SUMMARY REPORT OF INVESTIGATION[1]

I. EXECUTIVE SUMMARY

Date of Incident:	July 3, 2017
Time of Incident:	12:50 PM
Location of Incident:	7910 South Evans Ave. Chicago, Illinois 60619
Date of COPA Notification:	July 3, 2017
Time of COPA Notification:	1:35 PM

It is alleged by complainant [redacted] ("[redacted] that on July 3, 2017, at approximately 1:15 p.m. at 7900 South Evans Avenue, Officer Jaime Nunez in vehicle 8333 stopped him without justification, handcuffed him, and used excessive force by pushing him onto the hood of his police vehicle. Upon further investigation, the Civilian Office of Police Accountability ("COPA") determined Officer Nunez #17752 ("Nunez") and Officer William Phelan #20919 ("Phelan") in vehicle 8333 were stopped at the location of 7910 South Evans, from 12:51 p.m. to 12:57 p.m. As a result, COPA brought an additional allegation against Officer Nunez for failure to write an investigatory stop report for the detention of [redacted] COPA conducted a thorough investigation of the allegations and recommends they be not sustained.

II. INVOLVED PARTIES

Involved Officer #1:	Jaime Nunez, Star #17752, Employee ID #[redacted], DOA:02/19/13, Rank: Police Officer, Unit of Assignment: 212, Male, Hispanic.
Involved Civilian #1:	[redacted] DOB: [redacted]/93, Male, Black.

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Jaime Nunez	1. It is alleged by [redacted] that on or about July 3, 2017, near the vicinity of 7910 South Evans Ave. Chicago, Illinois 60619, at approximately 12:50 p.m., Officer Jaime Nunez used excessive force by	Not Sustained

[1] On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

	pushing [redacted] onto the hood of his police vehicle in violation of Rules 1,2, and 8.	
	2. It is alleged by [redacted] that on or about July 3, 2017, near the vicinity of 7910 South Evans Ave. Chicago, Illinois 60619, at approximately 12:50 p.m., Officer Jaime Nunez detained [redacted] without justification in violation of Rules 1 and 2.	Not Sustained
	3. It is alleged by the Civilian Office of Police Accountability that on or about July 3, 2017, Officer Jaime Nunez failed to write an investigatory stop report for the detention of [redacted] near the vicinity of 7910 South Evans Ave. Chicago, Illinois 60619, at approximately 12:50 p.m. in violation of Rules 1 and 5.	Not Sustained

IV. APPLICABLE RULES AND LAWS

Rules
Rule 1: Violation of any law or ordinance. **Rule 2:** Any act or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department. **Rule 5:** Failure to perform any duty. **Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
Special Orders
Special Order S04-13-09: Investigatory Stop System
Federal Laws
United States Constitution 4th Amendment: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

V. INVESTIGATION[2]

a. Interviews[3]

COPA conducted **accused Officer Jaime Nunez's # 17752** (Officer Nunez) audio

[2] COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.
[3] COPA attempted to obtain Complainant [redacted] affidavit, however, after multiple failed attempts to find [redacted] COPA obtained an affidavit override to continue the investigation. See attachments 9 and 11.

recorded statement on July 31, 2018.[4] Officer Nunez stated that on July 3, 2017, he was on duty detailed to Summer Mobile Patrol. Officer Nunez stated Summer Mobile Patrol differentiates from regular patrol duties in that he can be assigned to several locations during an 8-hour tour of duty. Officer Nunez stated that he was working with Officer William Phelan #20919 (Phelan) in marked police vehicle 8333. Officer Nunez stated he and Officer Phelan worked together the entire tour. Officer Nunez stated he did not recall if the vehicle was equipped with in-car-camera (ICC). Officer Nunez stated some of the vehicles assigned to Summer Mobile Patrol had ICC but were not working properly. Officer Nunez stated he was not wearing a body worn camera (BWC) because he was not issued one. Officer Nunez stated that on July 3, 2017, he was present at the location of 7910 South Evans Avenue but did not recall the specific reason he was at the location. Office Nunez stated the area near 7910 South Evans Avenue is a high crime area. Officer Nunez stated he did not remember if he came into contact with an individual by the name of [redacted] After looking at a photograph of [redacted] Officer Nunez stated he did not recall ever stopping the individual in the photograph. Officer Nunez stated he did not recall ever stopping, having a conversation with or pushing [redacted] onto the hood of his vehicle. Officer Nunez stated he did not recall stopping any vehicles or persons near 7910 South Evans Avenue. Officer Nunez stated he did not write any investigatory stop reports on July 3, 2017 and did not recall making any investigatory stops on that date.

COPA conducted witness **Officer William Phelan's #20919 (Officer Phelan)** audio recorded statement on August 7, 2018.[5] Officer Phelan stated that on July 3, 2017, he was on duty and detailed to Summer Mobile Patrol. Officer Phelan stated that he was not assigned a body worn camera while working on Summer Mobile Patrol. Officer Phelan stated that Officer Nunez was his assigned partner for Summer Mobile Patrol. Officer Phelan stated that he could not recall being present at the location of 7910 South Evans Avenue. Officer Phelan stated that he did not recall coming into contact with an individual by the name of [redacted] Upon being shown the photograph of [redacted] Officer Nunez stated he did not recall coming into contact with him. Officer Phelan stated that during his tour of duty with Officer Nunez he did not recall seeing Officer Nunez detain [redacted] or push [redacted] onto the hood of the police vehicle. Officer Phelan did not recall conducting an investigatory stop on July 3, 2017 or writing an investigatory stop report.

b. Digital Evidence

Photographic Evidence depicts scratches to [redacted] left and right wrists as well as redness in [redacted] left eye.[6]

c. Documentary Evidence

Attendance and Assignment (AA) Sheets indicate Officers Nunez and Phelan were working on Beat 4412 in vehicle 8333 from 10:00 a.m. to 6:30 p.m.[7]

[4] Attachment 27
[5] Attachment 29
[6] Attachment 7
[7] Attachment 13

GPS search results indicate vehicle number 8333 assigned to Officers Nunez and Phelan, was stopped at 7910 South Evans Avenue between 12:51 and 12:57 p.m.[8]

VI. ANALYSIS

The burden of proof COPA uses in its analysis is the preponderance of the evidence standard. It is alleged by [redacted] that Officer Nunez in vehicle 8333 at 7900 South Evans Avenue stopped him without justification, handcuffed him, and pushed him onto the hood of his police vehicle at 1:15 p.m. COPA further alleged that Officer Nunez failed to write an investigatory stop report. After analyzing the evidence, COPA determined the allegations were not supported by sufficient evidence which could be used to prove or disprove the allegations.

Evidence shows that [redacted] filed a police misconduct complaint on the same date as the alleged incident and subsequently allowed a Chicago Police Department evidence technician to take photographs of his injuries. While it is clear that [redacted] sustained injuries, it is not clear by a preponderance of the evidence that Officer Jaime Nunez # 17752 was responsible for the injuries. Officers Nunez and Phelan were present near the area of the alleged incident, however, while near, they were not present at the exact location nor time alleged by [redacted] Moreover, Officers Nunez and Phelan stated they did not recall ever stopping [redacted] or making an investigatory stop on July 3, 2017. An investigatory stop report search, indicated Officer Nunez did not write any investigatory stop reports on July 3, 2017.[9]

In weighing the facts against the lack of determinative evidence, COPA recommends the finding of Not Sustained.

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer Nunez	1. It is alleged by [redacted] that on or about July 3, 2017, near the vicinity of 7910 South Evans Ave. Chicago, Illinois 60619, at approximately 12:50 p.m., Officer Jaime Nunez used excessive force by pushing [redacted] onto the hood of his police vehicle in violation of Rules 1,2, and 8.	Not Sustained
	2. It is alleged by [redacted] that on or about July 3, 2017, near the vicinity of 7910 South Evans Ave. Chicago, Illinois 60619, at approximately 12:50 p.m., Officer Jaime Nunez detained [redacted] without justification in violation of Rules 1 and 2.	Not Sustained
	3. It is alleged by the Civilian Office of Police Accountability that on or about July 3, 2017, Officer	Not Sustained

[8] Attachment 24
[9] Attachment 28

	Jaime Nunez failed to write an investigatory stop report for the detention of [redacted] near the vicinity of 7910 South Evans Ave. Chicago, Illinois 60619, at approximately 12:50 p.m. in violation of Rules 1 and 5.

Approved [redacted]

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

8/15/18
Date