### SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

### I. EXECUTIVE SUMMARY

Date of Incident:

Time of Incident:

Location of Incident:

Date of COPA Notification:

Time of COPA Notification:

September 5, 2017

10:34 p.m.

2253 S. Kenneth Ave. Chicago, Illinois 60623

September 6, 2017

7:40 a.m.

On September 5, 2017, at approximately 10:34 p.m., Complainant

("Land and three other individuals fled from a traffic stop involving a stolen vehicle.

ran and hid in a residential yard located at 2253 S. Kenneth Avenue.

alleges that the,

"male, white, short, Sergeant," who found him in the yard, struck and kicked him about the face
and placed his knee on his head while he was on the ground. The Crime Prevention and
Information Center ("CPIC") notified the Civilian Office of Police Accountability ("COPA") of
the allegations. After conducting an initial investigation, COPA sought and was granted an
affidavit override to pursue an investigation into these allegations. Based on the evidence
gathered, COPA served allegations against Sergeant Jose Rojas #932 ("Sergeant Rojas"), who is
listed as the arresting sergeant in the Arrest Report. After a thorough investigation of the
allegations against Sergeant Rojas, COPA recommends they be Unfounded.

## II. INVOLVED PARTIES

Involved Officer #1:	Jose Rojas, Star #932, Employee ID , DOA:5/19/80, Rank: Sergeant, Unit of Assignment: 312, Male, Hispanic.
Involved Individual #1:	DOB 2001, Male, Black.

#### III. ALLEGATIONS

Officer	Allegation	Finding
Sergeant Jose Rojas	1. It is alleged by that on or about September 5, 2017, near the vicinity of 2253 S.	Unfounded

<sup>&</sup>lt;sup>1</sup> 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.

Kenneth Ave. Chicago, Illinois 60659 at approximately 10:34 p.m., Sergeant Jose Rojas used excessive force by striking about the head in violation of Rule 8.	
2.It is alleged by that on or about September 2, 2017, near the vicinity of 2253 S. Kenneth Ave. Chicago, Illinois 60659 at approximately 10:34 p.m., Sergeant Jose Rojas used excessive force by kicking about the face in violation of Rule 8.	Unfounded
3.It is alleged by that or about September 5, 2017, near the vicinity of 2253 S. Kenneth Ave, Chicago, Illinois 60659 at approximately 10:34 p.m., Sergeant Jose Rojas used excessive force by placing his knee on head while he was on the ground in violation of Rule 8.	Unfounded
	approximately 10:34 p.m., Sergeant Jose Rojas used excessive force by striking about the head in violation of Rule 8.  2.It is alleged by that on or about September 2, 2017, near the vicinity of 2253 S. Kenneth Ave. Chicago, Illinois 60659 at approximately 10:34 p.m., Sergeant Jose Rojas used excessive force by kicking about the face in violation of Rule 8.  3.It is alleged by that or about September 5, 2017, near the vicinity of 2253 S. Kenneth Ave, Chicago, Illinois 60659 at approximately 10:34 p.m., Sergeant Jose Rojas used excessive force by placing his knee on head while he was on the ground in

### IV. APPLICABLE RULES AND LAWS

Rules

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

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

### V. INVESTIGATION<sup>2</sup>

### a. Interviews<sup>3,4</sup>

COPA conducted accused Sergeant Jose Rojas' #932 ("Sergeant Rojas") audio

<sup>&</sup>lt;sup>2</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>3</sup> After several failed attempts to contact and his guardians, and COPA sought and was granted an affidavit override to continue with the investigation. See

Attachment 21.

<sup>4</sup> COPA interviewed Officer Cesar Astorga #14757 (second transport officer transporting Attachment 34, Officer Andrew Cantore #5022 (arresting officer of co-arrestee located at 2253 S. Kenneth Avenue) Attachment 48, and Office Robert Munoz #14515 (assisting officer) Attachment 46, the three officers did not recall the event. COPA also interviewed Officer George Miranda #13102 (assisting officer at 2344 S. Kostner Avenue) Attachment 60, he did not see or have knowledge of

statement on July 12, 2018.<sup>5</sup> Sergeant Rojas stated that he is a 5'9, 155lbs, Hispanic male with tan skin and tattooed sleeve arms. Sergeant Rojas stated that on September 5, 2017, he was onduty working as a Summer Mobile Sergeant. Sergeant Rojas stated he was wearing a short sleeved white shirt and dark pants. Sergeant Rojas stated that within the Chicago Police Department, Sergeants and higher-ranking officers wear white shirts as part of the standard uniform. Sergeant Rojas further stated he was not wearing a Body Worn Camera ("BWC") because the Summer Mobile Unit is not assigned BWC's. Sergeant Rojas stated he was working with Lieutenant Cascone who is a 5'2, white, male, who was wearing a white shirt and dark pants. Sergeant Rojas stated that on September 5, 2017, he attempted to curb a vehicle matching the description of a vehicle involved in a gang related shooting. Sergeant Rojas stated the vehicle traveled westbound in a north alley near Kostner and Ogden Ave. Sergeant Rojas stated several occupants inside the vehicle fled westbound as the vehicle was still in drive.

Sergeant Rojas stated he radioed the descriptions of the fleeing individuals and requested assisting units to block the streets from Ogden to 21st Street and Kostner Avenue to Kenneth Avenue to enclose the individuals. Sergeant Rojas stated he then entered the moving vehicle to put it in park. Sergeant Rojas stated assisting units arrived and the individuals were eventually placed in custody in different locations. Sergeant Rojas stated that was one of the individuals placed in custody. Sergeant Rojas stated he came into contact with was placed in custody. Sergeant Rojas stated an officer yelled to him, "hey Sarge, we have him in custody," and walked halfway through the front yard of the residence. Sergeant Rojas stated that at that time he took hold of and walked him to the transport vehicle to be transported to the 10<sup>th</sup> District. Sergeant Rojas stated that was not resisting, did not complain of pain, and did not tell him he had been hit. Sergeant Rojas stated he went to the police station and approved the reports regarding Sergeant Rojas stated he did not personally write the Arrest Report. Sergeant Rojas stated that he relayed facts of the incident to Officer Benny Williams #12544, who then wrote the Arrest Report. Sergeant Rojas stated that at the station he never became aware that was in pain or requested to go to the hospital. Sergeant Rojas stated he did not see any bruises on Sergeant Rojas stated that he at no about the head, kicked him about the face, or placed his knee on Sergeant Rojas stated he did not see any officers take those actions against Sergeant Rojas further added that accused a white Sergeant and he is Mexican. Sergeant Rojas stated his arms are tattooed and that is a feature that would be noticeable in a short-sleeved shirt. Sergeant Rojas stated that Lieutenant Cascone was never present on Kenneth Avenue because he staved on Kostner Avenue securing the stolen vehicle. Sergeant Rojas stated that in his experience civilians often mistake the rank of an officer based on the uniformed white shirt.

COPA conducted witness **Lieutenant James Cascone's #560** ("Lieutenant Cascone") audio statement on August 22, 2018.<sup>7</sup> Lieutenant Cascone stated he is a male, white, approximately 5'0 feet tall and 215 lbs. Lieutenant Cascone stated that on September 5, 2017, he was assigned to the 10<sup>th</sup> District detailed from the Summer Mobile Unit. Lieutenant Cascone stated he was working with his partner, Sergeant Jose Rojas. Lieutenant Cascone stated he was dressed in uniform wearing a white shirt with bars indicating his rank, pants, and vest.

<sup>&</sup>lt;sup>5</sup> Attachments 24, 25

<sup>&</sup>lt;sup>6</sup> Attachment 25 at 3:46

<sup>&</sup>lt;sup>7</sup> Attachment 41

Lieutenant Cascone stated that other than himself, Sergeant Rojas was also wearing a white shirt. Lieutenant Cascone stated he was not assigned BWC on that night. Lieutenant Cascone stated that on September 5, 2017, a call came over the radio regarding a stolen vehicle. Lieutenant Cascone stated he and Sergeant Rojas followed the vehicle and observed it crash into a pole near Ogden and Kostner Ave. Lieutenant Cascone stated he observed approximately four occupants run out of the vehicle. Lieutenant Cascone stated he captured one of the offenders on scene and stayed with him. Licutchant Cascone stated the offender was a young black male seated in the rear passenger's side. After being shown a picture of Lieutenant Cascone stated was not the offender he captured, Lieutenant Cascone recalled the offender being smaller than Lieutenant Cascone stated the other three offenders ran north and westbound. Lieutenant Cascone stated Sergeant Rojas chased after one of the offenders out of his view. Lieutenant Cascone stated the next time he saw Sergeant Rojas was almost an hour later. Lieutenant Cascone stated responding units came to the scene to assist. Lieutenant Cascone stated he did not recall seeing any other officers in white shirts. Lieutenant Cascone stated the other offenders were eventually captured within a two-block radius. Lieutenant Cascone stated Sergeant Rojas told him he caught one of the offenders and a transport car was taking the offender to the district. Lieutenant Cascone stated he never come into contact with arrest was conducted on Kenneth Avenue and he stayed on Kostner Avenue with the other offenders.

COPA conducted **Sergeant Robert Garza's #1105** ("Sergeant Garza") audio statement on August 29, 2018. Sergeant Garza stated that he was present for the arrests conducted near 2344 S. Kostner Avenue and was not present on Kenneth Avenue for arrest. Sergeant Garza stated that after looking at the Arrest Report he can see that Sergeant Rojas is listed as the arresting officer for Sergeant Garza stated that the description of a male, short, white, officer in a white shirt matched the description of Lieutenant Cascone. Sergeant Garza stated he recalled Lieutenant Cascone was present on Kostner Avenue with him and recalled having a conversation with him. Sergeant Garza could not say for certain whether Lieutenant Cascone ever went to Kenneth Avenue.

COPA conducted **Sergeant Dale Martin's #2065** ("Sergeant Martin") audio statement on August 28, 2018. Sergeant Martin stated that on September 6, 2017, he took complaint on his Body Worn Camera ("BWC") at Loretto Hospital. Sergeant Martin stated relayed he ran from a stolen vehicle and that a sergeant found him and punched him in the right temple with a closed fist. After being shown his BWC, Sergeant Martin acknowledged that at approximately the ten-minute mark, he told he knew exactly who arrested him. Sergeant Martin stated he was referring to the arresting sergeant, Sergeant Rojas. Sergeant Martin stated he did not remember how he knew on September 6, 2017, that Sergeant Rojas arrested Sergeant Martin stated he did not recall if he spoke to a detective on the matter or if he looked up the arrest.

COPA conducted witness transport officer **Gerardo Garcia's #15018** ("Officer Garcia") audio statement on August 23, 2018.<sup>10</sup> Officer Garcia stated that on September 5, 2017, he was

<sup>&</sup>lt;sup>8</sup> Attachment 45

<sup>&</sup>lt;sup>9</sup> Attachment 42

<sup>&</sup>lt;sup>10</sup> Attachment 43

on duty working on the Summer Mobile Unit. Officer Garcia stated he was dressed in u. wearing a blue shirt. Officer Garcia stated he was not wearing BWC because the Summer Mobile Unit is not provided BWC. Officer Garcia stated that on that day he was working with Officer Cesar Astorga #14757. Officer Garcia stated that on September 5, 2017, he was present at the location of 2253 S. Kenneth Avenue responding to a flash message regarding a stolen vehicle where young individuals fled from the vehicle. Officer Garcia stated he recalled hearing on the radio that an individual was arrested near a residential yard area. Officer Garcia stated that when he arrived at that location, he observed an officer with an individual. Officer Garcia stated he was not sure whether it was or one of the other three offenders. Officer Garcia stated the officer came out with the offender and asked him if his vehicle was equipped for transport. Officer Garcia stated he replied yes and the offender was placed in his vehicle. Officer Garcia stated he only recalled there being one officer holding the offender. Officer Garcia stated the officer was holding the handcuffed offender by the arm. Officer Garcia stated he does not recall the officer and did not know the officer because he had never seen the officer before. Officer Garcia stated he did not believe the officer was wearing a white shirt. Officer Garcia stated that at that point he did not see any bruises on the offender and he was not complaining of pain. Officer Garcia stated that once in his vehicle, the offender was quiet, did not complain of pain, or request to go to the hospital. Officer Garcia stated the offender did not say anything about being hurt by an officer. Officer Garcia stated that the offender's demeanor was low and one of guilt. Officer Garcia stated he did not recall if he then transported the offender to the 10<sup>th</sup> District or whether he took the offender to Sergeant Rojas to be positively identified. Officer Garcia stated that other than Sergeant Rojas, he did not see another officer in a white shirt on scene. Officer Garcia stated that including him and his partner, there were two other officers present.

COPA conducted witness Officer Daniel Goetz's #4387 ("Officer Goetz") audio statement on September 10, 2018. 11 Officer Goetz described himself as a male, white, 6'0 feet tall, weighing 260 lbs. Officer Goetz stated that on September 5, 2017, his title was police officer and he was wearing a blue Chicago Police Department officer shirt. Officer Goetz stated he was working with Officer Andrew Cantore #5022. Officer Goetz stated he was not wearing a BWC because he was detailed to the Summer Mobile Unit and he had not been assigned BWC. Officer Goetz stated that on September 5, 2017, at approximately 10:34 p.m., he responded to a flash message of subjects fleeing from a vehicle. Officer Goetz stated he assisted in setting up a systematic search by going yard to yard looking for the subjects that fled from the vehicle. Officer Goetz stated that when he arrived at 2253 S. Kenneth Avenue, he entered a yard which was overgrown with vegetation. Officer Goetz stated two subjects were hiding in the weeds. Officer Goetz stated one of the subjects was wearing a red hoodie and the other was wearing a blue hoodie. Officer Goetz stated the subject in the red hoodie jumped up attempting to flee while the subject in the blue hoodie lay flat on the ground. Officer Goetz stated he announced his office and yelled at him to stop. Officer Goetz stated the subject then lay on the ground and he placed him in custody without incident. Officer Goetz stated he stood at the subject's side while he handcuffed the subject's hands in the back. Officer Goetz stated he yelled for assisting officers and they placed the second subject in custody. Officer Goetz stated he did not remember which officers assisted in the arrest. Officer Goetz stated he believes all the assisting officers were police officers wearing blue shirts, he did not recall there being officers in white shirts.

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<sup>11</sup> Attachment 47

Officer Goetz stated he was initially the only officer in the yard when he found the two subjects in the yard. Officer Goetz stated he at no point saw any officer use excessive force. Officer Goetz stated he believes he placed the subject in the red hoodie in custody. Officer Goetz stated that he helped the subject to his feet and escorted him to the transport vehicle. Officer Goetz stated that prior to placing the subject in the transport vehicle, Sergeant Rojas identified him as being one of the subjects fleeing from the stolen vehicle. Officer Goetz stated Sergeant Rojas did not have any other interaction with the subject. Officer Goetz stated the subject did not say anything to him while being escorted to the vehicle. Officer Goetz stated he did not see bruises on the subject and he did not seem like he was in pain. Officer Goetz stated he transported the subject to the 10th District. Officer Goetz stated the subject did not say he was in pain or ask to go to the hospital while he was being transported. Officer Goetz stated that once at the station, he recalled all the subjects who fled from the stolen vehicle being placed in a bullpen together since they were juveniles and needed to be kept separate from the adults. Officer Goetz stated all the subjects were laughing and joking around. Officer Goetz stated none of the subjects complained of pain at the station or asked to go to the hospital. Officer Goetz stated he did not recall Lieutenant Cascone being present at 2253 S. Kenneth Avenue.

## b. Digital Evidence<sup>12</sup>

No **Body Worn Camera ("BWC")** or **In-Car Camera ("ICC")** footage was found for arrest on September 5, 2017.

Sergeant Dale Martin's **Body Worn Camera** footage from September 6, 2017, captures sitting in the lobby of Loretto Hospital with his interview, there is visible swelling to forehead. Sergeant Martin begins by asking is seen nodding his head in the affirmative. Sergeant if he got beat up by the police. replies that he thinks it was a Sergeant, that the person was Martin asks who beat him up. male, short, white, and wore a white shirt. Sergeant Martin asks happened, replies that it was around 10:00 pm. Sergeant Martin asks if it happened when he was running from the stolen vehicle. tells Sergeant Martin that he was lying on the ground when the Sergeant pointed a gun at him and put him in handcuffs. after he was placed in handcuffs, the Sergeant punched and kicked him on the right side of his tells Sergeant Martin he did not know the name of the Sergeant. Sergeant Martin whether the Sergeant was the arresting officer and did not know but states he would recognize him if he saw him again. Sergeant Martin proceeds by taking down personal information and explains the complaint process.

## c. Physical Evidence

Loretto Hospital **Medical Reports** indicate that was treated on September 6, 2017 for an incident involving assault.<sup>14</sup> stated he was hit and punched by a Chicago Police Department officer in the head and face on the previous night. Further indicated the officer held him down by placing his foot on face.

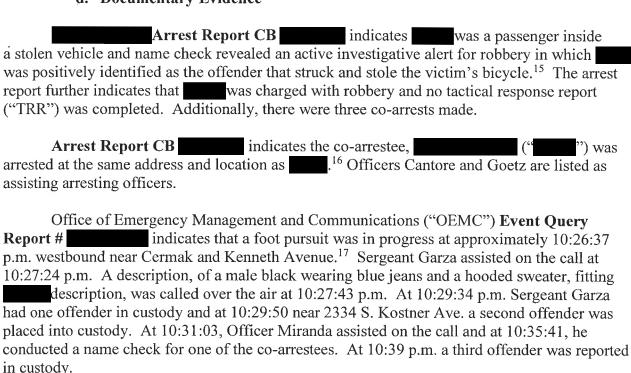
<sup>&</sup>lt;sup>12</sup> Attachment 33 contains BWC footage from the officers involved in the arrests on Kostner Avenue.

<sup>&</sup>lt;sup>13</sup> Attachment 18

<sup>&</sup>lt;sup>14</sup> Attachment 11

"knot," on the left side of his head. was diagnosed with a closed head injury and contusions to the face and back.

## d. Documentary Evidence



### VI. ANALYSIS

The burden of proof COPA uses in its analysis is the preponderance of the evidence standard. that a, "short, white, male, Sergeant," used excessive force by striking, kicking, and placing his knee about face and head. After an initial investigation, COPA sought and was granted an affidavit override against accused Sergeant Rojas based on him being the arresting Sergeant listed on Arrest Report. After conducting a full investigation and thoroughly analyzing the evidence, COPA determined that the allegations against Sergeant Rojas, were not based on the facts revealed through the investigation. The investigation revealed Sergeant Rojas' interaction with occurred after he was already placed in handcuffs. Sergeant Rojas' involvement in arrest consisted of identifying him as one of the fleeing subjects and of authorizing the Arrest Report. Moreover, Sergeant Rojas does not physically match the description provided by Evidence shows that on September 5, 2017, was arrested for robbery. Medical evidence shows that on September 6, 2017, was diagnosed with a closed head injury and contusions to the face and back. explained to the hospital staff and to Sergeant Martin that his injures were due to a, "short, white, male, Sergeant," using excessive force on September 5,

<sup>&</sup>lt;sup>15</sup> Attachment 17

<sup>&</sup>lt;sup>16</sup> Attachment 49

<sup>&</sup>lt;sup>17</sup> Attachment 15

2017, during his arrest. While it is evident that was injured, it is unclear how he sustained the injuries. Arrest Reports show that both and co-arrestee, were both found hiding in the residential yard at 2253 S. Kenneth Avenue. Officer Goetz stated he was the first officer to enter the yard at 2253 S. Kenneth Avenue and observed two subjects hiding in the yard. Officer Goetz described the subjects as wearing a blue and red hoodie. While Officer Goetz is listed as the assisting arresting officer in the arrest of Shorts, who is described as wearing a navy-blue hoodie with a white shirt and navy blue sweat pants, 18 Officer Goetz recalls arresting the subject wearing a red hoodie. During the interview of Officer Goetz, he was shown a black and white photograph of In color mugshot, however, he is photographed wearing a red hoodie. 19 This evidence suggests that Officer Goetz was the arresting officer who placed into custody. After analyzing the facts against the evidence, COPA did not believe it was appropriate to serve Officer Goetz with allegations of misconduct because he does not fit the description of the officer initially described by in his complaint. was clear when he related to Sergeant Martin at Loretto Hospital that the officer who used excessive force on him was a, "short, white, male in a white shirt." Officer Goetz is 6'0 ft tall and was wearing a blue shirt on September 5, 2017. Additionally, while Officer Goetz recalls arresting a subject in a red hoodie, he is listed as the arresting officer for Shorts. COPA could not determine with certainty that he Of the officers involved in the arrests on September 5, 2017, Lieutenant Cascone matches the description provided by However, BWC and witness officers present at Kostner Ave. and Kenneth Ave., support that Lieutenant Cascone assisted in the arrests at Kostner Avenue and was not likely present on Kenneth Avenue. COPA made efforts to contact and Shorts to positively identify the officers who arrested them, but all attempts failed<sup>20</sup>. Without further cooperation from COPA could not determine who arrested him. Furthermore, without further cooperation, it is difficult to determine if the allegations occurred. Officer Garcia stated only he, Officer Astorga, and two other officers were present at 2253 S. Kenneth Avenue. Officers Garcia and Goetz both recalled all officers being in blue shirts with the exception of Sergeant Rojas and they both stated Sergeant Rojas arrived after and Shorts were already in handcuffs. Moreover, all the officers who encountered stated he did not complain of pain or of being hit by an officer either on scene or at the station. Instead, Officer Goetz recalls all four juveniles joking and laughing while in lock up. For the aforementioned reasons, COPA recommends the finding of Unfounded in the allegations against Sergeant Rojas.

### VII. CONCLUSION

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

Officer	Allegation	Finding
18 Attachment 49		
<sup>19</sup> Attachment 58		
<sup>20</sup> Telephone calls to	9/6/17, 9/7/17, 9/8/17, 9/11/17, 10/13	3/17, 6/18/18; Telephone calls to
Sr. 9/11/17, 6/18/18 inco	orrect number message; Contact letter U.S. Po	ostal 10/13/17; home visit 9/15/17,
8/26/18; Telephone call	(Shorts' mother) 9/11/18 incor	rect number message.

Sergeant Jose Rojas	1. It is alleged by that on or about September 5, 2017, near the vicinity of at approximately 10:34 p.m., Sergeant Jose Rojas used excessive force by striking about the head in violation of Rule 8.	Unfounded
**	2. It is alleged by that on or about September 2, 2017, near the vicinity of at approximately 10:34 p.m., Sergeant Jose Rojas used excessive force by kicking about the face in violation of Rule 8.	Unfounded
	3. It is alleged by that or about September 5, 2017, near the vicinity of at approximately 10:34 p.m., Sergeant Jose Rojas used excessive force by placing his knee on head while he was on the ground in violation of Rule 8.	Unfounded

Approved:

9-17-18

Angela Hearts-Glass

Deputy Chief Administrator – Chief Investigator

Date

# Appendix A

Assigned Investigative Staff

Squad#: 10

Investigator: Sandra K. Trujillo

Supervising Investigator: Erica Sangster

**Deputy Chief Administrator:** Angela Hearts-Glass