

SUMMARY REPORT OF INVESTIGATION**I. EXECUTIVE SUMMARY**

Date of Incident:	January 27, 2018 – January 28, 2018
Time of Incident:	11:48 PM
Location of Incident:	1854 E. Marquette Dr.
Date of COPA Notification:	March 13, 2018
Time of COPA Notification:	12:34 PM

On January 27, 2018 at approximately 11:48 PM, the complainant, [REDACTED] was arrested for possession of a controlled substance, traffic violations, driving under the influence, transporting alcohol, and battery. [REDACTED] alleged that the three arresting officers searched her vehicle without permission. She also alleged that Officer Jung went through her phone, searched inside her pants, fabricated that [REDACTED] touched him, performed an emergency take-down on [REDACTED] without justification, smashed [REDACTED] face into the concrete – causing her to temporarily lose consciousness, and coerced [REDACTED] into writing a letter stating the officers handled her with care. After obtaining a statement from [REDACTED] and reviewing relevant Department video footage, COPA determine that [REDACTED] allegations are all Unfounded or Exonerated.

II. INVOLVED PARTIES

Involved Officer #1:	Jaeho Jung, Star #13387, Employee ID # [REDACTED], Date of Appointment: August 28, 2006, Police Officer, 3 rd District, Date of Birth: [REDACTED], 1981, Male, Asian
Involved Officer #2:	Juan Perez, Star #11468, Employee ID # [REDACTED], Date of Appointment: August 29, 2005, Police Officer, Unit 212 (Bureau of Patrol – Area South), Date of Birth: [REDACTED], 1975, Male, Hispanic
Involved Officer #3:	Enrique Aguirre, Star #12033, Employee ID # [REDACTED] 1, Date of Appointment: December 16, 2009, Police Officer, 3 rd District, Date of Birth: [REDACTED], 1974, Male, Hispanic
Involved Civilian #1:	[REDACTED] Date of Birth: [REDACTED], 1978, Female, Black

III. ALLEGATIONS

Officer	Allegation	Finding
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Officer Jung	1. Searched [REDACTED] vehicle without permission.	Unfounded
	2. Searched through [REDACTED] telephone.	Exonerated
	3. Searched in between [REDACTED] pants and her skin.	Unfounded
	4. Fabricated a false report that [REDACTED] touched Officer Jung.	Unfounded
	5. Performed an emergency take-down on [REDACTED] without justification.	Unfounded
	6. Smashed [REDACTED] face onto the concrete causing her to temporarily lose consciousness.	Unfounded
	7. Coerced [REDACTED] into writing a letter stating Officers Jung, Perez, and Aguirre handled [REDACTED] with care and deserved a promotion.	Unfounded
Officer Perez	1. Searched [REDACTED] vehicle without permission.	Unfounded
Officer Aguirre	1. Searched [REDACTED] vehicle without permission.	Unfounded

IV. APPLICABLE RULES AND LAWS

Rules

- Rule 2:** Prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 4:** Prohibits any conduct or action taken to use the official position for personal gain or influence.
- Rule 6:** Prohibits the disobedience of an order or directive, whether written or oral.
- Rule 9:** Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 14:** Prohibits making a false report, written or oral.

General Orders

- G03-02:** Use of Force.

2. G03-02-01: Force Options.

Special Orders

1. S04-13-09: Investigatory Stop System.

Federal Laws

1. Fourth Amendment to the United States Constitution: Guarantees protection from unlawful arrest and unreasonable search and seizure to all persons in this country.

V. INVESTIGATION¹**a. Interviews²**

COPA interviewed the complainant, [REDACTED] on March 14, 2018.³ [REDACTED] related that on January 28, 2018, she was driving while on the phone with her daughter. [REDACTED] saw police driving down the street in the opposite direction. The officers saw [REDACTED] had a headlight out, made a U-turn, and pulled [REDACTED] over. [REDACTED] stated there were three officers in plain clothes (Officer Jung, Officer Perez, and Officer Aguirre). [REDACTED] handed the officers her license and registration and told the officers she was in the middle of an emergency phone call. The officers then told [REDACTED] to exit her vehicle and began to search her car. The officers told [REDACTED] to go to their marked SUV and place her hands on the vehicle. Officer Perez told [REDACTED] it was not serious, so she started “playing around” and dancing.

Officer Jung proceeded to search [REDACTED] car and removed a bottle of Hennessy liquor. [REDACTED] denied drinking Hennessy that night or smoking marijuana. [REDACTED] admitted to having one shot of liquor earlier in the night. [REDACTED] did not know where the Hennessy bottle came from. [REDACTED] denied giving the officers permission to search her car. Officer Jung also looked through [REDACTED] phone and claimed [REDACTED] had not been speaking to her daughter.

[REDACTED] reported having Stanback (an over-the-counter, powdered pain reliever) in her pants and the plastic wrapper could be seen through rips in her pants. Officer Jung went into [REDACTED] pants and pulled out the Stanback. [REDACTED] had a reflexive reaction, because a male was reaching towards her genitals, and grabbed her property back. [REDACTED] denied touching Officer Jung. [REDACTED] was taken to the ground and Officer Jung smashed her face into the concrete. [REDACTED] “blacked out” momentarily and then was on her feet, in handcuffs with her forehead bleeding. She thought she had a mild concussion and was reportedly in and out of consciousness.

A second police car arrived with an African-American female (Officer Sykes) and an African-American male officer (Officer Alley). The second unit transported [REDACTED] to the police

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 The accused officers were not interviewed by COPA as all but Allegation 7 against Officer Jung were shown to be Unfounded through Department video footage. Allegation 7 against Officer Jung was also Unfounded, as [REDACTED] statement to COPA was found to lack credibility. COPA’s findings are further discussed in the Analysis portion of this report.

³ Att. 4

station. Once at the police station in the processing area, Officer Jung coerced [REDACTED] into writing a letter saying she was handled with care and that the officers deserved a promotion. [REDACTED] stated that Officer Jung implied she would be charged with a misdemeanor if she wrote the letter, but since she was being sarcastic she was charged with a felony. According to [REDACTED] she was charged with being on heroin, but it was actually Stanback. [REDACTED] did not do a field breathalyzer.

b. Digital Evidence

Officer Perez's BWC showed Officers Perez and Aguirre approaching on the passenger side of [REDACTED] vehicle at approximately 11:49 PM.⁴ Officer Jung was on the driver's side and told [REDACTED] to exit the vehicle. Officer Perez asked [REDACTED] why she was made a "crazy spin," while Officer Jung asked [REDACTED] about a liquor bottle under the driver's seat.⁵ Officer Jung asked [REDACTED] if the bottle was hers. She responded that she was drinking earlier, but denied drinking and driving. [REDACTED] told the officers she was worried about her daughter, whom she was on the phone with when she was pulled over. At the approximately 11:53 PM (and again seconds later), Officer Jung asked, "Do you mind if I search the car?" [REDACTED] responded at about 11:53 PM, "It's cool I don't got nothing. Do what y'all got to do." At roughly 11:53 PM, Officer Perez asked, "Is that a yes or a no?" and Bradley replied "yes." Officer Jung then asked again, at about 11:53 PM, "So you don't mind if I look through the car?" [REDACTED] responded "no."

[REDACTED] told the officers "I had a drink and smoked some weed tonight," at approximately 11:54 PM. At roughly 11:55 PM, [REDACTED] was surprised when Officer Jung extracted a bottle of Hennessy from her car. At about 11:58 PM, [REDACTED] told the officers she had already smoked her "joint" on Jeffery Ave. At roughly 12:02 AM, Officer Jung told [REDACTED] to put her hands on the police car. At about 12:05 PM, Officer Jung performed a pat down on [REDACTED] and extracted a bag from her right leg. [REDACTED] responded by grabbing the officer's hand and stating she did not have anything (see Photos 1 and 2 below). At about 12:05 AM, while [REDACTED] was holding the officer's right hand (which was holding the plastic bag) with her left hand, [REDACTED] used her right arm to strike Officer Jung (see Photo 3). [REDACTED] struggled with the officer briefly before she was taken to the ground by Officer Jung.

[REDACTED] continued moving and was shouting at the officers to let her go. Eventually, Officer Perez put [REDACTED] in handcuffs. [REDACTED] was heard at about 12:07 AM, telling the officers she thought she had left the bag at her boyfriend's house. At roughly 12:11 AM, Officer Jung told [REDACTED] that her last phone call was at 11:20 PM and it was not with [REDACTED] daughter. [REDACTED] denied that she touched Officer Jung and insisted she only touched the bag in his hand at about 12:13 AM.

⁴ Att. 18

⁵ Approximately 2:08 minute mark.



Photo 1



Photo 2



Photo 3

Officer Aguirre's BWC footage depicted Officer Aguirre and Officer Perez approaching the passenger side of [REDACTED] car while Officer Jung went to the driver's side.⁶ Officers Aguirre and Perez looked into the vehicle with their flashlights, while [REDACTED] told Officer Jung she was going to meet her daughter. Officer Jung ordered [REDACTED] out of her car at about 11:50 PM. Officer

⁶ Att. 19

Aguirre told Officer Jung to look under the driver's seat and indicated he saw █████ drop something. Officer Jung asked █████ if it was her liquor bottle under the driver's seat. █████ told the officers she had a drink at her boyfriend's house earlier. At roughly 11:55 PM, Officer Jung handed Officer Aguirre a liquor bottle he removed from █████ car. Officer Aguirre proceeded to search █████ vehicle. At about 12:05 AM, officers were heard telling █████ to stay on the ground and Officer Aguirre joined his partners, who were detaining █████ on the ground. At about 12:09 AM, █████ told Officer Aguirre she last used drugs before driving home from her boyfriend's house. At about 12:17 AM, Officer Jung told Officer Aguirre that █████ ripped the bag he removed from her pants.

BWC from Officer Jung showed the officer speaking with █████ while she was in her vehicle.^{7 8} At about 11:50 PM, █████ exited her vehicle. Officer Jung searched around the driver's seat of █████ car and announced he saw a liquor bottle. At 11:51 PM, Officer Jung asked █████ where her phone was after she stated she had just been talking to her daughter. █████ told Officer Jung she dropped the phone on the floor. At 11:51 PM, Officer Jung grabbed █████ cell phone from the driver's side floor and asked █████ to shown him when she last made a call. █████ showed Officer Jung her phone at approximately 11:51 PM and she stated she last made a phone call at 11:21 PM. At roughly 11:53 PM, █████ gave Officer Jung consent to search her car.

At approximately 12:02 AM, Officer Jung asked █████ to put her hands on the police car while he searched her trunk. Then, at about 12:05 AM, Officer Jung performed a pat down on █████ and told her not to remove her hands from the squad car. Officer Jung pulled a plastic bag out of the rips on █████ pant leg (see Photo 4). █████ turned around, look at the bag in the officer's hand, then grabbed Officer Jung's right hand (see Photo 5). A struggle ensued between Officer Jung and █████ but it is unclear exactly what each party was doing. █████ was taken to the ground and was heard asking the officers to release her. █████ was handcuffed and detained near the CPD vehicle until a transport unit arrived. At about 12:11 AM, Officer Jung was talking to █████ who did not appear to be cut or bleeding (see Photo 6). For the duration of Officer Jung speaking with █████ no blood or injury was seen on her face.



Photo 4

⁷ Att. 19

⁸ The BWC footage for Officers Perez, Aguirre, and Jung contained similar content and redundant information was not included in these summaries.



Photo 5



Photo 6

In Car Camera (ICC) was obtained from Beat 0306F, which was manned by Officers Jung, Perez, and Aguirre at the time of [REDACTED] arrest.⁹ [REDACTED] vehicle was pulled over at approximately 11:46 PM, after [REDACTED] car made a sharp turn. At roughly 12:03 AM, Officer Jung performed a pat down on [REDACTED] legs and removed a small item from her leg area. [REDACTED] grabbed the officer's wrists and a struggle ensued (see Photo 7). [REDACTED] was taken to the ground and arrested shortly thereafter.

⁹ Att. 19



Photo 7

BWC footage was obtained from **Officer Sykes**.¹⁰ Officer Jung told Officer Sykes that he observed a bag with a white powdered substance in [REDACTED] pants. Officer Sykes proceeded to search [REDACTED] and transported to the police station by Officers Sykes and Alley. During the transportation, [REDACTED] told the officers she had an empty bag and grabbed it from Officer Jung because it had cannabis residue on it. [REDACTED] also told Officer Sykes that officers “busted my head on the ground.”¹¹ When [REDACTED] exited the vehicle, there was no blood or injury seen on her face. The officers brought [REDACTED] into a processing room, where [REDACTED] stated she had “been drinking hard.”¹² [REDACTED] stated she grabbed the marijuana bag from Officer Jung out of reflex because he was a man grabbing towards her pants. [REDACTED] denied touching Officer Jung.

BWC was identified from **Officer Alley**.^{13 14} [REDACTED] was detained at the hood of a squad car, crying and insisting she did nothing wrong. Officer Perez asked [REDACTED] if she had marijuana because he could smell it. During transportation, [REDACTED] told the officers she had marijuana that she grabbed from Officer Jung.

Officer King’s BWC showed the officer speaking with [REDACTED] at the police station at about 12:40 PM. Officer King told [REDACTED] he smelled alcohol and asked if she had been drinking.¹⁵ [REDACTED] told Officer King she drank at her boyfriend’s house and had a small amount of marijuana. Officer King asked [REDACTED] if she wanted to take any tests (presumably to determine her sobriety) and she said no. **Officer Orejel’s BWC** also depicted Officer King talking to [REDACTED].¹⁶

c. Physical Evidence

¹⁰ Att. 17

¹¹ 6:15 minute mark

¹² 11:03 minute mark

¹³ Officer Alley’s BWC was substantially similar to Officer Sykes’ and redundant information was not included in this summary.

¹⁴ Att. 17

¹⁵ Atts. 17, 19

¹⁶ Atts. 17, 19

No pertinent physical evidence was identified for the present investigation.

d. Documentary Evidence

██████████ **Arrest Report** was located from January 27, 2018 with **RD #JB132402**.¹⁷ ██████████ was charged with possession of a controlled substance, headlight required, operator signal required, driving under the influence, transporting alcohol, and battery. Approximately 0.1 grams a suspected controlled substance was recovered. Per this report, the arresting officers were on patrol when they saw ██████████ driving with only one headlight and failing to signal a turn. The officers conducted a traffic stop and Officer Perez saw ██████████ “place a glass flask underneath the driver’s seat.” The officers asked ██████████ to exit her vehicle because she smelled like alcohol, “had watery eyes,” and they smelled cannabis. A bottle of Hennessy liquor was found in the vehicle and ██████████ “freely related that she had drank alcohol beverage and smoked cannabis.” ██████████ was told to place both of her hands on the hood of the CPD vehicle and not move. The officers then saw, “in plain-view, [...] a clear plastic bag protruding from her right pants thigh area (which had white powdery substance inside of it).” Officer Jung removed the bag and saw a substance suspected to be heroine. ██████████ responded by grabbing Officer Jung’s vest and pulling. Officer Jung performed an emergency take-down and ██████████ was arrested. An abrasion was noted on the left side of ██████████ face following the emergency take-down but she refused medical treatment. ██████████ reportedly told Beat 312R (Officers Orejel and King) that she had smoked cannabis and drank alcohol. ██████████ refused a standardized field sobriety test and chemical testing.

An **Original Case Incident Report** was also located for **RD #JB132402**.¹⁸ No additional, relevant details were obtained from this report.

A **Tactical Response Report (TRR)** was completed by Officer Jung following ██████████ arrest.¹⁹ Per this TRR, Officer Jung sustained minor swelling after ██████████ physically attacked him without a weapon. The officers were performing a traffic/investigatory stop when the incident occurred. Officer Jung responded to ██████████ with an emergency take-down, emergency handcuffing, escort holds, and force mitigation efforts. Officer Jung reported that ██████████ was under the influence of drugs and alcohol. ██████████ refused medical aid but reported a non-fatal, minor injury. The TRR’s narrative states that Officer Jung was engaging in a traffic stop on ██████████ in which her breath smelled like alcohol and there was a “little bit of cannabis odor.” After ██████████ was told to leave her vehicle, Officer Jung saw a plastic bag with white powder “protruding from the ripped area of [██████████] pants.” Officer Jung removed the plastic bag, resulting in ██████████ turning around and grabbing Officer Jung’s left hand “as she pulled at it back and forth causing him pain in the left hand.” ██████████ then hit Officer Jung “below the neck” before she grabbed him by his bullet proof vest while “pulling and pushing on it.” Officer Jung responded with an emergency take-down.

e. Additional Evidence

¹⁷ Att. 9

¹⁸ Att. 15

¹⁹ Att. 21

A **criminal docket** was identified through the **Cook County Circuit Court**, stemming from [REDACTED] January 27, 2018 arrest.²⁰ [REDACTED] was charged with felony possession of a controlled substance, misdemeanor battery, and five traffic citations. The case was filed on January 28, 2018. A finding of nolle prosequi was entered for felony possession of a controlled substance on February 15, 2018. On June 1, 2018, the case was continued until July 10, 2018. The case is currently pending as of this report.

VI. ANALYSIS

Allegation 1 against all three officers, that they searched [REDACTED] vehicle without permission, is Unfounded. As depicted in Officer Perez's BWC, Officer Jung and Officer Perez explicitly got permission to search [REDACTED] car at least three times at approximately 11:53 PM. [REDACTED] assertion that the officers failed to get permission is simply untrue. Therefore, Allegation 1 against Officers Jung, Perez, and Aguirre is Unfounded.

Allegation 2 against Officer Jung, that he searched through [REDACTED] phone, is Exonerated. While Officer Jung's BWC indicated he did look for when [REDACTED] last made a phone call, it was [REDACTED] who went through her phone to show him this information. [REDACTED] was the one scrolling through her phone and, as seen on BWC, she showed the phone to the officer. It was not a violation of [REDACTED] Fourth Amendment Rights because she produced this information voluntarily. Therefore, Allegation 2 against Officer Jung is Exonerated.

As seen in Officer Jung's and Officer Perez's BWC, Officer Jung was performing a protective pat down Bradley's leg. Officer Jung easily pulled the plastic bag out of a tear in [REDACTED] pant leg. He was not seen manipulating her pants or using any force during his search. Per Special Order S04-12-09, officers are allowed to "pat down [...] the outer clothing of a person for weapons and the protection of the sworn member or others in the area." Further "when a sworn member is conducting a lawful Protective Pat Down of a suspect's outer clothing for weapons and encounters and object that, based on their training and experience, the sworn member believes that the object is contraband, the sworn member may seize the item without a warrant." Thus, Officer Jung found the plastic bag while doing a lawful pat down of [REDACTED] outer clothing. When he found and seized the bag, he was also acting within policy, per this Special Order. [REDACTED] was also upset that male was searching her. However, Special Order S04-12-09 states that, while it is preferable for a member of the same gender to search a subject, "If a member of the same gender is not immediately available [...] members will not endanger themselves or the public to comply with this requirement." The officers determined they were going to arrest [REDACTED] as she had alcohol in her car. She was also making bizarre comments to the officers, including sexual advances and talking about being a gang member. For officer and public safety, a pat down was warranted before placing her in the police vehicle. Therefore Allegation 3 against Officer Jung is Unfounded.

Allegation 4 against Officer Jung, that he made a false report that [REDACTED] touched him, is Unfounded. As seen in his BWC, Officer Perez's BWC, and the ICC, [REDACTED] immediately grabbed Officer Jung's hand after she saw what he was holding and a struggle ensued. [REDACTED] would not let go and there was a back and forth pulling between the officer and [REDACTED] While

²⁰ Att. 22

█████ stated she only touched the bag, not the officer, the BWC depicts █████ grabbing Officer Jung's hand and striking him. Per █████ account to COPA, she grabbed the plastic bag as a reaction to a male touching her thigh area. However, █████ did not react until after he had removed his hand and was no longer touching her. She turned around, looked at his hand, and then grabbed him. Therefore, Allegation 4 against Officer Jung is Unfounded.

Similarly, Allegation 5 against Officer Jung, that he performed an emergency take-down without justification, is Unfounded. As detailed above, █████ would not let go of the officer and was being combative. Per General Order G03-02-01, █████ was an assailant at the point a take-down was performed. This order defines an assailant as "a subject who is using or threatening the use of force against another person [...] which is likely to cause physical injury." █████ was grabbing and hitting Officer Jung. As such, the order allows for the use of a take-down. Therefore, Officer Jung was within policy and Allegation 5 is Unfounded.

Allegation 6 against Officer Jung, that he smashed █████ face onto the concrete causing her to temporarily lose consciousness, was also Unfounded. As seen in BWC, █████ never lost consciousness. She was talking and moving the entire time after the take-down was performed. █████ also alleged she was bleeding from the face from this action, which was clearly untrue after reviewing all relevant video evidence.

Lastly, Allegation 7 against Officer Jung, the he coerced █████ into writing a letter stating Officers Jung, Perez, and Aguirre handled █████ with care and deserved a promotion, is Unfounded. There is simply no evidence to indicate this occurred, outside of █████ statement. Furthermore, █████ credibility is greatly diminished due to the many inconsistencies in her statement. Specifically, in her COPA statement, █████ denied smoking marijuana. However, Department video shows █████ admitted multiple times that she smoked marijuana earlier in the night. She made these admissions before and after her arrest. █████ also told COPA that officers searched her car without permission and Officer Jung searched her phone without permission. Video evidence also indicated that neither of these allegations are true. Additionally, █████ told COPA that she had Stanback in her pants. However, she told her transporting officers that she had cannabis in the bag removed from her pants. While █████ alleged she grabbed the bag from Officer Jung as a reflex, video shows that she did not respond to the officer grabbing her. Rather, she responded once saw what he had in his hand, suggesting the officer had found contraband. █████ also denied touching Officer Jung, which was refuted by video evidence. It was also untrue that █████ lost consciousness and was bleeding from her forehead, as she related in her COPA interview. Since █████ lacks credibility, Allegation 7 against Officer Jung is Unfounded.

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer Jung	1. Searched █████ vehicle without permission in violation of Rule 6.	Unfounded

	2. Searched through [REDACTED] telephone.	Exonerated
	3. Searched in between [REDACTED] pants and her skin.	Unfounded
	4. Fabricated a false report that [REDACTED] touched Officer Jung.	Unfounded
	5. Performed an emergency take-down on [REDACTED] without justification.	Unfounded
	6. Smashed [REDACTED] face onto the concrete causing her to temporarily lose consciousness.	Unfounded
	7. Coerced [REDACTED] into writing a letter stating Officers Jung, Perez, and Aguirre handled [REDACTED] with care and deserved a promotion 4.	Unfounded
Officer Perez	1. Searched [REDACTED] vehicle without permission.	Unfounded
Officer Aguirre	1. Searched Bradley's vehicle without permission.	Unfounded

Approved: [REDACTED]

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

6/22/18

Appendix A

Assigned Investigative Staff

Squad#:	Four
Investigator:	Kelsey Fitzpatrick, #61
Supervising Investigator:	James Murphy-Aguilu, #19
Deputy Chief Administrator:	Andrea Kersten

