

## SUMMARY REPORT OF INVESTIGATION

## I. EXECUTIVE SUMMARY

Date of Incident:	January 9, 2018
Time of Incident:	2:00 a.m. – 4:30 a.m.
Location of Incident:	██████████ / ██████████ ██████████ (alley)  1438 W. 63 <sup>rd</sup> Street, Chicago, IL 60636
Date of COPA Notification:	January 9, 2018
Time of COPA Notification:	2:16 p.m.

On January 9, 2018, Officers Gabriel Garcia and Brian Lopez found ██████████ asleep in his vehicle in the alley behind his home. ██████████ alleges that Officers Garcia and Lopez removed him from his vehicle without justification and searched the vehicle without permission, confiscating certain items which the officers later failed to inventory or return. ██████████ also alleges that Sergeant Patrick Josephs was rude and unprofessional to him at the 7th District when ██████████ went to report the incident. COPA reviewed these allegations and reached Exonerated findings.

## II. INVOLVED PARTIES

Involved Officer #1:	Gabriel Garcia, Star# 17602, Employee# ██████████, 6, 4 Years on Force, Police Officer, 33 Years of Age, Male, Hispanic
Involved Officer #2:	Brian Lopez, Star# 17608, Employee# ██████████, 3 Years on Force, Police Officer, 32 Years of Age, Male, Hispanic
Involved Officer #3:	Patrick Josephs, Star# 1448, Employee# ██████████, 13 Years on Force, Sergeant, 45 Years of Age, Male, Black
Subject:	██████████ ██████████ 56 Years of Age, Male, Black

## III. ALLEGATIONS

Officer	Allegation	Finding
Officer Gabriel Garcia	1. Approached his parked vehicle, removed him from the vehicle and searched the vehicle without justification.	Exonerated

	2. Confiscated and failed to inventory or return his car key/fob, cell phone, vehicle emission's certificate, and State vehicle tag.	Exonerated
Officer Brian Lopez	1. Approached his parked vehicle, removed him from the vehicle and searched the vehicle without justification.  2. Confiscated and failed to inventory or return his car key/fob, cell phone, vehicle emission's certificate, and State vehicle tag.	Exonerated  Exonerated
Sergeant Patrick Joseph	1. Was rude and unprofessional when the Sergeant said words to the Mr. ██████ to effect of, "The best thing you can do is go home and come back tomorrow."	Exonerated

**IV. APPLICABLE RULES AND LAWS**

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

Rule 6: Disobedience of an order or directive, whether written or oral.

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

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

**a. Interview**

In a telephone interview with COPA on January 9, 2018, ██████ indicated that he was parked in the alley behind his home, asleep in his vehicle, when two unidentified Hispanic officers approached. The officers removed him from his vehicle without justification, searched his vehicle without his permission, and failed to inventory or return his car key fob, cell phone, vehicle emission's certificate, and State vehicle tag. ██████ said the officers did not arrest him. ██████ said he had not been drinking and he had done nothing wrong.

After the incident, ██████ went to the 7th District station and spoke with an unidentified white male sergeant. ██████ said the sergeant called the Hispanic officers to the District station. ██████ said the sergeant left with the two Hispanic officers. When the Sergeant returned, he informed ██████ that he had reviewed the Body Worn Camera (BWC) video for the two involved officers and that review indicated the officers did not take his personal items. ██████ said the white

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

male sergeant walked away. An unidentified black male sergeant was also at the 7th District desk at the time. [REDACTED] alleged that the black male sergeant was rude and unprofessional upon stating to [REDACTED] words to the effect of, "The best thing you can do is go home and come back tomorrow."

#### **b. Digital Evidence**

On January 16, 2018, COPA received and reviewed **BWC video for Officer Lopez and Officer Garcia** from January 9, 2018. The videos show the officers on patrol driving down an alley near [REDACTED]. They come upon a truck that is blocking the alley. The truck is running and there is an individual in the vehicle behind the steering wheel with a hooded sweatshirt covering his head. There is a garage behind the vehicle with the garage door open. A sedan is parked inside the two-car garage.

Officer Lopez and Officer Garcia approach the vehicle and shine their flashlights inside. The officers verbally call out to the occupant of the vehicle, but, initially, he fails to respond. The occupant of the vehicle eventually raises his head; he appears disoriented and his speech is slurred. The officers direct the occupant, now known as [REDACTED] to turn the engine off and exit the vehicle. [REDACTED] provides the officers his driver's license, which is later seen returned to him. The officers allow [REDACTED] to relieve himself when he informs them he needs to urinate.

The officers can be seen moving items around on the passenger side seat and shining flashlights into the front and back of the vehicle. The video does not show either officer removing any documents from the interior of the truck without returning them to the truck.

The officers can be heard telling [REDACTED] they are going to give him a break, asking him to call someone to come and retrieve the keys to his vehicle. The officers indicate they would move the vehicle but it appears there is not enough room for the truck to fit into the open garage with the parked sedan. Officer Garcia moves the truck out of the alley onto the property across from the open garage. Officer Garcia retrieves [REDACTED] cell phone and gives it to him so that he can call his son. [REDACTED] indicates his son is 14, is currently asleep, and declines to call him. The officers inform [REDACTED] they will be on patrol for the remainder of the evening and instruct him not to move the truck.

Officer Garcia can be seen giving the keys to the vehicle to [REDACTED] who is then instructed to go home and go to bed. The officers then enter their vehicle and the cameras are turned off.

#### **c. Documentary Evidence**

An **Office of Emergency Management and Communications, Event Query Report** dated January 9, 2018, at approximately 1:54 a.m., under Event #1800900829 indicates that Beat 706DR called in an on-view incident involving a suspicious auto with an occupant at [REDACTED]

The **Chicago Police Department (CPD), Attendance and Assignment Sheets** for January 9, 2018 indicate that Officers Garcia and Lopez were assigned to the 7th District, First Watch, Beat 706DR. Additionally, Sergeant Joseph is identified as an on-duty Sector Sergeant

**VI. ANALYSIS**

COPA recommends a finding of **Exonerated** for **Allegations 1 and 2 against Officers Lopez and Garcia**, as well as **Allegation 1 against Sergeant Joseph**. The incidents occurred, but the action taken by these officers were found not to have violated Chicago Police Department policy. The BWC video clearly shows Officer Garcia providing [REDACTED] his cell phone, the keys to the vehicle, and his driver’s license. Although officers are seen searching areas of [REDACTED] vehicle, the video does not depict the officers removing materials from the vehicle without returning them.

As to the comment attributed to Sergeant Joseph, although there is a lack of context of indication of tone used by Sergeant Joseph, it is difficult to conceive of the words used by Sergeant Joseph, as alleged by [REDACTED] rise to a level constituting unprofessional conduct.

**VII. CONCLUSION**

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

Officer	Allegation	Finding
Officer Gabriel Garcia	1. Approached his parked vehicle, removed him from the vehicle and searched the vehicle without justification.	Exonerated
	2. Confiscated and failed to inventory or return his car key/fob, cell phone, vehicle emission’s certificate, and State vehicle tag.	Exonerated
Officer Brian Lopez	1. Approached his parked vehicle, removed him from the vehicle and searched the vehicle without justification.	Exonerated
	2. Confiscated and failed to inventory or return his car key/fob, cell phone, vehicle emission’s certificate, and State vehicle tag.	Exonerated
Sergeant Patrick Joseph	1. Was rude and unprofessional when the Sergeant said words to the Mr. [REDACTED] to effect of, “The best thing you can do is go home and come back tomorrow.”	Exonerated

Approved:

[REDACTED]  
 Jay Westensée  
 Deputy Chief Administrator – Chief Investigator

2/19/18  
 Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	Squad 14
<b>Investigator:</b>	Frank Sheets
<b>Supervising Investigator:</b>	Adam Pfeifer
<b>Deputy Chief Administrator:</b>	Jay Westensee