

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	May 22, 2019
Time of Incident:	Approximately 7:27 P.M.
Location of Incident:	2953 W. Division Street, Chicago, Illinois/2150 N. California Avenue, Chicago, Illinois
Date of COPA Notification:	July 11, 2019
Time of COPA Notification:	6:55 P.M.

The Chicago Police Department’s Force Review Unit notified COPA of an incident involving open hand strikes, a “pressure point” technique, and possible choking of an arrestee, prompting COPA to contact the arrestee, [REDACTED] for an interview about the incident. Mr. [REDACTED] alleged that, during a traffic stop for failing to wear a seat belt, Officer Valente Lara used disproportionate and excessive force while attempting to remove him from the driver’s seat, including punching and choking Mr. [REDACTED]. He further alleged that, afterward, Officer Kashif Khan struck him in the face while in the 014th District Station.

II. INVOLVED PARTIES

Involved Officer #1:	Valente Lara, Star No. 13954, Employee No. [REDACTED], Date of Appointment: August 29, 2005, Rank: Police Officer, Unit of Assignment: 014, DOB: [REDACTED], 1979, Male, Hispanic
Involved Officer #2:	Kashif Khan, Star No. 4471, Employee No. [REDACTED], Date of Appointment: September 24, 2007, Rank: Police Officer, Unit of Assignment: 014, DOB: [REDACTED], 1973, Male, Asian/Pacific Islander
Involved Officer #3:	Denis Vale, Star No. 1087, Employee No. [REDACTED], Date of Appointment: February 17, 1998, Rank: Sergeant of Police, Unit of Assignment: 014, DOB: [REDACTED], 1966, Male, Hispanic
Involved Individual #1:	[REDACTED] DOB: [REDACTED]/1998, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Valente Lara	1. It is alleged that on or about May 22, 2019 at approximately 7:27 P.M. at or near 2953 W. Division Street Officer Valente Lara Star No. 13954 used excessive force that was not proportional while detaining [REDACTED]	Sustained
Officer Kashif Khan	1. It is alleged by [REDACTED] that on or about May 22, 2019 at approximately 2000 at or near 2150 N. California Avenue, Officer Kashif Khan Star No. 4471 committed misconduct by striking [REDACTED] on or about the face with his hand without justification.	Not Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 6: Disobedience of an order or directive, whether written or oral.
 2. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
 3. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
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General Orders

1. G03-02 Use of Force (effective October 16, 2017 to February 28, 2020)
2. G03-02-01 Force Options (effective October 16, 2017 to February 28, 2020)

V. INVESTIGATION

a. Interviews

In Complainant [REDACTED] interview with COPA on January 15, 2020¹, Mr. [REDACTED] described the traffic stop that occurred on May 22, 2019. He stated that, just after being pulled over by three officers, Officer Khan approached his vehicle on W. Division Avenue with his hand resting on his firearm. As Mr. [REDACTED] held his cell phone, attempting to record the encounter, Officer Khan drew his Taser and pointed it at Mr. [REDACTED]. Mr. [REDACTED] stated he attempted to raise his window; however, Officer Khan placed his Taser through the open window, preventing it from being raised, and threatened to break the window. Mr. [REDACTED] turned off his vehicle’s engine at the officer’s direction, which caused the vehicle doors to unlock. At that point, the officers opened the doors and entered the vehicle. Officer Khan put a handcuff on one of Mr. [REDACTED] wrists and used leverage to pull him by the handcuff. Mr. [REDACTED] acknowledged he

¹ Attachment 1.

stiffened his legs, pushing them into the floor of the driver's compartment, and pinned himself into the seat in order to prevent his removal from the vehicle.

Mr. ██████ stated that as Officer Khan tried to pull him from the vehicle, Officer Lara entered the vehicle from the front passenger's side, unbuckled Mr. ██████ seat belt, and began punching him in the side of his face with his elbow and a closed fist. Officer Lara rested his knee on the passenger seat and leaned over or on top of Mr. ██████ Officer Lara then placed his upper arm or bicep against Mr. ██████ neck. Mr. ██████ stated he was pushed backward in his seat and choked with his head pressed to the left of the driver's headrest. He felt pressure applied to his neck and his breathing was restricted but did not stop. He was pinned into his seat as Officer Lara punched and choked him, with Officer Khan continuing to attempt to pull him from the seat by the handcuff around his wrist. Mr. ██████ further stated that one of the officers (though he was unsure which one) attempted to force him from the vehicle by his neck, placing his hands on his neck and pushing or pulling him from the vehicle. Eventually, the officers removed Mr. ██████ from the vehicle, restrained him in handcuffs, placed him in a police vehicle, and transported him to the police station.

Mr. ██████ stated that, while at the police station, Officer Khan directed him to remove articles of clothing, such as his belt, prior to being placed in lock-up. Mr. ██████ said something to Officer Khan, to which the officer responded by punching him in the lip. Mr. ██████ stated that a female officer² was present and witnessed Officer Khan striking him.

In **Officer Kashif Khan's interview with COPA Investigators on May 13, 2020**³, he stated that on the date and time of the incident, he was on routine patrol with Officer Lara and Sgt. Denis Vale. As they traveled westbound on Division Street, Officer Khan observed Mr. ██████ traveling in the eastbound lane not wearing a seatbelt. Officer Khan made a U-turn, activated his lights and emergency equipment, pulled the vehicle over, and encountered the sole occupant of the vehicle, Mr. ██████ Officer Khan repeatedly asked Mr. ██████ for identification, which Mr. ██████ repeatedly refused. Due to concerns Mr. ██████ might be concealing a firearm or wanted for a crime, the officers entered the vehicle to remove Mr. ██████ After a difficult struggle, with Mr. ██████ resisting, stiffening his body, and putting his weight back into the driver's seat, Officer Khan and the other officers were finally able to remove him from the vehicle and place him into custody.

Officer Khan stated that his focus during the incident was primarily on Mr. ██████ not the actions of the other officers. He did not recall Officer Lara positioning himself on top of Mr. ██████ and believed Officer Lara was attempting to push Mr. ██████ from the vehicle, further stating he did not recall seeing anything concerning about Officer Lara's conduct. Officer Khan did not know how Officer Lara applied pressure points but assumed he used his thumb. Officer Khan observed Officer Lara's hand near Mr. ██████ neck but did not recall whether Officer Lara's hand was placed directly on Mr. ██████ throat or whether he squeezed Mr. ██████ throat. Officer Khan would not describe Officer Lara as choking Mr. ██████ and he did not see Officer Lara's hand gripping or fingers pressing into Mr. ██████ neck or throat. He also did

² Mr. ██████ could not provide further detail other than the officer was female. COPA was unable to identify the officer.

³ Attachment 12(a) – 12(c).

not recall hearing Mr. ██████ emit any choking or gasping noises during that point in the struggle. Officer Khan acknowledged that Mr. ██████ said, “I can’t breathe,” but the officer explained, “I was having a hard time breathing too. . . I believe he had a difficult time breathing because he was fighting three police officers.”⁴ Officer Khan did not witness Officer Lara push Mr. ██████ from the vehicle by the neck or head. He stated that, after receiving notification of an interview with COPA, he discussed the incident with both Officer Lara and Sgt. Vale, and he was present when Officer Lara and Sgt. Vale watched their body worn camera (BWC) videos.

In **Sergeant Denis Vale’s interview with COPA Investigators on May 13, 2020**⁵, he stated that while driving on routine patrol, Officer Khan noticed Mr. ██████ was not wearing a seatbelt, causing the officers to initiate a traffic stop. The officers positioned themselves around Mr. ██████ vehicle, and Officer Khan approached on the driver’s side and asked several times for a driver’s license. Mr. ██████ however, refused to produce identification. Officer Khan then pulled his Taser on Mr. ██████ who continued to refuse to exit the vehicle. Officers Khan and Lara opened the driver’s side and passenger’s side front doors and a struggle ensued as the officers attempted to remove Mr. ██████ Sgt. Vale stated, ██████ on the driver’s seat, Lara’s on the passenger seat,” continuing that Officer Lara, “was trying to do his pressure [point]⁶ and I don’t recall anything about [Lara] being completely on him. I don’t think he’d fit... because the steering wheel is there.”⁷ Sgt. Vale believed Officer Lara’s pressure point technique was successful in compelling Mr. ██████ to exit the vehicle. He did not see anything constituting either misconduct or a mistake on the part of Officer Lara.

Sgt. Vale further stated that he did not recall—and that his post-incident BWC review did not identify—any squeezing of Mr. ██████ throat. Sgt. Vale did not recall hearing Mr. ██████ emit any choking or gasping noises during that point in the struggle. He acknowledged Mr. ██████ stated, “I can’t breathe,” but explained, “he was struggling with three grown men, he had to be tired, it was a long struggle to that point, and. . . I will speculate it was because of the struggle that we were having with him.”⁸ Sgt. Vale stated he did not witness Officer Lara push Mr. ██████ from the vehicle by his neck, but when the sergeant reviewed his BWC, he observed Officer Lara push Mr. ██████ by his head and grab his hair. Sgt. Vale stated that, after being notified of their interviews with COPA, he, Officer Lara, and Officer Khan discussed going to COPA to give statements, but he did not recall what was said.

In **Officer Valente Lara’s interview with COPA Investigators on May 13, 2020**⁹, he stated that on the evening of the stop, he, Officer Khan, and Sgt. Denis Vale traveled westbound on Division Street when Officer Khan made a U-turn to conduct a traffic stop. The officers approached the vehicle from both sides, and Officer Khan asked repeatedly for a driver’s license or ID, but Mr. ██████ refused. Officer Khan then repeatedly ordered Mr. ██████ from the vehicle, but Mr. ██████ again repeatedly refused. Mr. ██████ turned off the car’s engine, causing the doors to unlock, at which point the officers opened the front passenger’s and driver’s

⁴ Attachment 12(b) at 13:40 – 14:15.

⁵ Attachment 13.

⁶ In his statement, Sgt. Vale used the term “pressure hold” to describe Officer Lara’s action, but corrected his term to “pressure point,” saying that he had misworded the technique. [Attachment 13 at 22:35 – 22:40].

⁷ Attachment 13 at 18:40 – 19:05.

⁸ Id. at 40:27 – 40:40.

⁹ Attachment 14(a) – 14(b).

side doors. Officer Lara entered the front passenger's side of the vehicle and a struggle ensued. Officer Lara attempted to push Mr. [REDACTED] from the vehicle and delivered both open hand strikes and control techniques before the officers were able to successfully pull Mr. [REDACTED] out and place him in handcuffs.

Officer Lara acknowledged he jumped partially on top of Mr. [REDACTED]. He stated that Mr. [REDACTED] "was pushing himself back towards the seat. He didn't want to get out. So, I was struggling between him pushing himself back and me trying to pull him out and push him out..."¹⁰ Officer Lara continued, "[Mr. [REDACTED] movement and everything he was doing was not being easy. It was a very difficult time. Like I said, he was pushing himself back. I didn't put myself on top of him, like complete weight. I was trying to bring him out because he was pushing back and I was trying to bring him out, to put him... in a better position that I could just push him... out of the car."¹¹

Regarding the statements captured on BWC, "Step the fuck out" and "Step out of the fucking car," Officer Lara stated, "I don't believe that's my voice... I said a lot of things, but I don't recall saying that and I don't behave that way." Officer Lara later admitted that, although he did not recall making those statements, the voice captured on BWC could have been his. He maintained that he was not angry with Mr. [REDACTED].

Officer Lara acknowledged that, once he had positioned himself on top of Mr. [REDACTED] he placed his right arm, and then his right hand, on Mr. [REDACTED] throat. Officer Lara identified the maneuvers as a "pressure point to the upper shoulder/neck area," stating, "When I was trying to press pressure on his neck and shoulder area, I was referring more to like the collar bone... My hand was basically grabbing, like touching, his neck, but I didn't cut his breathing air, I was not choking him, sir."¹² Officer Lara stated he used his right hand to apply pressure points between the neck and the collar bone, which is a technique he learned at the academy. He denied that he intended to restrict Mr. [REDACTED] airway, but he acknowledged his application of pressure was intentional, in order to make Mr. [REDACTED] comply. Regarding whether he in fact did restrict Mr. [REDACTED] airway, Officer Lara stated, "No, I don't—I don't—I don't believe, I didn't mean to restrict it, I don't think I—I don't think I did, sir."¹³ Officer Lara maintained it was never his intention to frighten or communicate any threat to Mr. [REDACTED] but only to make him comply.

Officer Lara acknowledged the BWC videos show that, approximately twenty seconds after he positioned himself on top of Mr. [REDACTED] he had his right hand on Mr. [REDACTED] neck, with his fingers changing from a flat, straight-fingered position to a curled finger position, appearing to grip and press inward into Mr. [REDACTED] neck. Regarding why he changed his hand position to a grip position, with his fingers pressing inward into Mr. [REDACTED] throat, Officer Lara stated, "There was a lot of movement and I was trying to apply pressure on the collar bone, he kept pushing himself back, but like I said, my intention was not to injure him, my intention was not to restrict the airway."¹⁴ Officer Lara explained he was only "trying to get him out of the car

¹⁰ Attachment 14(a) at 22:15 – 22:26.

¹¹ Id. at 22:55 – 23:18.

¹² Attachment 14(b) at 01:35 – 01:55.

¹³ Id. at 03:55 – 04:02.

¹⁴ Id. at 07:30 – 07:46.

as soon as possible, because I don't know if there's weapons in the car... I don't know why he's behaving the way he's behaving."¹⁵

Officer Lara acknowledged Mr. ██████ said, "I can't breathe," but the officer stated it was "the same way for me, I couldn't breathe, all the movement going on in there. But as soon as he said it, I removed my hand right away, but that was not my intention, sir, at all."¹⁶ Officer Lara admitted that immediately before he changed his hand to a gripped position against Mr. ██████ neck, Mr. ██████ asked, "What's your name?" However, Officer Lara maintained his change in hand position was not in response to the question and he was not angry with Mr. ██████ for asking the question. Officer Lara did not hear Mr. ██████ making gargling, gasping, or choking noises, but only heard him state, "I can't breathe."

Officer Lara acknowledged that, after he removed himself from on top of Mr. ██████ he placed his hands on Mr. ██████ neck and attempted to push him from the vehicle. Officer Lara explained he was trying to remove Mr. ██████ from the vehicle in any way he could, stating that the situation did not allow him the opportunity to select the best possible method. Officer Lara admitted that he gripped or pulled Mr. ██████ hair in his effort to remove him from the vehicle, but stated, "I was just trying to get him out of the car. I didn't have any options... There's no way I can push him out. I'm having a difficult time pushing him out. My partner is pulling him out. It—it feels like he's glued to the seat... I don't have, like, my balance to, to, uh, pick a place to push him out. So I—I basically put my hands wherever it was possible just to get him out of the car."¹⁷ Officer Lara did not believe he used excessive force or made any mistakes during his arrest of Mr. ██████ He stated that his use of force was proportional because he "used the least amount of force necessary."¹⁸ After Officer Lara was notified of his COPA interview, he spoke with both Officer Khan and Sgt. Vale about the incident under investigation.

In Officer Kashif Khan's interview with COPA Investigators on July 15, 2020,¹⁹ Officer Khan stated that following Mr. ██████ arrest, officers transported Mr. ██████ to the 014th District Station. Officer Khan also proceeded to the 014th District station, arriving after the squadrol transporting Mr. ██████ Officer Khan denied that he had any direct communication or interactions with Mr. ██████ once they both arrived at the station. He did not recall any female officers being present and did not believe any female officer would have been present at that time in the station. Officer Khan further stated that following the arrest, he did not strike Mr. ██████ in the face or anywhere else.

b. Digital Evidence

Body worn camera (BWC) videos obtained from Officer Khan,²⁰ Officer Lara,²¹ and Sgt. Vale²² document the traffic stop, arrest, and aftermath. The encounter begins as the officers

¹⁵ Id. at 08:15 – 08:26.

¹⁷ Id. at 21:55 – 22:23.

¹⁸ Id. at 28:28 – 28:33.

¹⁹ Attachment 15.

²⁰ Attachment 7 & 18.

²¹ Attachment 8.

²² Attachment 9 & 19.

effect a traffic stop of Mr. [REDACTED] on the eastbound side of the 2900 block of W. Division Street, then approach his vehicle from the rear. Officer Khan approaches Mr. [REDACTED] front driver's side window, greets him, states his name and district, and notifies Mr. [REDACTED] that his BWC is recording the interaction. Officer Khan then informs Mr. [REDACTED] the reason for the stop is that it appeared he was not wearing his seatbelt while driving. Officer Lara and Sgt. Vale walk to the passenger's side of the vehicle and look through the front and rear windows. Officer Khan asks if Mr. [REDACTED] has a driver's license and insurance, stating, "If you do, we'll be on our way, sir."²³ Mr. [REDACTED] asks why it is necessary for three officers to conduct the stop. Officer Khan responds that their sergeant is riding with them that day, and there is no other reason. He asks Mr. [REDACTED] whether he has a driver's license. Mr. [REDACTED] responds that he does have one, but does not have it with him. Officer Khan then asks for another form of identification, and Mr. [REDACTED] appears to look through his wallet for another form of identification. As he does, a whiteish-colored plastic cup is visible in the cup holder in his center console.²⁴

After approximately ten seconds, Officer Khan states, "Do me a favor, sir, step out of the vehicle, sir," and then, "I need you to step out of your vehicle, sir."²⁵ Mr. [REDACTED] shakes his head and say, "I don't know you—look, you're drawing your weapon," referring to Officer Khan's hand rested on his firearm.²⁶ Officer Khan responds, "I don't know you, I don't know if you've got weapons or not on you," and states again, "sir, I need you to step out of the vehicle."²⁷ At that point, Sgt. Vale walks around to the driver's side of the vehicle. Officer Khan directs Mr. [REDACTED] from the vehicle three additional times without compliance, then draws his Taser and points it at Mr. [REDACTED] through the open driver's side window. Mr. [REDACTED] asks, "A Taser?"²⁸ Officer Khan states twice more, "I need you to step out of the vehicle, sir," adding, "I will break the window and pull you out, sir."²⁹ Officer Khan then repeatedly orders Mr. [REDACTED] from the vehicle with Mr. [REDACTED] arguing that his hands are free and that drawing the Taser is not necessary. Sgt. Vale states, "If you don't have a license, sir, we are allowed to take you out of your vehicle."³⁰

Mr. [REDACTED] then appears to begin raising his window with Officer Khan's hand and Taser still partially inside the vehicle. As he does, Officer Khan grabs the window with his other hand and again states he will break the window and pull Mr. [REDACTED] out. Officer Khan again tells Mr. [REDACTED] to unbuckle his seat belt, turn off the engine, and step out of the vehicle. Mr. [REDACTED] appears to turn the vehicle off but refuses to exit. Officer Khan asks, "Why not?" Mr. [REDACTED] responds, "Because." Officer Khan states, "You don't have a license. Okay? Simple as that."³¹ Officer Lara then opens the passenger's side door and Officer Khan opens the driver's side door, attempting to grab Mr. [REDACTED] by his arms. Mr. [REDACTED] pulls his hands and arms away from Officer Khan.

²³ Attachment 7 at 01:10 – 01:14.

²⁴ See Sgt. Vale's second BWC video, Attachment 19, for additional discussion.

²⁵ Id. at 01:50 – 01:58

²⁶ Id. at 01:53 – 01:58

²⁷ Id. at 01:59 – 02:02.

²⁸ Id. at 02:08 – 02:10.

²⁹ Id. at 02:09 – 02:14.

³⁰ Id. at 02:29 – 02:33.

³¹ Id. at 02:46 – 02:50.

Officer Lara enters the passenger's side of the vehicle, unbuckles Mr. ██████ seat belt, and repeats the command to exit the vehicle. He then appears to attempt to push Mr. ██████ from the vehicle, pushing Mr. ██████ right shoulder and upper back as Officer Khan attempts to pull Mr. ██████ by his right arm. Officer Lara states, "Come on. Step out of the car. Step out of the car."³² He then yells, "Step the fuck out!"³³ and appears to leap partially on top of Mr. ██████ with his knees placed on the center console and Mr. ██████ legs. Once Officer Lara leaps on top of Mr. ██████ his BWC is near completely obscured, blocked by Officer Lara's immediate proximity to Mr. ██████ and eventually falling off Officer Lara's tactical vest. Officer Khan's and Sgt. Vale's BWCs continue to capture the altercation, as well as some audio from Officer Lara's fallen BWC.

Officer Khan continues to hold Mr. ██████ left wrist and arm, attempting to pull him out of the vehicle. As Officer Lara straddles Mr. ██████ he appears to place his right arm against Mr. ██████ neck, with the front of his elbow against the front of Mr. ██████ neck. Officer Lara positions himself atop Mr. ██████ pushing him back into the driver's seat, and appearing to rest his weight upon Mr. ██████ for approximately twenty-five seconds. Officer Lara releases his arm from Mr. ██████ neck, then places his hand on Mr. ██████ neck, stating, "Step out of the fucking car!"³⁴ With Mr. ██████ pinned back into the driver's seat, Officer Lara appears to have his right hand on Mr. ██████ neck, with Mr. ██████ head pushed back and to the left of the driver's seat headrest. Officer Lara appears to apply pressure to Mr. ██████ neck, using flat, extended fingers. Mr. ██████ is then captured emitting a gasping or choking noise.

Sgt. Vale opens the rear driver's side door, rests his left hand on Mr. ██████ shoulder, and places his right hand on Mr. ██████ head. Sgt. Vale tells him, "Stop it. Stop it, alright? Just stop it, okay? Stop it. Okay?"³⁵ Mr. ██████ asks, "What's your name?"³⁶ Sgt. Vale responds that he will be given their names. At that point, Officer Lara's hand position changes from flat, extended fingers pressing on Mr. ██████ throat to a gripped or claw-like position, with his fingers curled and pointing inward, appearing to press into the side of Mr. ██████ neck.³⁷ Mr. ██████ again emits a gasping or choking noise and then states in a strained tone of voice, "I can't breathe."³⁸

Officer Lara states repeatedly, "step out of the car" and turns his body to his right, appearing to remove his body weight from Mr. ██████ person.³⁹ He pushes Mr. ██████ by the right shoulder and upper back area and attempts to push him out of the front driver's side door.

³² Attachment 8 at 02:55 – 02:57.

³³ Id. at 02:57 – 02:59.

³⁴ Id. at 03:02 – 03:12; Attachment 7 at 03:00 – 03:10.

³⁵ Attachment 9 at 02:38 – 02:44.

³⁶ Id. at 02:44 – 02:45.

³⁷ Attachment 7 at 03:00 – 03:25; Attachment 9 at 02:33 – 02:51. BWC evidence captures glimpses of Officer Lara's hand/finger position on Mr. ██████ neck. Video is limited to Officer Lara's fingers extended onto the right side of Mr. ██████ neck, but not the left. Officer Khan's perspective is near totally blocked by the frame post or "B-pillar" separating the sedan's front seat from its backseat, as well as by Officer Lara's arm and Mr. ██████ hand. Sgt. Vale's perspective is largely blocked by Mr. ██████ head and hair, as his camera points downward toward the top of Mr. ██████ head.

³⁸ Attachment 9 at 02:45 – 02:53.

³⁹ Id. at 02:46 – 02:54.

As he does, Officer Khan continues to pull Mr. [REDACTED] by the handcuff affixed to his left wrist. Officer Lara and Sgt. Vale repeatedly state, “Stop resisting!”⁴⁰ Officer Lara places his hands on the sides and back of Mr. [REDACTED] neck, just below his skull and jawline. He appears to push Mr. [REDACTED] from the vehicle by the back and sides of his head, jaw, and neck. Officer Khan attempts to pull Mr. [REDACTED] by his hair and the handcuffed wrist. Officer Lara delivers several open hand strikes to Mr. [REDACTED] head with his right hand while he grips Mr. [REDACTED] hair with his left hand, attempting to push him out of the vehicle. Sgt. Vale also pulls Mr. [REDACTED] by his hair and delivers several open hand strikes to his head.⁴¹ Officer Khan’s BWC falls to the ground during the struggle and deactivates. The struggle continues to be captured by Sgt. Vale’s BWC. Mr. [REDACTED] states, “Why ya’ll fighting me?” and “Stop punching me,” repeatedly protesting that the officers are punching him.⁴² Sgt. Vale replies the officers are not punching him, but stunning him with an open hand.⁴³ Sgt. Vale then repeatedly directs Mr. [REDACTED] to stop resisting. Officer Lara continues to push Mr. [REDACTED] from the vehicle, as Officer Khan and Sgt. Vale continue to pull Mr. [REDACTED]

Once the officers successfully remove Mr. [REDACTED] from the vehicle, they hold him on the ground as he continues struggling. The officers secure Mr. [REDACTED] hands in handcuffs and Sgt. Vale radios for a squadrol. Mr. [REDACTED] and Officer Khan argue about the officers’ use of force, Mr. [REDACTED] resistance to the arrest, and the justification for the stop, arrest, and removal from the vehicle. When a responding officer arrives on scene in a police SUV, Officers Khan and Lara pick Mr. [REDACTED] up from the ground and walk him to the SUV. Sgt. Vale again tells Mr. [REDACTED] to stop resisting as Mr. [REDACTED] struggles against the officers. The officers place Mr. [REDACTED] into the back seat of the vehicle as they continue to argue about the justification for the arrest. When a squadrol arrives, the officers remove Mr. [REDACTED] from the back of the police SUV and walk him to the squadrol, placing him into the back of the vehicle as numerous other officers arrive on scene.

The officers then return to Mr. [REDACTED] car and Officers Khan and Lara re-affix their fallen BWCs. Officer Lara conducts a search of Mr. [REDACTED] vehicle, including the front and rear passenger compartments, the center console, the glove box, and two bags located in the backseat of the vehicle. Lieutenant Nicola Zodo approaches Sgt. Vale and asks about the incident. Sgt. Vale briefs Lt. Zodo on what occurred, and the two discuss where Mr. [REDACTED] should be transported. Sgt. Vale enters the driver’s seat of Mr. [REDACTED] vehicle, starts the ignition and leaves, deactivating his BWC.

Approximately eight minutes later, Sgt. Vale reactivates his BWC as he and Lt. Zodo begin searching Mr. [REDACTED] vehicle at the station. Sgt. Vale goes through Mr. [REDACTED] wallet, inspecting the cards and contents therein, but finding no driver’s license or other identification. In the center console, he finds pieces of a broken plastic cup and liquid pooled in the cupholder. Sgt. Vale smells the liquid and identifies it as wine, stating, “Ah, he was drinking wine, that’s what it was, I think. There’s wine spilt all over his car.”⁴⁴ As he continues searching

⁴⁰ Id. at 03:00 – 03:20.

⁴¹ Id. at 03:07 – 03:13.

⁴² Id. at 03:07 – 03:30.

⁴³ Id. at 03:19 – 03:28.

⁴⁴ Attachment 19 at 01:12 – 01:23.

the vehicle, he finds other large pieces of the broken cup. Sgt. Vale uses his flashlight to search around and under the front seats, including the narrow space between each seat and the center console. Sgt. Vale eventually locates Mr. [REDACTED] Illinois State ID, saying, “Here we go. He must have, he must have a warrant, he hid his license or his ID. I’ll bet he has a warrant. I found it in between the—the thing in there, I seen something white sticking out. Yeah, he’s got a warrant—he was gonna give us a fake name, you know that.”⁴⁵ Sgt. Vale finishes searching the vehicle and again deactivates his BWC.

Twenty-seven (27) digital photographic stills captured from the BWC videos of Officer Khan and Sgt. Vale⁴⁶ document in close detail multiple movements and actions taken by Officer Valente Lara during the arrest of Mr. [REDACTED]

c. Documentary Evidence

A **July 19, 2019, Initiation Report from CPD’s Force Review Unit**⁴⁷ details an excessive force complaint logged by Commander King-Smith, Unit 721, against Officer Lara and Sgt. Vale. The memo flags both members’ Tactical Response Reports (TRRs) for review, stating in part, “[I]t appears that Officer Lara has one hand pushing against the front of the subject’s neck. The subject then asks, ‘What’s your name?’ and says ‘I can’t breathe.’ Officer Lara reported that he ‘performed pressure point to the upper shoulder/neck area of the offender.’ However, Officer Lara did not articulate anything further with regard to a ‘pressure point’ technique.”⁴⁸ The report continues, “Sergeant Denis Vale was on scene and witnessed the entire incident. Sgt. Vale responded on the TRR that the force used was consistent to department policy for an active resister and did not recommend or obtain a CL number for investigation.”⁴⁹

The **Arrest Report**⁵⁰ documents the arrest of Mr. [REDACTED] at 7:27 P.M. on May 22, 2019. Mr. [REDACTED] was charged with one count each of not wearing a seat belt, driving without a license, and operating an uninsured vehicle, as well as three counts of resisting/obstructing a police officer. The narrative section states, in part, [REDACTED] (Offender) refused to cooperate stiffening his body placing his full weight backwards into the seat, pulling his arms close to his body, pulling his hands away from A/O’s as they attempted to place him into custody. A/O Lara applied pressure points to the upper shoulder neck area of [REDACTED] (offender). This had no effect causing A/O Lara to apply several open hand strikes to [REDACTED] (offender) face. A/O Khan was able to place one handcuff on [REDACTED] (offender) left hand however struggled to pull him out of the vehicle so that he may be placed into custody. A/O Khan handed off the handcuffed arm to Sgt. Vale and used both hands to grab whatever he could on [REDACTED] (offender) person to pull him out of the vehicle performing an emergency takedown and with the assistance of Sgt. Vale placed him into custody.”

⁴⁵ Id. at 05:55 – 06:15.

⁴⁶ Attachment 10(a) – 10(z)(1).

⁴⁷ Attachment 11.

⁴⁸ Id. at pgs. 1-2

⁴⁹ Id. at pg. 2.

⁵⁰ Attachment 2. The Original Case Incident Report contains essentially the same information as the Arrest Report. See Attachment 3.

Officer Lara's Tactical Response Report (TRR)⁵¹ documents Officer Lara's uses of force during the arrest of Mr. [REDACTED]. That report states, in part, "Listed offender attempted several times to pull his hands away from A/O's and pushed himself [sic] back into his seat to resist the arrest. A/O performed pressure point to the upper shoulder/neck area of the offender. Listed offender continued to refuse to cooperate, A/O attempted to push listed offender out of the car, but listed offender continued to push his body back inside the vehicle in attempt to resist arrest, A/O performed open hand strikes to the offender's face. Listed offender was told several times to stop resisting, offender was finally pushed out of the vehicle and an emergency takedown and emergency handcuffing was conducted by assisting A/O's." The report also indicates Mr. [REDACTED] did not follow verbal directions, stiffened (dead weight), pulled away, and moved his arms. Officer Lara responded with member presence, verbal direction/control techniques, tactical positioning, additional unit members, escort holds, pressure sensitive area, open hand strikes, and a take down.

Officer Khan's TRR⁵² documents Officer Khan's uses of force during the arrest of Mr. [REDACTED]. That report states, in part, "Above refused to cooperate stiffening his body placing his full weight backwards into the seat, pulling his arms close to his body, pulling his hands away from R/O's as they attempted to place him into custody. R/O Khan was able to place one handcuff on above's left hand however struggled to pull him out of the vehicle so that he may be placed into custody. R/O handed off the handcuffed arm to Sgt. Vale and used both hands to grab whatever he could on above's person to pull him out of the vehicle performing an emergency takedown placing above into custody."

Sgt. Vale's TRR⁵³ documents Sgt. Vale's uses of force during the arrest of Mr. [REDACTED]. That report states, in part, "R/Sgt assisted the attempt to remove offender out of his vehicle and offender struggled and resisted all efforts by R/Sgt and 1461A. R/Sgt while giving verbal commands to offender to stop resisting gave open hand stuns to the back of the head of offender in attempt to gain compliance from offender. After a long struggle R/Sgt and 1461A were able to pull offender out of vehicle without further incident."

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

⁵¹ Attachment 4.

⁵² Attachment 5.

⁵³ Attachment 6.

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.⁵⁴ 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. 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.”⁵⁵

VII. ANALYSIS AND CONCLUSIONS

a. Credibility Assessment

First, COPA must assess the credibility of the witnesses, specifically of the accused officers in this case. In doing so, COPA compares the undisputed facts as identified by video evidence against the versions of events provided by the officers. In the instant case, COPA has found reason to doubt the officers’ full credibility.

Significant in COPA’s credibility analysis is that in response to questions regarding Mr. ██████ statement, “I can’t breathe,” uttered as Officer Lara’s hand gripped Mr. ██████ neck, all three officers offered the explanation that Mr. ██████ was likely experiencing shortness of breath or fatigue due to physical exertion from the struggle. In support of this explanation, Officers Khan and Lara both asserted that they too had difficulty breathing due to the physical intensity of the struggle. Notably, all three officers admitted discussing the incident with one another prior to their interviews with COPA, including viewing BWC video together. Consequently, COPA does not find the officers’ identical explanations for Mr. ██████ statement, “I can’t breathe,” to be credible. More probable than each officer independently deriving the same explanation for Mr. ██████ statement—and phrasing it in markedly similar fashion—is the likelihood that the three officers came to the explanation during their admitted discussion(s) held prior to their interviews.

However, it is also significant that while Sgt. Vale and Officer Khan failed to verify that Officer Lara leapt atop Mr. ██████ gripped his neck, or had his hand placed upon his throat (despite their immediate proximity during the struggle), Officer Lara readily admitted those facts. Officer Lara stated openly that he grabbed and applied pressure to Mr. ██████ neck area. He stated he did so intentionally, attempting to gain compliance by inflicting pain (i.e., applying the “pressure point” technique). While he insisted, he did not believe he reduced Mr. ██████

⁵⁴ 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).

⁵⁵ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (2016).

intake of air, he also did not outright deny the possibility, indicating that if any restriction did occur, it was not intentional, stating, “I didn’t mean to restrict his airway... I didn’t mean to restrict it.” While Officer Lara used the same language as his partners to explain Mr. [REDACTED] inability to breathe, he also provided a far more candid and realistic account of his actions. Were he attempting to evade responsibility for his actions, Officer Lara could easily have denied the possibility of choking, accused Mr. [REDACTED] of fakery, avoided providing detail, or simply stated he did not recall?

In sum, while the best evidence in this case comes from video, COPA finds the officers’ credibility diminished—less so in the case of Officer Lara.

b. Officer Lara

i. Pushes, Pulls, and Stuns

COPA finds that Officer Lara used excessive force not proportional to the resistance offered by Mr. [REDACTED]. In general, pushes, pulls, open hand stuns, and similar compliance techniques are authorized use of force options against passive resisters, active resisters, and assailants. However, the Department’s Use of Force policy requires any force to be *objectively reasonable, necessary, and proportional* to the threat, actions, and level of resistance offered by a subject, under the totality of the circumstances.⁵⁶ Additionally, the policy direct officers to use de-escalation techniques to prevent or reduce the need for force when it is safe and feasible to do so, based on the totality of the circumstances.⁵⁷

A. Totality of the Circumstances

Numerous circumstances inform this analysis. COPA considered that the officers gave Mr. [REDACTED] a relatively short time to comply; less than two minutes elapsed from when Officer Khan first greeted Mr. [REDACTED] until he and Officer Lara attempted to forcibly remove him. The rapid resort to force occurred when Mr. [REDACTED] was significantly outnumbered: he was alone in the vehicle and there were three CPD members present. Further, there was sufficient sunlight to allow the officers a clear view of Mr. [REDACTED] movements. Mr. [REDACTED] did exhibit some compliance, agreeing to follow Officer Khan’s instruction to turn off his vehicle. Mr. [REDACTED] also had his hands raised for much of his two-minute interaction with Officer Khan.

On the other hand, Officer Khan told Mr. [REDACTED] that if he had identification and insurance, they would let him leave, but Mr. [REDACTED] did not produce either. Officer Khan asked Mr. [REDACTED] for identification three times without compliance before asking him to step out of the vehicle. The officers continued to direct Mr. [REDACTED] to step out of the vehicle 15-20 times before they attempted to extract him. As Officer Khan displayed his Taser through the driver’s window, Mr. [REDACTED] attempted to roll the window up on Officer Khan’s hand. Additionally, Mr. [REDACTED] admitted he drove his legs into the floor of the driver’s compartment to prevent his removal. He also pulled his arms and hands away from the officers to prevent escort holds, restraints, or handcuffing.

⁵⁶ G03-02-01(II)(C); G03-02(III)(B).

⁵⁷ G03-02-01(II)(B); G03-02(III)(B)(4).

Further, Mr. ██████ offered such a degree of resistance that it took three large male officers to remove him from the vehicle—in Officer Lara’s words, it seemed as if Mr. ██████ was “glued to the seat.” The evidence validates the officers’ assessments that Mr. ██████ was behaving as if he were concealing something: BWC video suggests that Mr. ██████ was driving with an open container of alcohol and may have been intoxicated, did not possess a driver’s license, and may have attempted to hide his state ID from the officers.⁵⁸

B. Escalation and De-escalation

The incident escalated quickly, beginning with Officer Khan’s observation that Mr. ██████ was not wearing a seatbelt. Within minutes, it escalated to the threatened use of a Taser, threats to break the window and pull Mr. ██████ out, an intense physical struggle, stunning, hair pulling, and possible choking. However, the officers also utilized constant verbal engagement, including persuasion (“If you do [have identification] we’ll be on our way, sir”), repeated instruction (“Sir, step out of the vehicle”), and advice (“[If] you don’t have a license, sir, we are allowed to take you out of your vehicle”). When Mr. ██████ continued resisting the officers’ attempts to extract him, Sgt. Vale placed his hand on Mr. ██████ shoulder and repeatedly told him to stop resisting. In his statement, Officer Lara accurately reported that when Mr. ██████ stated, “I can’t breathe,” he immediately changed tactics and attempted to position himself behind Mr. ██████ to push him out of the vehicle. As soon as the officers succeeded in removing Mr. ██████ from the vehicle, they reduced their force to restraining him in handcuffs, and no longer stunned, pushed, or pulled Mr. ██████. Sgt. Vale continued his verbal direction as Mr. ██████ resisted while being escorted to a police vehicle.

COPA finds the officers were justified in ordering Mr. ██████ out of the car. The video evidence, the officers’ statements and reports, and the statement of Mr. ██████ himself, all indicate that Mr. ██████ offered strenuous physical resistance to the officers’ efforts to remove him from the vehicle. Therefore, COPA also finds the officers were justified in administering stuns, pushes, and pulls to gain Mr. ██████ compliance and place him into custody.

ii. Chokeholds

However, General Order 03-02-01 authorizes the use of chokeholds only against assailants in situations where deadly force is justified.⁵⁹ The order defines a chokehold as “applying direct pressure to a person’s trachea (windpipe) or airway (the front of the neck) with the intention of reducing the intake of air.”⁶⁰ It further provides that “holding and control techniques involving

⁵⁸ From an outside observer’s perspective, it is difficult to assess how hard Mr. ██████ physically resisted and struggled against the officers—how hard he pulled away, how tightly he was able to wedge himself in the driver’s seat, and how much physical strain was required by the officers to remove him. However, beyond the obvious physical intensity of the struggle, other evidence points to a high level of resistance by Mr. ██████. First, Mr. ██████ admitted to actively trying to prevent the officers from pulling him from the vehicle. Second, immediately following the struggle, the involved officers appeared to be breathing heavily from exertion. Further, given the open alcohol in his car, Mr. ██████ might have been intoxicated and his judgement impaired. Finally, considering the alcohol and the fact he did not have a driver’s license, Mr. ██████ might plausibly have had a motive to struggle so adamantly against the officers.

⁵⁹ G03-02-01(IV)(C)(2)(c).

⁶⁰ G03-02-01(IV)(C)(2)(c)(1).

contact with the neck, but which are not intended to reduce the intake of air, are not defined as chokeholds.”⁶¹

Substantial evidence exists that some degree of airway reduction occurred in this case. As noted above, BWC footage captured Mr. ██████ emitting a gasping or choking noise and stating in a distinctly strained tone of voice, “I can’t breathe.” However, there is an absence of video or other independent evidence documenting the full extent of Officer Lara’s hand position, finger location, grip, and the localized pressure he applied to Mr. ██████ neck and/or throat. As a result, COPA is unable to determine whether Officer Lara truly choked Mr. ██████. Specifically, due to the positioning of Sgt. Vale and Officer Khan, their BWCs did not capture what occurred on the right side of Mr. ██████ neck. Additionally, Officer Lara’s own BWC became detached and fell to the floor of the vehicle during the struggle. As a result, no video evidence exists definitively capturing whether Officer Lara choked Mr. ██████ or otherwise reduced his intake of air.

However, even if COPA were to find Officer Lara did choke and/or reduce Mr. ██████ intake of air, General Order G03-02-01 only defines a chokehold as deadly force when an officer *intentionally* restricts a subject’s airway. Again, Officer Lara readily admitted that he intended to apply a pressure point technique to Mr. ██████ neck, and even he did not deny the possibility he inadvertently reduced the airway. However, Officer Lara insisted that, if he did restrict Mr. ██████ intake of air, it was not intentional. In sum, given the limitations of video evidence in capturing Officer Lara’s hand movements, as well as the openness and greater credibility with which he accounted for his actions while still denying intentional choking, COPA finds that insufficient evidence exists to prove whether Officer Lara performed a chokehold as defined by the order—an intentional restriction of the airway.

iii. Force Requirements: Objectively Reasonable, Necessary, and Proportional

Nonetheless, setting aside the question of the intentional restriction of the airway, the question remains whether Officer Lara positioning himself on top of Mr. ██████ and pressing into his neck area to accomplish pain compliance was authorized by CPD policy, and was *objectively reasonable, necessary, and proportional*. G03-02-01 provides that “compliance techniques” are authorized against passive and active resisters.⁶² These techniques are “designed to amplify nonimpact pressure and increase the potential for controlling a subject. The goal of applying joint manipulation and pressure point techniques to pressure sensitive areas of the body is to elicit and maintain established control through non-impact pain compliance.”⁶³ Thus, the technique—short of intentional airway restriction—is authorized by the General Order.

Further, as outlined above, Mr. ██████ refused to produce identification despite multiple requests, refused numerous instructions to exit the vehicle, attempted to raise his window, used his legs to wedge himself into the driver’s compartment, and pulled his arms and hands away from the officers to prevent escort, restraint, and handcuffing. Mr. ██████ choice to vigorously

⁶¹ G03-02-01(IV)(C)(2)(c)(2).

⁶² G03-02-01(IV)(B)(1)(b).

⁶³ *Id.*

struggle against three police officers might plausibly be explained by driving under the influence of alcohol and attempting to conceal his identification. Indeed, under the totality of circumstances, Officer Lara's utilization of an authorized pressure technique to inflict discomfort and gain Mr. [REDACTED] compliance might have been *objectively reasonable*—if not for the manner in which he performed the technique.

BWC evidence is clear that Officer Lara positioned himself partially atop Mr. [REDACTED] body as he sat in the driver's seat, blocking Mr. [REDACTED] ability to exit the vehicle. Officer Lara stated, "Step the fuck out!" and "Step out of the fucking car!" as he began to press into Mr. [REDACTED] neck area. Officer Lara's actions, effectively pinning Mr. [REDACTED] into the seat and pressing into his neck while ordering him to step out of the vehicle, were not reasonable.

With regard to *necessity*, again, inflicting a pressure technique to gain the compliance of a highly resistant subject might have been necessary if not for the manner in which Officer Lara performed it. First, Mr. [REDACTED] had not yet begun to offer a high degree of physical resistance when Officer Lara jumped atop him to administer the technique. Up to that point, Mr. [REDACTED] had passively resisted verbal orders and actively resisted for approximately 5 seconds by pulling his hands away from Officer Khan. Viewed in context, it appears that Officer Lara's action was not intended to physically eject Mr. [REDACTED] from the vehicle—a possibility the officer actively obstructed by jumping on Mr. [REDACTED] instead to *convince* Mr. [REDACTED] he should comply by demonstrating that the officers were prepared to inflict significant pain if he did not. This was not necessary.

Regarding *proportionality*, again, at the moment Officer Lara jumped on Mr. [REDACTED] to administer the technique, Mr. [REDACTED] had not yet begun to offer a high degree of physical resistance and had only pulled his hands away from Officer Khan for approximately 5 seconds. Effectively pinning Mr. [REDACTED] in his seat while pressing into his neck area to inflict pain was not a proportional response to Mr. [REDACTED] pulling his hands away from the officer.

COPA finds Officer Lara's pushes, pulls, and stuns were justified by Mr. [REDACTED] escalating degree of resistance, as analyzed under the totality of circumstances. In the event that Officer Lara's pressure technique was an intentional airway restriction, such deadly force would not be justified; however, insufficient evidence exists to either prove or disprove that matter. Nonetheless, Officer Lara's decision to jump on Mr. [REDACTED] and press into his neck area to cause discomfort and pain was not objectively reasonable, necessary, or proportional. Therefore, COPA finds that Officer Lara's conduct violated General Order G03-02-01 as well as Rules 2, 3, 6, 8, and 9, and the allegation against him is **sustained**.

c. Officer Khan

COPA finds the allegation that Officer Khan used excessive force by striking Mr. [REDACTED] in the face while at the 014th District Police Station is not sustained. This allegation suffers from similar evidentiary limitations as discussed above. Mr. [REDACTED] stated Officer Khan struck him in the face in the 014th District Station, and Officer Khan stated he did not. There are no known independent witnesses or video to verify the allegation occurred, such as POD video documenting any interaction between Mr. [REDACTED] and Officer Khan inside the station. As a result, COPA is unable to reach a positive finding on the matter. COPA finds it lacks sufficient evidence to prove

or disprove the allegation by a preponderance of the evidence, and therefore, the allegation against Officer Khan is **not sustained**.

d. Sergeant Vale

In its Initiation Report, CPD's Force Review Unit listed Sgt. Vale as one of two accused members because he "was on scene and witnessed the entire incident...[and] responded on the TRR that the force used was consistent to department policy for an active resister and did not recommend or obtain a CL number for investigation." In its initial investigation, COPA did not serve allegations against Sgt. Vale due to the absence of unobstructed video evidence showing whether Officer Lara performed a chokehold as defined by G03-02-01, as well as the order's authorization of pressure point techniques for both passive and active resisters. In light of a January 22, 2021, memo from the Office of Inspector General recommending reopening the case, COPA reconsidered serving allegations against Sgt. Vale for not initiating a disciplinary investigation based on Officer Lara's failure to use force that was objectively reasonable, necessary, and proportional. COPA, however, is constrained in pursuing discipline against Sgt. Vale by the applicable collective bargaining agreement (CBA), which requires disciplinary investigations against sergeants to conclude within 18-months, absent "reasonable cause."⁶⁴ More than 18 months have elapsed, and no such exceptions apply in the instant case. Thus, in light of the evidentiary limitations and procedural constraints in this case, additional disciplinary investigation into Sgt. Vale's conduct is not viable.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Lara's Complimentary and Disciplinary History

In considering disciplinary recommendations for sustained findings, COPA reviewed Officer Valente Lara's disciplinary and complimentary histories.⁶⁵ Officer Lara has no sustained disciplinary history in the past five years. He has received 161 total awards, including three Department Commendations and one Special Commendation.

b. Recommended Penalty

COPA has found that Officer Lara violated Rules 2, 3, 6, 8, and 9 when he used excessive force while arresting Mr. ██████████. Officer Lara's use of force was out of proportion to Mr. ██████████ level of resistance, and his actions were contrary to the rules, directives, and values of the Chicago Police Department. Additionally, whether or not Officer Lara *intended* to reduce Mr. ██████████ intake of air, his conduct had the potential to cause serious injury to Mr. ██████████. In mitigation, COPA notes Officer Lara was candid and forthcoming during his statement, and he accepted responsibility for his conduct. Accordingly, COPA recommends that Officer Lara receive a **60-day suspension**.

⁶⁴ The CBA cites several factors constituting "reasonable cause," such as "unavailability of the accused Sergeant or a critical witness, delays attributable to the Sergeant or his or her attorney, the unusual complexity of the matter under investigation, the need to investigate claims or new evidence arising in the course of the investigation, the pendency of a criminal investigation involving the matter under investigation, the pendency of civil litigation involving the matter under investigation, etc." Agreement between the City of Chicago and the Policemen's Benevolent & Protective Association of Illinois, Unit 156-Sergeants (effective July 1, 2016, to June 30, 2022), at Section 9.4(C).

⁶⁵ Attachment 29.

Approved:



March 18, 2022

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date