after he is arrested and asks, “You just did all that for what?”⁴⁰ COPA finds that it was indeed not necessary. Before Officer Lopez pushed ██████ there was no action by ██████ that would justify the push. In Officer Lopez’s statement to COPA, he asserted that ██████ was ordered to step back. However, this order is not audible on Officer Lopez’s BWC recording. The recording shows ██████ standing on a sidewalk, directly in front of a short black fence surrounding the parkway. ██████ would not have been able to step back even if he was ordered to do so. Further, Officer Lopez asserted that ██████ was initially walking away but then turned to face him in a bladed stance. However, Officer Lopez’s BWC recording shows that ██████ turned towards the officer only after the officer touched ██████ left arm. ██████ then pushed Officer Lopez’s arm away. At that point, ██████ was standing with his arms at his sides, facing Officer Lopez, who then pushed ██████ to the ground. Because Officer Lopez did not order ██████ to step back, and because ██████ was not in a bladed stance or otherwise threatening Officer Lopez, there was no justification for the officer to push ██████ to the ground. Thus, the allegation of unnecessary force is sustained, and COPA finds that Officer Lopez engaged in disrespect or maltreatment of ██████ (violating Rule 8), engaged in an unjustified physical altercation with ██████ (violating Rule 9), and brought discredit upon the Department (violating Rule 2). Officer Lopez also violated the Department’s use-of-force directive (G03-02, § III.B) in that his use of force was not objectively reasonable, necessary, and proportional considering the totality of the circumstances he faced. Officer Lopez thereby violated Rule 6 (disobedience of a written directive).

COPA finds **Allegation #2** against Officer Lopez – that he displayed unprofessional conduct when he said, “What’s up player, you wanted that smoke, you wanted that smoke right? I just gave you that smoke,” to ██████ – is **Sustained**. In his statement to COPA, Officer Lopez admitted to using the language described in the allegation and admitted that using this language was probably a poor choice of words. Officer Lopez’s words served no legitimate police purpose while tending to escalate, rather than de-escalate, the encounter, and tended to belittle or mock ██████. Officer Lopez thus engaged in disrespect or maltreatment of ██████ (violating Rule 8), engaged in an unjustified verbal altercation with ██████ (violating Rule 9), and brought discredit upon the Department (violating Rule 2).

COPA finds **Allegation #3** against Officer Lopez – that he failed to complete a TRR in relation to his altercation with ██████ – is **Sustained**. Per Department Directives, Officer Lopez was required to complete a Tactical Response Report (TRR).⁴¹ In Officer Lopez’s statement to COPA, he admitted that he was aware of the requirement to complete a TRR, and he admitted that he did not complete one. The push that Officer Lopez delivered to ██████ is best classified as an emergency takedown, and this level of force requires the completion of a TRR. Officer Lopez explained that he may have neglected to complete a TRR because he received medical attention after this incident, but this would not excuse him from completing the TRR when he returned to

⁴⁰ Attachment 22 at 5:37.

⁴¹ See General Order G03-02-02, § III.A.2.a(3) (“A Tactical Response Report is required to be completed for . . . [a]ll incidents involving a Department member’s use of . . . any leg sweep, **takedown**, stunning technique, or weaponless direct mechanical action or technique . . . that do not result in an injury or complaint of injury.”) (emphasis added).

duty. COPA was unable to locate a TRR completed by Officer Lopez for the force used during the arrest of [REDACTED]. By failing to complete the TRR, Officer Lopez violated General Order G03-02-02 (thereby violating Rule 6) and failed to perform a required duty (violating Rule 5).

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Sergeant George Davros

i. Complimentary and Disciplinary History

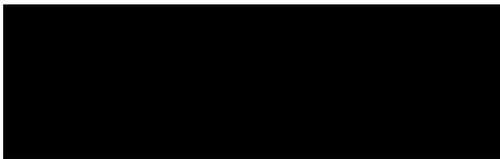
Sergeant George Davros has received: a 2004 Crime Reduction Ribbon, a Crime Reduction Award for 2009 and 2019, an Annual Bureau Award of Recognition, 2 Attendance Recognition Award, 10 Complimentary Letters, a Democratic National Convention Award, 101 Honorable Mentions, a Honorable Mention Ribbon Award, a Joint operations Award, a NATO Summit Service Award, a Police Officer of the Month Award, a presidential Election Deployment Award 2008, 3 Problem Solving Awards, a Special Accommodation, a Superintendent's Award of Tactical Excellence, and 3 unit Meritorious Performance Awards. Sergeant Davros has one SPAR with no disciplinary action, for a preventable accident on 12-27-2021.

ii. Recommended Penalty – Allegation No. 3

COPA has reviewed and considered Sgt. Davros' disciplinary and complimentary history. Sgt. Davros' complimentary history demonstrates that he is normally attentive to his duties and responsibilities as a sworn member of the Department. However, in this instance, Sgt. Davros violated Department directives by failing to record an entire law-enforcement related encounter using his body-worn camera. Body-worn cameras are a critical tool because they allow the true circumstances of police-citizen encounters to be known and for CPD members to be held accountable if they commit misconduct. Because Sgt. Davros prematurely deactivated his body-worn camera during the incident under investigation, COPA recommends a 2-day suspension.

	<p>2. Failed to provide his name and badge number to [REDACTED] upon request.</p> <p>3. Prematurely deactivated his body worn camera in violation of CPD policy, thereby violating Rules 5 and 6.</p>	<p>Not Sustained</p> <p>Sustained/ 2-Day Suspension</p>
<p>Jose Lopez</p>	<p>1. It is alleged that on September 2, 2020, at approximately 10:23 pm, at or near 7841 S. Carpenter St., Officer Jose Lopez used unnecessary force when he pushed [REDACTED] onto the ground, thereby violating Rules 2, 6, 8, and 9.</p> <p>2. It is alleged that on September 2, 2020, at approximately 10:23 pm, at or near 7841 S. Carpenter St., Officer Jose Lopez displayed unprofessional conduct when he said, “What’s up player, you wanted that smoke, you wanted that smoke, right? I just gave you that smoke,” to [REDACTED] thereby violating Rules 2, 8, and 9.</p> <p>3. It is alleged that on September 2, 2020, at approximately 10:23 pm, at the 6th District Station, Officer Jose Lopez failed to complete a TRR in relation to his altercation with [REDACTED] [REDACTED] thereby violating Rules 5 and 6.</p>	<p>Sustained/ Minimum 15-Day Suspension</p> <p>Sustained/ Minimum 15-Day Suspension</p> <p>Sustained/ Minimum 15-Day Suspension</p>

Approved:



3/11/2022

 Matthew Haynam
 Chief Investigator – Deputy Chief Administrator

 Date