

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	March 2, 2020
Time of Incident:	09:30 a.m
Location of Incident:	4804 W Madison St / 122 N Lamon Ave
Date of COPA Notification:	03/27/2020
Time of COPA Notification:	10:37 a.m.

The complainant alleges that on or about the above date and time that the accused officer falsely arrested him and took multiple knives from him along with his multi-tool without returning them to him.

II. INVOLVED PARTIES

Involved Officer #1:	Hector Deleon, star #15156, employee ID# [REDACTED], Date of Appointment: April 1, 2015, Police Officer, Unit of Assignment: 15, Age: 37, Male, Hispanic
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1966, Male, Black

III. ALLEGATIONS

Officer	Allegations	Findings
Officer Hector Deleon	It is alleged by [REDACTED] that on or about March 2, 2020, at approximately 09:30 a.m., at or near [REDACTED], Officer Deleon:	Exonerated
	1. Falsely arresting the complainant.	Sustained
	2. Seized the complainant’s multi-tool/knife without returning it to him.	Sustained
	3. Failing to activate his BWC in a timely manner.4. Failing to properly inventory personal knives seized from the complainant.	Sustained

<p>5. Engaging in the maltreatment of the complainant by forcefully throwing him face first into the patrol vehicle.</p> <p>6. Making misleading or false inventory reports by excluding the complainant's knives.</p>	<p>Not Sustained</p>
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IV. APPLICABLE RULES AND LAWS

Rules

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1. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 2. Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
 3. Rule 5: Failure to perform any duty.
 4. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
 5. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
 6. Rule 10: Inattention to duty.
 7. Rule 40: Failure to inventory and process recovered property in conformance with Department orders.

General Orders

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1. **G03-02-03** De-escalation, response to resistance, and use of force.
 2. **G06-01-02** Restraining arrestees.
 3. **G07-01-02** Processing property under department control.

Special Orders

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1. **S03-14** Body Worn Cameras
 2. **S06-01-06** Arrest report and related documents.

3. **S07-01-01** Inventorying arrestee's personal property.

Federal Laws

1. **U.S. Const. 2nd Amendment** - The right of the people to keep and bear arms shall not be infringed.

2. **U.S. Const. 4th Amendment** - The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.

State Laws

1. **720 ILCS 5/16-1** - Theft

2. **725 ILCS 5/107-2** - Arrest by peace officer

3. **725 ILCS 5/107-5** - Method of arrest

V. INVESTIGATION¹

a. Interviews

Mr. ██████ the complainant, gave a statement to COPA on May 7, 2020². In his statement, ██████ explained that he had a domestic altercation with his girlfriend, ██████ at a Mobil gas station located at 4804 West Madison around 09:00 a.m. Following this incident, ██████ left the gas station in ██████ vehicle and drove to ██████ located at ██████.

Mr. ██████ stated that he was outside near the intersection of North Lamon Ave. and West End Ave. when he was approached by Officer Deleon³ who asked for his identification. Mr. ██████ complied and provided his driver's license to Officer Deleon. Officer Deleon then placed Mr. ██████ in handcuffs and conducted a search of Mr. ██████. During this search, Mr. ██████ stated that Officer Deleon removed multiple knives and a multipurpose tool from Mr. ██████ pockets but never placed them in his inventory.

After Mr. ██████ was advised of his arrest, he admitted to becoming resistant to being placed in the rear of the police vehicle. Mr. ██████ believes his arrest was improper because Ms. ██████ was the aggressor and assaulted him by throwing hot coffee at his face. Mr. ██████ stated that he spoke with a supervisor on scene who advised him that Ms. ██████ had signed complaints against him, and the arrest was proper.

Mr. ██████ stated, while he was in custody, police transported him to the hospital for complaints of burn injuries.⁴ Following his release from the hospital, Mr. ██████ stated that he had a conversation with Officer Deleon regarding his knives and multipurpose tool. During this conversation, Mr. ██████ claimed that Officer Deleon related to him that he would not be getting the knives and multipurpose tool back and that property would be destroyed by Chicago Police.

Officer Deleon, the accused officer, gave a statement to COPA on June 16, 2021.⁵ In his statement, Officer Deleon explained that he was dispatched to the area 4800 West Madison to respond to complaints of a domestic battery. Upon his arrival, Officer Deleon spoke with at least two witnesses on scene, an uninvolved bystander, and a security guard who both advised him that a man (Mr. ██████) was assaulting his girlfriend (Ms. ██████). According to Officer Deleon, the security guard related to him that if he had not intervened during this battering he believes Mr. ██████ would have continued battering her⁶. Following the assault, the security guard advised Officer Deleon that Mr. ██████ fled in Ms. ██████ vehicle. While still on scene, Ms. ██████

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 Att.18

³ Mr. ██████ described Officer Deleon as uniformed and in a fully marked patrol vehicle. (5:50 mark of Att.8)

⁴ Mr. ██████ clarified that the injuries he was complaining about were sustained by Ms. ██████ not Chicago Police.

⁵ Officer Deleon was provided the arrest report, case report, inventory sheets, his first BWC entry, and the BWC of Officer Szpara prior to providing his statement.

⁶ 0:00 - 0:35 mark of Att. 8. There is no audio for Officer Deleon's interaction with the witness security guard.

approached Officer Deleon and advised him that she was the victim of domestic assault⁷ and that her vehicle was taken by her boyfriend Mr. [REDACTED]

Officer Deleon stated that due to Ms. [REDACTED] having a disability she was essentially stranded on scene. Officer Deleon collected pertinent information regarding Ms. [REDACTED] vehicle, the circumstances regarding her assault by Mr. [REDACTED] and conveyed her to the area of North Lamon and West End to search for her vehicle. Once in the area of North Lamon and West End, Ms. [REDACTED] advised Officer Deleon that she could see her vehicle in an empty lot and saw Mr. [REDACTED] next to his van near 122 North Lamon. Officer Deleon advised OEMC that he would need an additional unit to assist him with the arrest of Mr. [REDACTED]

Officer Deleon stated that he approached Mr. [REDACTED] on foot and requested identification to which Mr. [REDACTED] complied. Upon verifying Mr. [REDACTED] identity, Officer Deleon placed him in handcuffs and conducted a custodial search. Officer Deleon stated that he recalled removing items such as lighters and cigarettes from the Mr. [REDACTED] pockets and placing them inside of Mr. [REDACTED] van.⁸ Officer Deleon was assisted by Officer Szpara in attempting to escort Mr. [REDACTED] to a patrol vehicle so he could be transported for processing.⁹ As both officers attempt to escort Mr. [REDACTED] Officer Deleon stated that Mr. [REDACTED] began passively resisting by dropping his weight and was not complying with verbal commands to walk. Officer Deleon and Officer Szpara then had to carry Mr. [REDACTED] by his arms and legs to the patrol vehicle. Officer Deleon explains that once at the patrol vehicle, Mr. [REDACTED] continued resisting commands to enter the vehicle and tensed his body up against Officer Deleon while he was attempting to place Mr. [REDACTED] inside the vehicle. Officer Szpara went to the other side of the patrol vehicle to assist with pulling Mr. [REDACTED] inside, Officer Deleon states that Mr. [REDACTED] “loosened up” and fell forward onto his stomach inside of the patrol vehicle. Officer Deleon explained that he and Officer Szpara both immediately attempt to get Mr. [REDACTED] upright and secure inside of the patrol vehicle.¹⁰

Mr. [REDACTED] was then transported to the 15th District for processing by Officer Szpara. Officer Deleon stated that he remained on scene to obtain signed complaints from Ms. [REDACTED] and assist her with retrieving her keys from Mr. [REDACTED] mother who arrived on scene during his arrest. According to Officer Deleon, following the interaction with Mr. [REDACTED] mother, he recalled placing the knives and multi-purpose tool seized from Mr. [REDACTED] inside of his van where his cigarettes and lighter were already placed.

When asked directly about advising Mr. [REDACTED] about the location of his knives, Officer Deleon stated that he could not recall advising Mr. [REDACTED] about placing his knives in his van or having any other conversation with him regarding his knives.

⁷(720 ILCS 5/12-3.2) – A person commits domestic battery if he or she knowingly: Causes bodily harm to any family or household member or makes physical contact of an insulting or provoking nature with any family or household member.

⁸ The front driver’s window of Mr. [REDACTED] van was open. 11:22 mark of Att. 8

⁹ Officer Szpara was not interviewed by COPA due to his resignation from the Chicago Police Department. A Personnel Action Request (PAR) was obtained and attached to the case file (Att. 16).

¹⁰ Officer Deleon explained that his supervisor did not request a Tactical Response Report (TRR) be completed because Mr. [REDACTED] was not aggressive or actively trying to assault him.

b. Digital Evidence

COPA was able to obtain body-worn camera footage from multiple officers who had contact with Mr. ██████ during his arrest as well as POD footage. The body-worn camera footage of Officer Deleon and Officer Szpara proved to be the most beneficial for the investigation while the POD footage did not yield any beneficial evidence.

COPA reviewed the body-worn camera footage of Officer Deleon. Officer Deleon told COPA in his interview that he immediately activated his camera when he was contacted by witnesses on scene at 4804 West Madison. Upon review of Officer Deleon's first body-worn camera entry, the footage begins while he is speaking with the security guard who intervened during Mr. ██████ domestic altercation, but no part of the conversation can be heard, due to the delayed activation. Officer Deleon then exits the gas station and enters his patrol vehicle where Ms. ██████ is already sitting in the back seat. Officer Deleon conveys Ms. ██████ to the area of N Lamon and West End. During this transport, Officer Deleon has a conversation with Ms. ██████ about the domestic altercation between herself and Mr. ██████. Ms. ██████ explains that Mr. ██████ pushed her to the ground and left with her vehicle. Officer Deleon is advised by Ms. ██████ that she wants to press charges and sign complaints against Mr. ██████.

When near the area of West End and North Lamon, Ms. ██████ can be heard telling Officer Deleon that she can see her vehicle in a vacant lot and Mr. ██████ next to his white van. Officer Deleon exits his patrol car and requests identification from Mr. ██████. After receiving Mr. ██████ driver's license, Officer Deleon places Mr. ██████ in handcuffs and conducts a custodial search of Mr. ██████. During this search, Officer Deleon removes a knife from Mr. ██████ right pant pocket then removes another knife and multipurpose tool from Mr. ██████ left pant pocket then places these items in his own back right pant pocket. Officer Deleon has a brief conversation with Mr. ██████ mother who arrived on scene in her vehicle regarding the location of Ms. ██████ keys. Officer Deleon returns to Mr. ██████ and conducts another brief search of Mr. ██████ and removes a pack of cigarettes and a red lighter which are both placed in Mr. ██████ van through the open driver's side window.

After concluding the search, Officer Deleon and Officer Szpara attempt to escort Mr. ██████ to the patrol vehicle. Mr. ██████ becomes upset for being arrested and is seen clearly dropping his bodyweight in an attempt to passively resist being escorted to the patrol vehicle. Officer Deleon and Officer Szpara pick up Mr. ██████ from under his arms and legs and carry him to the patrol vehicle where he continues to resist being placed inside.¹¹ Officer Deleon is attempting to press Mr. ██████ into the vehicle by what appears to be his own bodyweight and pushes Mr. ██████ in his back with both hands. This causes Mr. ██████ to fall onto his stomach inside the patrol vehicle between the cage and seat.¹²

¹¹ Officer Deleon and Officer Szpara were both giving clear verbal commands for Mr. ██████ to stop resisting and enter the patrol vehicle.

12:02-12:12 mark of Att. 8

¹² 12:31-12:33 mark of Att. 8.

BWC screenshot showing Officer Deleon pushing Mr. [REDACTED]**BWC screenshot of Mr. [REDACTED] after being pushed.**

Officer Deleon immediately pulls Mr. [REDACTED] upright by his shirt sleeve while Officer Szpara assist from the other side of the vehicle. Once Mr. [REDACTED] was upright and secure in the vehicle, Officer Deleon walks back to his patrol vehicle where Ms. [REDACTED] was seated and obtains her signed complaints against Mr. [REDACTED]

Officer Deleon had a second body-worn camera entry for this incident. At this point in the video, Mr. ██████ was no longer on scene and was being transported by Officer Szpara to the 15th District. Officer Deleon walks to the house of Mr. ██████ mother and speaks with her for several minutes about the location of ██████ keys and the probable cause for Mr. ██████ arrest. Officer Deleon attempts to find ██████ keys inside of her vehicle but could not locate them.

COPA reviewed the body-worn camera footage of Officer Szpara. Officer Szpara arrives on scene to assist Officer Deleon. When he arrives, Mr. ██████ is already in handcuffs. Officer Deleon can be seen searching Mr. ██████ and removing a knife from Mr. ██████ front right pant pocket then placing it in of his own rear right pant pocket. Officer Deleon then removes another knife and multipurpose tool from Mr. ██████ front left pant pocket then places them in his same pant pocket with the other knife. Officer Deleon steps away to speak with Mr. ██████ mother. Mr. ██████ explains to Officer Szpara that he did not assault Ms. ██████ and she threw hot coffee onto his face. Officer Deleon returns and is seen doing another search of Mr. ██████. Officer Deleon removes the cigarettes and red lighter and places them both inside of his Mr. ██████ van through the open driver's window.

Mr. ██████ is told he is under arrest for domestic battery by Officer Deleon and he becomes upset and resistant by dropping his bodyweight. Officer Deleon and Officer Szpara carry him to the patrol vehicle and attempt to place him inside. Officer Szpara moves to the other side of the vehicle to assist in pulling Mr. ██████ inside. When Officer Szpara opens the door, Mr. ██████ is already lying on his stomach in between the cage and seat of the vehicle. Officer Szpara and Officer Deleon then attempt to get Mr. ██████ upright and secure inside the vehicle. Mr. ██████ is then transported to the 15th District by Officer Szpara.

c. Documentary Evidence

COPA obtained the case report¹³, arrest report¹⁴, and two inventory sheets¹⁵ from Mr. ██████ arrest. Both the case report and arrest report provide initial domestic altercation circumstances as well as probable cause for Mr. ██████ arrest. There is documentation of Mr. ██████ inventory sheets and his property in both the case report and arrest report. However, neither the case report nor the arrest report mentions Mr. ██████ knives and multipurpose tool being seized or inventoried. It is also documented in both reports that Mr. ██████ requested medical attention for burn injuries sustained during the domestic altercation prior to any police interaction.

Mr. ██████ had two inventory sheets from his arrest. The first inventory sheet includes three bracelets, four earrings, and one chain necklace. The second inventory sheet includes a hat, jacket, wallet, cell phone, and a metal lighter. Neither inventory sheet mentions Mr. ██████ knives or multipurpose tool.

¹³ Att. 7

¹⁴ Att. 5

¹⁵ Att. 12 and 13

VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed complied with Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

VII. ANALYSIS

For Allegation 1 against **Officer Deleon** stating that he falsely arrested the complainant, Officer Deleon is exonerated. The crux of Mr. ██████ complaint was Officer Deleon's probable cause to arrest him. Mr. ██████ claimed ██████ threw hot coffee on him, and he never battered her while they were at 4804 W Madison. In Officer Deleon's statement with COPA, he stated that multiple witnesses on scene at 4804 W Madison corroborated ██████ story of being battered by Mr. ██████. Although the statements of these witnesses are not heard on Officer Deleon's body-worn camera, Ms. ██████ can be heard explaining how she was battered on his body-worn camera. ██████ also provided Officer Deleon signed complaints affirming the accuracy and truthfulness of her complaint. Considering these facts, COPA believes that the arrest of Mr. ██████ by Officer Deleon was proper and is therefore **Exonerated**.

Allegation 2 states that **Officer Deleon** seized the complainant's multi-tool and knives without returning them to him. **Allegation 4** states that Officer Deleon failed to properly inventory personal knives seized from the complainant. Officer Deleon is clearly seen on his own body-worn camera as well as Officer Szpara's body-worn camera removing two knives and a multipurpose

tool from Mr. [REDACTED] During a custodial search. Although it is reasonable to remove weapons from an offender while placing them in custody, the issue in this case is Officer Deleon placing those weapons in his own pocket. Officer Deleon's body-worn camera shows him placing other items such as cigarettes and a red lighter in Mr. [REDACTED] vehicle, but neither entry shows him placing the knives and multipurpose tool in that vehicle as he claimed to do in his statement.

The knives and multipurpose tool seized by Officer Deleon were also never documented in the case report, arrest report, and both inventory sheets. Officer Deleon stated that the reason the knives were never inventoried was because of him returning them to Mr. [REDACTED] van following his transport. When asked in his statement, Officer Deleon stated that he never advised Mr. [REDACTED] or his mother that the knives and multipurpose tool were returned to his vehicle.

Because there is a lack of corroborating video evidence to support Officer Deleon's story about returning the knives and multipurpose tool as well as him never advising Mr. [REDACTED] of the location of his knives, COPA is **Sustaining** both allegations.

Allegation 3 stating that **Officer Deleon** failed to activate his body-worn camera (BWC) in a timely manner is sustained. In his statement to COPA, Officer Deleon claimed to have started his body upon his arrival on scene at 4804 W Madison when he was first approached by witnesses. Officer Deleon's body-worn camera footage begins with him inside the Mobil gas station speaking with the security guard on scene. The audio does not begin until the two-minute mark of the entry when he is already in his patrol vehicle transporting Ms. [REDACTED] to find her vehicle. There is no footage or audio of his initial encounter with the other witness on scene or Ms. [REDACTED] as he claimed to have in his statement. This leads COPA to believe that Officer Deleon did not activate his camera until he began his transport of Ms. [REDACTED] Because of this late activation, vital additional witness and victim testimony is lost.

Allegation 5 stating that **Officer Deleon** engaged in the maltreatment of the complainant by forcefully throwing him face first into the patrol vehicle is sustained. In his statement to COPA, Officer Deleon discussed the resistance given by Mr. [REDACTED] He stated that he was attempting to place Mr. [REDACTED] inside of the patrol vehicle but Mr. [REDACTED] kept pressing his body against him in attempt to remain outside of the vehicle. Officer Deleon stated that he felt Mr. [REDACTED] body loosen and he fell forward into the patrol car. According to his body-worn camera footage, there is resistance by Mr. [REDACTED] to Officer Deleon's commands and attempts to escort him to the patrol vehicle, however, it appears clear that Mr. [REDACTED] did not just fall forward into the vehicle. Rather, Officer Deleon gave a forceful push with both hands to Mr. [REDACTED] back causing him to fall forward on his stomach into the vehicle.

Although both Officer Deleon and Officer Szpara immediately attempt to help get Mr. [REDACTED] upright, it does not change the fact that the level of passive resistance by a handcuffed Mr. [REDACTED] was met with an excessively forceful push by Officer Deleon. It is COPA's belief that a less forceful option to secure Mr. [REDACTED] inside the vehicle could have been attempted by Officer Deleon.

Allegation 6 stating that **Officer Deleon** made misleading or false inventory reports by excluding the complainant's knives is **Not Sustained**. In his statement to COPA, Officer Deleon

stated that he did remove knives and a multipurpose tool from Mr. ██████ during a custodial search. He was asked directly why those items were not inventoried with the rest of Mr. ██████ property. Officer Deleon's reasoning for not inventorying those items was because he placed the items in Mr. ██████ van along with the cigarettes and red lighter prior to him leaving the location. Unfortunately, there is no evidence of Officer Deleon placing those items inside the van as he stated. Officer Deleon also never advised Mr. ██████ or his mother of the location of those items.

It is COPA's belief that, although Officer Deleon did not inventory Mr. ██████ knives and multipurpose tool, he did not intentionally attempt to make a misleading inventory report. Rather, Officer Deleon was inattentive to duty and failed to properly advise Mr. ██████ where he had placed the items.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Hector Deleon

i. Complimentary and Disciplinary History

1. 1 2019 crime reduction award, 2 attendance recognition awards, 2 complimentary letters, 27 honorable mentions, 1 military service award, 1 superintendent's award of tactical excellence, and 1-unit meritorious performance award, as of June 21, 2021.
2. No applicable past disciplinary history.

ii. Recommended Penalty, by Allegation

1. Allegation 2

Officer Deleon seized the complainant's knives and multipurpose tool without returning them to him or at the very least, ensuring he was advised of location of those items. For **Allegation 2** COPA recommends a **Reprimand with retraining on inventory procedures**.

2. Allegation 3

Officer Deleon did not activate his body-worn camera prior to speaking with ██████ and the two witnesses on scene. Although initial victim and witness statements were not captured, there is audio and video of ██████ providing information regarding her altercation with Mr. ██████ For **Allegation 3**, COPA recommends the **Reprimand with retraining on BWC procedures**.

3. Allegation 4

Officer Deleon was inattentive to duty by failing to properly inventory the knives and multipurpose tool seized from Mr. ██████ There was also a failure to ensure that, if he indeed placed those items back into Mr. ██████ van, it was captured on his body-worn camera. For

Allegation 4, COPA recommends a **Reprimand with retraining on inventory procedures**. This training will be in conjunction with the training for allegation 3, not in addition to.

4. Allegation 5

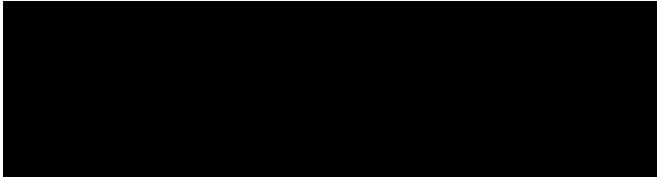
Officer Deleon used excessive force on Mr. [REDACTED] by pushing him in the back causing him to all forward into the vehicle, while also being handcuffed. For **Allegation 5**, COPA recommends a **Suspension of 3 days**.

IX. CONCLUSION

Based on the analysis set forth above along with Officer Deleon’s complimentary and disciplinary history, COPA makes the following findings:

Officer	Allegation	Finding / Recommendation
Officer Hector Deleon	<p>It is alleged by [REDACTED] that on or about March 2, 2020, at approximately 09:30 a.m., at or near 122 N. Lamon Avenue, Officer Deleon:</p> <ol style="list-style-type: none"> 1. Falsely arresting the complainant. 2. Seized the complainant’s multi-tool/knife without returning it to him. 3. Failing to activate his BWC in a timely manner. 4. Failing to properly inventory personal knives seized from the complainant. 5. Engaging in the maltreatment of the complainant by forcefully throwing him face first into the patrol vehicle. 6. Making misleading or false inventory reports by excluding the complainant’s knives. 	<p>Exonerated</p> <p>Sustained / Reprimand Retraining on inventory procedures</p> <p>Sustained / Reprimand Retraining on proper BWC usage</p> <p>Sustained / Reprimand- Retraining on inventory procedures</p> <p>Sustained / 3 Days Suspension</p> <p>Not Sustained</p>

Approved:



Angela Hearts-Glass
Deputy Chief Administrator

8-30-2021

Date

Appendix A

Assigned Investigative Staff

Squad#:	16
Investigator:	Kyle Caldwell
Supervising Investigator:	Deborah Talbert
Deputy Chief Administrator:	Angela Hearts-Glass