

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

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|----------------------------|------------------------|
| Date of Incident: | May 1, 2013 |
| Time of Incident: | 4:20 pm |
| Location of Incident: | 3458 S. Hermitage Ave. |
| Date of COPA Notification: | May 1, 2013 |
| Time of COPA Notification: | 7:00 pm |

On May 01, 2013, at 3458 S. Hermitage, two vehicles were involved in a traffic accident. Off-duty Officer Jason Villarreal witnessed the accident, made a U-turn on 35th Street to aid at the accident scene. While navigating the U-turn, Officer Villarreal turned quickly onto Hermitage, almost striking two pedestrians, [REDACTED] and [REDACTED]. An altercation then ensued between [REDACTED] and Officer Villarreal. Officer Villarreal became verbally and physically abusive toward [REDACTED]. Officer Villarreal then called for on-duty officers to assist and upon their arrival, told them that [REDACTED] assaulted him. Officer Villarreal requested that the officers arrest [REDACTED] and [REDACTED] alleged that the arresting officers physically abused them during [REDACTED] arrest. [REDACTED] came to what was then IPRA on the same day, filed a complaint and gave a sworn statement. [REDACTED] gave a sworn statement to IPRA the next day.

II. INVOLVED PARTIES

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|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Involved Officer #1: | Jason Villarreal; Star #16534; Employee ID # [REDACTED]; Appointment Date: April 29, 2002; Police Officer; Unit of Assignment: 019/384; Date of Birth: [REDACTED], 1971; male; Hispanic |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

¹On 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.

This case was initiated under IPRA and COPA acknowledges that this investigation endured periods of delay and/or no investigative activity prior to COPA. While there may be legitimate cause for delay, no justification was noted in the file. Since launch, COPA has undertaken concerted effort to facilitate the expedition review of all pending cases initiated under IPRA while ensuring that each complaint investigation has been subject to a full and thorough investigation prior to its closure.

Involved Officer #2: Lisa Svihula; Star #16115; Employee ID # [REDACTED]; Appointment Date: December 14, 1998; Police Officer; Unit of Assignment: 009; Date of Birth: [REDACTED], 1971; female; white

Involved Officer #3: Christine Dunn; Star #6105; Employee ID # [REDACTED]; Appointment Date: July 29, 2002; Police Officer; Unit of Assignment: 009; Date of Birth: [REDACTED], 1968; female; white

Involved Officer #4: Unknown Officer

Involved Individual #1: [REDACTED] Date of Birth: [REDACTED], 1990; male; black

Involved Individual #2: [REDACTED] Date of Birth: [REDACTED], 1992; female; black

III. ALLEGATIONS

| Officer | Allegation | Finding/ Recommendation |
|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Officer Jason Villarreal | 1. It is alleged that Officer Villarreal directed profanities at [REDACTED] in violation of Rule 9. | Sustained/ 5 days |
| | 2. It is alleged that Officer Villarreal pushed [REDACTED] in violation of Rule 8. | Sustained/ 10 days |
| | 3. It is alleged that Officer Villarreal provided a false report to responding officers regarding [REDACTED] in violation of Rule 14. | Sustained/ Separation |
| | 4. It is alleged that Officer Villarreal had [REDACTED] [REDACTED] falsely arrested, in violation of Rule 2. | Sustained/ 25 days |
| | 5. It is alleged that Officer Villarreal directed profanities at [REDACTED] in violation of Rule 9. | Sustained/ 5 days |
| Officer Lisa Svihula | 1. It is alleged that Officer Svihula pushed [REDACTED] in violation of Rule 8. | Not Sustained |
| | 2. It is alleged that Officer Svihula grabbed and twisted [REDACTED] hand and finger, in violation of Rule 8. | Not Sustained |
| | 3. It is alleged that Officer Svihula failed to complete a Tactical Response Report, in violation of Rule 6. | Not Sustained |

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|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| | 4. It is alleged that Officer Svihula failed to complete a contact card, in violation of Rule 6. | Not Sustained |
| Officer Christine Dunn | 1. It is alleged that Officer Dunn handcuffed ██████████ too tightly, in violation of Rule 8. | Not Sustained |
| | 2. It is alleged that Officer Dunn falsely arrested ██████████ in violation of Rule 2. | Exonerated |
| Unknown Officer(s) | 1. It is alleged that Unknown Officer(s) pushed ██████████ against a wall, in violation of Rule 8. | Not Sustained |
| | 2. It is alleged that an Unknown Officer punched ██████████ about the body, in violation of Rule 8. | Not Sustained |
| | 3. It is alleged that an Unknown Officer verbally abused ██████████ with profanities and derogatory comments while in an interview room at the 009 th District station, in violation of Rule 9. | Not Sustained |
| | 4. It is alleged that an Unknown Officer refused to provide his name and star number upon request, in violation of Rule 37. | Not Sustained |

IV. APPLICABLE RULES AND LAWS

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- 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 6 – Disobedience of an order or directive, whether written or oral.
 3. Rule 8 – Disrespect to or maltreatment of any person, while on or off-duty.
 4. Rule 9 – Engaging in any unjustified verbal or physical altercation with a person, while on or off duty.
 5. Rule 14 – Making a false report, written or oral.

6. Rule 37 – Failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank and star number when so requested by other members of the Department or by a private citizen.

General Orders

1. G03-02-05 – Incidents Requiring the Completion of a Tactical Response Report - effective October 1, 2002.²
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Special Orders

1. S04-13-09 – Contact Information System - effective February 23, 2012.³
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State Laws

1. 720 ILCS 5/7-5 – Peace Officer’s Use of Force in Making Arrest.

V. INVESTIGATION⁴

a. Interviews

Civilian Interviews

In his interview with IPRA on May 1, 2013,⁵ Complainant, ██████████ stated that he and his girlfriend, ██████████ were walking west on 35th Street when a traffic accident occurred nearby. They continued walking and were in the crosswalk on Hermitage when a gold 4-door vehicle made a left turn onto Hermitage, almost striking ██████████ pulled ██████████ out of the way, and as he did, ██████████ hand may had been struck by the vehicle. ██████████ yelled at the motorist who almost struck them (now known to be Officer Jason Villarreal). Officer Villarreal jumped out of the car in an aggressive manner, approached ██████████ and pushed him. ██████████ grabbed ██████████ and pulled him back. Officer Villarreal raised his shirt to reveal a gun in his waistband and asked what ██████████ was going to do. At this point, ██████████ and ██████████ stepped back and they thought Officer Villarreal might be a police officer, although he never identified himself as one. Officer Villarreal continued to say to him, “What are you going to do about it.”

██████████ and ██████████ walked north on Hermitage. Officer Villarreal yelled after them to get “the fuck out of here,” and said that he was calling “backup.”⁶ Shortly thereafter, several officers

² Att. 146.

³ Att. 146.

⁴ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁵ Atts. 16, 54, 56-57.

⁶Att. 54, page 12, lines 5 – 7.

responded to the scene and spoke with Officer Villarreal. While the officers were talking to Officer Villarreal, Officer Villarreal pointed in [REDACTED] direction. A white male uniformed officer (now identified as Officer William Fasan)⁷ approached [REDACTED] and asked what happened. [REDACTED] told him that Officer Villarreal almost struck [REDACTED] with his vehicle then pushed him for no reason. Officer Fasan accused [REDACTED] of being the one to start the confrontation, which [REDACTED] denied. [REDACTED] stated that none of the officers appeared to be listening to his side of the story or to be assisting the motorist involved in the traffic accident. Instead, all the officers' attention was on [REDACTED] regarding what happened with Officer Villarreal. [REDACTED] told Officer Fasan that he wanted to file a police report against Officer Villarreal for pushing him and threatening him with the weapon, but Officer Fasan told him not to worry about it. He also told [REDACTED] not to move.

The officers talked among themselves while looking at [REDACTED]. A white female uniformed officer (now identified as Officer Christine Dunn) called [REDACTED] toward her. She said that she wanted to take his side of the story and asked him to walk with her to her car around the corner. [REDACTED] believed that he was going to make a police report regarding the incident and walked with Officer Dunn toward 35th Street and Hermitage. He told [REDACTED] to come with him, but Officer Dunn instructed [REDACTED] to stay where she was. At that point, [REDACTED] observed that several officers surrounded him near the corner of 35th Street and Hermitage.

One of the officers (now identified as Officer Lisa Svihula) grabbed [REDACTED] and told her that she had to walk back. [REDACTED] asked Officer Svihula why she was touching [REDACTED] as the group of officers began to grab him. The officers told [REDACTED] to put his hands behind his back and repeatedly told him that he was not under arrest but just being detained. [REDACTED] demanded that the officers release him and resisted in putting his hands behind his back. [REDACTED] stated that he stiffened his body and did not move when the officers tried to grab his arms because they would not tell him what was happening. According to [REDACTED] the officers pushed him against the building and held him there as they handcuffed him. [REDACTED] stated that the officers brought him to the police station. While he was in a holding cell, an unknown white male officer verbally abused him with profanities and refused to identify himself when [REDACTED] asked who he was.⁸ The officers charged him with resisting arrest and assault on a police officer.

[REDACTED] acknowledged that he used profanities at the beginning of the encounter with Officer Villarreal but stated that he never threatened Officer Villarreal or challenged him to a fight. [REDACTED] also stated that Officer Villarreal fabricated a story in that he told responding officers that [REDACTED] assaulted him. [REDACTED] specifically denied that he threatened Officer Villarreal or walked toward him with his fists balled up as Officer Villarreal claimed when speaking with the responding officers. [REDACTED] stated also that he sustained some scratches about his arms and

⁷ Officer Fasan was positively identified from the cell phone video by officers that were interviewed prior to Officer Fasan and then Officer Fasan identified himself from the video. Atts. 65, 92, 102.

⁸ [REDACTED] viewed photo arrays of CPD members but was unable to identify any of the accused officers.

elbows from when he was pushed and detained against the corner building on 35th Street and Hermitage.

In her interview with IPRA on May 2, 2013,⁹ ██████████ provided the same account of the incident as ██████████ did. When on-duty officers instructed ██████████ to go with them, ██████████ initially followed them. A white female officer (Officer Svihula¹⁰) intervened and shoved her backward.¹¹ ██████████ told the officer not to touch her and again tried to walk toward ██████████ believing that she and ██████████ were providing their side of the story to the officers. Officer Svihula told ██████████ that the officers would arrest ██████████ as well if she got close to ██████████ at which time Officer Svihula grabbed ██████████ hand and twisted her finger back.¹²

██████████ was unable to see what happened while the officers placed ██████████ into custody because her view was obstructed by the officers who surrounded him. After ██████████ was released from police custody, he told ██████████ that the officers tried to “rough him up” when they tried to put handcuffs on him.¹³ ██████████ told her that they made him hit his shoulder against the brick building causing abrasions and bruising to his shoulder and elbows. ██████████ also observed that ██████████ sustained swelling and red marks on his wrists. Upon inquiry, ██████████ reported that she did hear Officer Villarreal use profanity one time, when he said, “Mind your fucking business.”¹⁴

██████████ denied that ██████████ used profanity during the incident or that he took a fighting stance or got in Officer Villarreal’s face. ██████████ complained of pain to her left pinky finger and later learned that it had been fractured. ██████████ believed Officer Svihula caused the injury when she grabbed and twisted ██████████ hand and left pinky finger.¹⁵

In her statement to IPRA on May 2, 2013,¹⁶ ██████████ stated she was outside with her friend, ██████████ when she witnessed a traffic accident between two vehicles. She saw a young black couple (██████████ and ██████████) walking west on 35th Street. As they were in the crosswalk to cross Hermitage, a beige vehicle made a sharp turn and almost struck them. ██████████ asked the driver what he was doing. A white male (now known to be Officer Villarreal) jumped out of the sedan, approached ██████████ got in his face, and said, “Are you fucking going to do something, what’s your fucking problem?”¹⁷ Officer Villarreal then pushed ██████████ observed that Officer Villarreal had a handgun on the right side of his waistband. ██████████ said,

⁹ Atts. 20, 21, 55.

¹⁰ ██████████ initially identified this officer as Officer Dunn, however, based on video evidence and photographs she provided, this investigation revealed it was Officer Svihula.

¹¹ In subsequent conversations with IPRA, ██████████ stated that the officer grabbed and twisted her hand at this point, which caused a fracture to ██████████ finger. See Attachments 62 and 81.

¹² Att. 81.

¹³ Att. 55, page 29, lines 8-15.

¹⁴ *Id.*, page 26, lines 2-3, 6-9.

¹⁵ Att. 81.

¹⁶ Atts. 32, 53.

¹⁷ Att. 53, page 5, lines 6-7.

“No, it’s okay. Just forget it, we’re good.”¹⁸ ██████ and other people from the area yelled at Officer Villarreal that ██████ had not done anything. Officer Villarreal shouted at them, “Mind your fucking business. This is a police matter, don’t worry about it.”¹⁹

██████ stated that Officer Villarreal had not previously identified himself as a police officer. ██████ stated that ██████ did not have any physical contact with Officer Villarreal and he did not threaten Officer Villarreal. Officer Villarreal then made a phone call and within a few minutes several police officers arrived on the scene. The responding officers talked to everyone and seemed to be trying to confuse people by saying that ██████ was the one who threatened Officer Villarreal. A white female officer (Officer Svihula) was rude and asked, “What the fuck happened here?” and told ██████ not to give her a “fucking attitude.”²⁰ She also told ██████ that he looked like a “gangbanger” and that he should be in school.²¹ Several officers pulled ██████ against a building and held him there. When ██████ approached ██████ Officer Svihula grabbed ██████ by the arms, pushed her back, and told her that she could not stand next to ██████. Some of the officers who detained ██████ against the building placed their knees on him.

██████ saw two of the officers, punch ██████ twice.²² However, she was not able to provide a description of the officers. The officers then handcuffed ██████ who repeatedly asked why he was being arrested but he was not given a reason.

In her interview with IPRA on May 2, 2013,²³ ██████ stated that she was at work²⁴ when she heard a car crash. She stepped outside and observed two vehicles that crashed in the middle of 35th Street and Hermitage. She also saw a black couple (██████ and ██████) walking west on 35th Street. As they crossed Hermitage, a beige vehicle driving very fast made a sharp left turn onto Hermitage, almost striking ██████. ██████ pulled ██████ out of the way. ██████ shouted at the driver, “What the fuck! Didn’t you see us?”²⁵ The driver (Officer Villarreal) exited the vehicle and asked, “What?” ██████ replied, “You almost hit us. What the fuck? Why are you driving like that, you maniac?”²⁶ Officer Villarreal identified himself as a police officer and said that he did not see ██████. After Officer Villarreal identified himself as a police officer, ██████ asked to see Officer Villarreal’s badge.²⁷

¹⁸ *Id.* page 4, lines 9, 13-14.

¹⁹ *Id.* page 5, lines 10-11.

²⁰ *Id.*, page 19, lines 2-6.

²¹ *Id.*, page 19, lines 14-15. It should be noted that ██████ is 27 years old.

²² ██████ was unable to describe or identify these officers. ██████ and ██████ boyfriend, ██████ recorded this portion of the incident but neither of them cooperated with this investigation.

²³ Atts. 27-28, 58.

²⁴ ██████ located at ██████ W 35th St, Chicago, IL 60609

²⁵ Att. 58, page 12, lines 3-5.

²⁶ *Id.* page 12, lines 9-10.

²⁷ ██████ or ██████ do not mention in their statements that ██████ asked Officer Villarreal for his badge.

Officer Villarreal approached ██████ got close to his face and yelled, “I’m telling you I’m a fucking cop.”²⁸ Officer Villarreal then pushed ██████ on the chest. The two men advanced toward each other, but ██████ pulled ██████ back. ██████ took photographs of Officer Villarreal and his vehicle with her cell phone. Officer Villarreal walked over to where the traffic accident occurred, talked briefly with the motorists, and took out his phone. A few minutes later, several on-duty officers arrived. ██████ said that ██████ used profanities only at the beginning of the encounter and that he never threatened Officer Villarreal with physical harm. ██████ was not a witness to ██████ handcuffing.

In his statement to IPRA on June 8, 2013,²⁹ ██████ stated that he was walking south on Hermitage toward 35th Street when he observed a vehicle make a sharp turn onto Hermitage. He heard the brakes squeal and saw that the vehicle stopped abruptly in order not to hit a black couple (█████ and ██████ who were walking in the crosswalk. As ██████ walked closer to the area, he observed ██████ arguing with a white male (Officer Villarreal), who had exited the vehicle. ██████ heard Officer Villarreal direct profanities at ██████ but he could not recall specific words. ██████ initially stated in his interview that he did not observed Officer Villarreal point a gun at ██████ but later he stated that he did observed Officer Villarreal take his gun out of the holster when Officer Villarreal initially exited his vehicle.³⁰ ██████ described that Officer Villarreal pointed the gun quickly at ██████ but immediately holstered the gun.³¹ ██████ described the gun to be black in color. ██████ also heard others say that Officer Villarreal drew and pointed his gun at ██████³² On-duty officers responded to the scene and talked to Officer Villarreal before talking to ██████ began to record some of the conversations that transpired between ██████ and some of the responding officers, who did not appear to listen to what ██████ had to say about the incident.

Shortly thereafter, ██████ observed a group of four to six uniformed officers grab ██████ arms which were down. ██████ recorded the group of officers grabbing ██████ but did not see them handcuff ██████ A white female uniformed officer (Officer Svihula)³³ threatened to break his phone if he did not leave the area. ██████ did not see any of the officers, punch or strike ██████ He also did not see any physical contact between Officer Villarreal and ██████ did not see any officer grab ██████ or have physical contact with her, but

²⁸ *Id.* page 18, lines 18-19.

²⁹ Atts. 70, 71.

³⁰ Att. 70, 71, at 3:45 minutes and 15:10 minutes.

³¹ It should be noted that neither ██████ or any other witness at the scene observed Officer Villarreal draw his weapon, point and re-holster as alleged by ██████

³² Att.70, 31:50 minutes.

³³ ██████ provided a physical description of Officer Svihula that positively identified her and Officer Svihula was the only female officer walking around the crowd. Officer Svihula was also identified from the cell phone video by many of the witnesses as the female officer that verbally mistreating people in the crowd. The other female officer that was at the scene was Officer Dunn who was placing ██████ in handcuffs, was shorter in height and was at a different location of the incident.

heard ██████ complain about her finger.³⁴ ██████ told him that “they” hurt her finger meaning the police, but ██████ did not ask her any details and ██████ did not identify who the officer was that hurt her finger. ██████ was not a witness to any officer having contact with ██████ since his focus was on ██████ provided a copy of the cell phone recording to COPA.

In a telephone conversation on August 2, 2013,³⁵ ██████ stated that he and his wife were sitting in their vehicle at the corner of 35th Street and Hermitage when they witnessed a traffic accident. Within seconds, they observed a vehicle driving very fast make a sharp turn onto Hermitage, almost striking a black couple (██████ and ██████ who were in the crosswalk. ██████ yelled at the driver (Officer Villarreal), who exited his vehicle and approached ██████ in an aggressive manner. ██████ stated that he and his wife remained in their vehicle, which was parked approximately 10 feet from Officer Villarreal’s vehicle. Officer Villarreal directed profanities at ██████ when he stated, “What’s your fucking problem?” and pushed him. ██████ then got in between ██████ and Officer Villarreal.

██████ stated that ██████ did not engage in any physical contact with Officer Villarreal and did not threaten Officer Villarreal with physical harm. Officer Villarreal continued to be aggressive with his words and demeanor toward ██████ Shortly thereafter, on-duty officers responded to the scene. The crowd told all the officers that it was Officer Villarreal who started the altercation, but the officers arrested ██████ instead. ██████ heard ██████ ask the officers why he was getting arrested, but no one answered him.

Police Interviews

In his statement to IPRA on August 1, 2014,³⁶ **Officer Ricardo Reyes** stated that he and Officer Svihula responded to a call of an assist to a police officer at 35th and Hermitage. When they arrived at the scene, they observed a traffic crash accident at the corner and off-duty Officer Villarreal at the scene. When they approached Officer Villarreal to ask about the incident, the officer walked away and ignored them. According to Officer Reyes, Officer Villarreal approached a group of officers who were further north on Hermitage. Officer Reyes spoke with several civilians who had gathered around and were upset about the actions of Officer Villarreal. Officer Reyes stated that the crowd informed him that Officer Villarreal had pushed an individual (██████) Officer Reyes stated that he did not assist in ██████ arrest and mainly handled the crowd that had gathered.

Officer Reyes was unable to describe in detail any of the other officers’ interactions with the citizens on the scene, including Officer Svihula. He recalled Officer Svihula being near the

³⁴ Att. 70, 29:20 minutes of audio.

³⁵ Att. 96. ██████ declined to provide a formal in-person interview.

³⁶ Atts. 92, 122.

traffic crash accident and handling the crowd. Officer Reyes stated that he never heard anyone at the scene complain of pain or injuries.

In his statement to IPRA on August 5, 2014,³⁷ **Officer William Fasan** stated that he and Officer Michael Moe responded to an assist to a police officer at 35th Street and Hermitage. Upon arrival, they observed other officers at the scene who were talking to off-duty Officer Villarreal. They approached the group and heard Officer Villarreal say that a black male (████████) confronted him after the officer made a U-turn to assist motorists involved in a traffic accident. Officer Villarreal told the officers that, after he identified himself, ██████████ threatened to beat him. Officer Fasan stated that Officer Dunn, who was closest to ██████████ told him that he was under arrest and ordered him to place his hands behind him. ██████████ stiffened up and began to yell. At that point, Officers Fasan, Salazar, and Moe assisted Officer Dunn in placing ██████████ under arrest. They ordered ██████████ to stop resisting, but he continued to stiffen his body while they handcuffed him. Officer Fasan stated that he did not observe any injuries to ██████████ and did not hear him complain of any injuries. Officer Fasan did not witness Officer Villarreal have any verbal or physical contact with ██████████ while he was at the scene. Officer Fasan denied seeing any officer punch, kick or strike ██████████ at any point during the incident.

In his statement to IPRA on August 4, 2014,³⁸ **Officer Michael Moe** provided essentially the same account of the incident as his partner, Officer Fasan. Officer Moe heard Officer Villarreal state that he almost bumped into ██████████ with his personal vehicle and that ██████████ was upset about it. Officer Villarreal then stated that ██████████ challenged him to a fight. Officer Moe denied that any of the officers punched ██████████ while they placed him in handcuffs and denied being a witness to any of the alleged misconduct against Officers Villarreal, Svihula, or Dunn. Officer Moe did not hear ██████████ complain that his handcuffs were too tight. Officer Moe did not recall seeing ██████████ on the scene.

In his statement to IPRA on August 5, 2014,³⁹ **Officer Joaquin Salazar** provided essentially the same account of the incident as Officers Fasan and Moe. None of these officers recalled seeing or talking to ██████████. These officers heard Officer Villarreal accused ██████████ of challenging him into a fight.

In his statement to IPRA on August 13, 2014,⁴⁰ **Officer Jose Rodriguez** stated that he and Officer Mora were assigned to the squadrol and responded to Officer Villarreal's call for assistance. When they arrived, Officer Rodriguez observed a large group of citizens and officers. Officer Rodriguez stated that he did not assist in ██████████ arrest. He recalled seeing Officers Dunn, Moe, Fasan, and Salazar holding ██████████ and trying to handcuff him. Officer Rodriguez

³⁷ Atts. 117, 124.

³⁸ Atts. 102, 133.

³⁹ Atts. 116, 126.

⁴⁰ Atts. 131, 132.

stated that he did not hear any of these officers direct any profanities at [REDACTED] or see anyone punch him. He described [REDACTED] as stiffening up and resisting the officers.

In his statements to IPRA on August 11, 2014 and June 29, 2016,⁴¹ **Officer Antonio Mora** provided a similar account of the incident as his partner, Officer Rodriguez. Officer Mora added that the only person he heard using profanities was [REDACTED] but he did not know at whom [REDACTED] was directing the profanities. Officer Mora did not recall any officer coming into the processing room and mistreating [REDACTED] there.

In her statement to IPRA on August 5, 2014,⁴² **Accused Officer Christine Dunn** arrived at the scene of this incident due to an assist for a police officer and a traffic crash accident in the area. Upon arrival, Officer Villarreal informed her that he was helping with a traffic accident when a black male ([REDACTED]) confronted him in an aggressive manner. According to Officer Villarreal, after he identified himself as a police officer, [REDACTED] accused him of almost striking him with the vehicle and threatened to fight Officer Villarreal. Officer Dunn stated that according to Officer Villarreal, he pushed [REDACTED] to create a safe distance and avoid being battered. Officer Dunn then spoke to the motorists involved in the traffic accident, one of whom reported to be a witness to the interaction between Officer Villarreal and [REDACTED].⁴³ However, Officer Dunn could not identify the motorist or what exactly she was a witness to regarding the interaction between Officer Villarreal and [REDACTED]. Officer Dunn then approached [REDACTED]. Officer Dunn stated that [REDACTED] told her that Officer Villarreal almost struck him with his vehicle when Officer Villarreal turned onto Hermitage and that Officer Villarreal pushed him.

When Officer Dunn asked [REDACTED] to follow her to the squad car, [REDACTED] refused. Officer Dunn told [REDACTED] she needed to hear his side of the story because Officer Villarreal said that [REDACTED] threatened him. [REDACTED] again refused to go to Officer Dunn's squad car. Officer Dunn then told him that due to what a witness and Officer Villarreal told her, he was going to be arrested for assault. [REDACTED] became agitated and loud as Officer Dunn attempted to talk him. Additional officers approached and assisted Officer Dunn with holding [REDACTED]. Officer Dunn reported that [REDACTED] stiffened his body and resisted arrest by not allowing her and the other officers to handcuff him. Officers Moe, Fasan, and Salazar assisted Officer Dunn in placing [REDACTED] under arrest as he continued to struggle with all of them. Officer Dunn handcuffed [REDACTED]. She did not hear him complain that the handcuffs were tight. Officer Dunn stated she has a habit of making sure that one or two of her fingers fit between the person's wrist and the handcuffs, which she recalled doing after handcuffing [REDACTED]. Officer Dunn denied the allegations made against her and stated that she arrested [REDACTED] after talking to Officer Villarreal.

⁴¹ Atts. 125, 141.

⁴² Atts. 115, 123.

⁴³ Officer Dunn could not recall which of the motorists reported to be a witness or what, specifically, that person told her about the interaction.

In her statement to IPRA on August 12, 2014,⁴⁴ **Accused Officer Lisa Svihula** stated that when she and Officer Reyes arrived at the scene, she observed a traffic accident, lots of people outside, and saw Officer Villarreal. She immediately approached and talked to Officer Villarreal about what occurred. Officer Villarreal briefly told her that he witnessed the traffic accident and pulled over to help. Officer Svihula approached one of the motorists involved in the accident, who gave her some details regarding the traffic accident. Officer Svihula then controlled the crowd that had gathered and appeared to be angry. Officer Svihula did not recall interacting with [REDACTED] or [REDACTED] at any point.⁴⁵ She recalled seeing a group of officers placing an individual under arrest ([REDACTED]) and that they were struggling with him. Officer Svihula denied pushing [REDACTED] or grabbing and twisting her hand. Officer Svihula stated that she could not recall having any contact with [REDACTED] or anyone else at the scene, which is why she did not complete a Tactical Response Report. Officer Svihula could not explain the verbal contact or her interaction with [REDACTED] at the scene which was captured in the video. She could not remember having contact with [REDACTED] and the video did not refresh her recollection of the encounter. Officer Svihula could not recall having any contact with anyone else at the scene. She denied the allegations made against her.

In his statement to IPRA on August 6, 2014,⁴⁶ **Accused Officer Jason Villarreal** reported that he witnessed a traffic accident when he was driving west on 35th Street. He immediately turned around and turned onto Hermitage to render aid. When he exited his vehicle, a black male ([REDACTED]) directed profanities at him. [REDACTED] complained that Officer Villarreal almost struck him and his girlfriend when he turned onto Hermitage. Officer Villarreal did not recall seeing any pedestrians on Hermitage as he turned. Officer Villarreal was partially dressed in his uniform and identified himself as a police officer to [REDACTED]. Officer Villarreal indicated that [REDACTED] stated to him, "Take off that gun, and I'm gonna whip your butt."⁴⁷ He described [REDACTED] to have clenched fists and that [REDACTED] got closer to him, within arm's length. Officer Villarreal said that he pushed [REDACTED] with two hands to create a safe distance between them and to avoid receiving a battery. After Officer Villarreal pushed [REDACTED] a crowd started gathering. Officer Villarreal immediately called for assistance and on-duty officers arrived shortly thereafter. Officer Villarreal stated he and [REDACTED] exchanged words, but he did not recall any specific statements. Officer Villarreal did not remember if he directed profanities at [REDACTED] during the incident but said there was a lot of tension and their interaction was hostile. Officer Villarreal denied stating, "You need to mind your fucking business. This is police business"⁴⁸ to [REDACTED].

Officer Dunn responded to the scene and handled the traffic accident. Officer Dunn then asked Officer Villarreal if he pushed [REDACTED]. Officer Villarreal admitted to Officer Dunn that he did push [REDACTED] because he got too close to him and was threatening. Officer Dunn asked him if

⁴⁴ Atts. 130, 135.

⁴⁵ During her statement, Officer Svihula watched a video of herself talking to [REDACTED] and [REDACTED]. She acknowledged it was her in the video but could not recall anything that [REDACTED] or [REDACTED] said to her.

⁴⁶ Attachments 121, 138.

⁴⁷ Attachment 138, page 14, lines 11 – 12.

⁴⁸ *Id.* page 30, lines 15 – 16.

he wanted [REDACTED] arrested for assault to which he said yes. Officer Dunn approached [REDACTED] who thought that he was giving a statement against Officer Villarreal and informed him he was under arrest. [REDACTED] stopped walking, asked why he was being arrested, and refused to comply with Officer Dunn's order to follow her. [REDACTED] stiffened his body as additional officers assisted to place him under arrest. Officer Villarreal recalled seeing Officers Moe and Fasan detaining and assisting Officer Dunn in handcuffing [REDACTED]. Officer Villarreal did not witness any of the responding officers striking [REDACTED]. Officer Villarreal stated that he did not observe Officer Svihula grab, twist, or push [REDACTED]. He further stated that he did not hear Officer Svihula direct any profanities or have any physical contact with [REDACTED] or anyone else. Officer Villarreal denied the other allegations made against him.

b. Digital Evidence

Photographs of [REDACTED] taken on May 2, 2013 depict red marks and abrasions to his wrists, forearms, elbows, shoulder, and chest. Photographs of [REDACTED] taken the same date depict bruising and swelling to her left pinky finger.

[REDACTED] took two **cellular phone video recordings**⁵¹ that were provided to IPRA. The videos depict the on-duty officers talking to [REDACTED] and [REDACTED] about the incident with Officer Villarreal. One video⁵² depicts Officers Fasan and Salazar holding [REDACTED] against a building while Officer Dunn handcuffed him. Officer Svihula is shown talking to [REDACTED] during the videos.

[REDACTED] provided **photographs**⁵³ she took on May 1, 2013 of Officer Villarreal, his vehicle, of Officers Reyes and Svihula, [REDACTED] also took photos of [REDACTED] injuries to his wrists, arms and elbows.

OEMC records⁵⁴ reveal that Officer Villarreal called 911 to report that he witnessed a traffic accident and that a crowd on the scene was harassing him.

c. Physical Evidence

Medical Records from Cook County Health Hospital⁵⁵ for [REDACTED] documented that she sought medical treatment on May 18, 2013, for pain to her left pinky finger, which was

⁴⁹ Att. 36.

⁵⁰ Att. 37.

⁵¹ Atts. 65 and 142. Neither one of the videos captured the allegations against Officers Villarreal, Svihula, and Dunn.

⁵² Att. 142.

⁵³ Att. 25.

⁵⁴ Att. 12.

⁵⁵ Att. 83.

diagnosed as being fractured. ██████ attributed the injury to an incident that occurred 18 days prior in which she was injured during a fight where she was shoved.

d. Documentary Evidence

██████ **Arrest Report**,⁵⁶ which was authored by Officer Dunn, documents that he was charged with Aggravated Assault to a Police Officer and four counts of Resisting a Police Officer.⁵⁷ According to the report, Officer Villarreal stopped to assist with a traffic accident and ██████ became loud and aggressive toward him. Officer Villarreal pushed ██████ to create a safe distance between the two. ██████ later refused to cooperate with on-duty officers, including struggling with them when they took him into custody.

██████ **Central Booking** photographs⁵⁸ depict an abrasion to his left elbow. No other injuries were observed from these photographs.

The **Original Case Incident Report (RD #HW255969)**,⁵⁹ which was authored by Officer Villarreal, contains essentially the same account of ██████ arrest as found in his arrest report.

Officer Villarreal's **Tactical Response Report**⁶⁰ described ██████ as an assailant in that he clenched his fists and presented an imminent threat of battery. Officer Villarreal pushed Mr. ██████ and gave verbal commands.

The **Tactical Response Reports** of Officers Michael Moe, Christine Dunn, William Fasan, and Joaquin Salazar⁶¹ described ██████ as an active resister who did not follow verbal commands and instead stiffened up, clenched his fists, and pulled away from the officers. The officers used escort holds, wrist locks, arm bar techniques, take down, and emergency handcuffing techniques to place ██████ under arrest.

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;

⁵⁶ Att. 4. Officer Villarreal was listed as the arresting officer.

⁵⁷ On August 22, 2013, ██████ pled guilty to one count of Resisting.

⁵⁸ Att. 5.

⁵⁹ Att. 13.

⁶⁰ Att. 6.

⁶¹ Atts. 8-10, 101.

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 occurred and violated 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 misconduct occurred, 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

a. Applicable legal standards

This case deals primarily with allegations that the involved officers used excessive force against the involved citizens and that the involved officers arrested ██████████ without probable cause. The Fourth Amendment to the U.S. Constitution, as well as federal and state case law and CPD rules and orders interpreting and applying the 4th Amendment, governs CPD officers' seizures of individuals and use of force.

The Fourth Amendment of the US Constitution generally prohibits law enforcement from warrantless searches and seizures of individuals without probable cause that the seized individual committed a crime. *Terry v. Ohio*, 392 U.S. 1, 88 S. Ct. 1868 (1968). The Fourth Amendment also dictates the amount of physical force an officer may use in effectuating an arrest. "[T]he right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it." *Graham v. Connor*, 490 U.S. 386, 396 (1989) (citing *Terry*, 392 U.S. at 22-27). Whether a use of force is reasonable varies by situation, and

requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.

Graham, 490 U.S. at 396 (citing *Tennessee v. Garner*, 471 U.S. 1, 8-9 (1985)).

Not every push or shove, even if it may later seem unnecessary . . . violates the Fourth Amendment. The calculus of reasonableness must embody allowance for

the fact that police officers are often forced to make split-second judgments -- in circumstances that are tense, uncertain, and rapidly evolving -- about the amount of force that is necessary in a particular situation.

Id. at 396-97 (internal citations omitted).⁶²

b. Allegations against Officer Villarreal

COPA finds that based upon the witness accounts of the incident it is more likely than not that Officer Villarreal engaged in misconduct. There are multiple independent witnesses who all gave consistent, credible sworn statements describing Officer Villarreal as the aggressor in the altercation with [REDACTED]. Additionally, after engaging in an unnecessary confrontation with [REDACTED] Officer Villarreal used his office and made willful and materially false statements for the purpose of having [REDACTED] arrested without cause. Accordingly, COPA recommends the following findings:

COPA issues a **SUSTAINED** finding for **Allegation #1** against **Officer Villarreal**, that he directed profanities at [REDACTED] and [REDACTED] stated that Officer Villarreal was verbally aggressive to [REDACTED] and used profanities toward him. [REDACTED] and [REDACTED] also stated that they heard Officer Villarreal direct profanities at [REDACTED] during their verbal altercation. Officer Villarreal did not deny the allegation and admitted he may have used profanities due to the tension at the scene.

COPA issues a **SUSTAINED** finding for **Allegation #2** against **Officer Villarreal**, that he pushed [REDACTED] and [REDACTED] all reported that Officer Villarreal was the aggressor and that he pushed [REDACTED] without provocation. There is no evidence to support Officer Villarreal's statement that he felt threatened or in fear of receiving a battery from [REDACTED]. Although, [REDACTED] admitted to yelling and cursing at the beginning of the incident after Officer Villarreal almost struck him and [REDACTED] with his vehicle, [REDACTED] denial that he threatened or instigated a physical altercation with Officer Villarreal is corroborated by witness accounts. Officer Villarreal's response was disproportionate to [REDACTED] response to almost being struck and not consistent with use of force policies. Officer Villarreal claimed that he identified himself as a police officer to [REDACTED] and that he pushed [REDACTED] to create a safe distance. However, COPA must question Officer Villarreal's credibility given that [REDACTED] and [REDACTED] all indicated that Officer Villarreal did not identify himself as a police officer and that [REDACTED] did not make any provoking movements towards Officer Villarreal.

COPA issues a **SUSTAINED** finding for **Allegations #3** and **#4** against **Officer Villarreal**, that he provided a willful, material, and false report to responding officers regarding

⁶² CPD's use of force orders (G03-02 and G03-02-01) and Illinois' statute governing peace officer's use of force (720 ILCS 5/7-5) are consistent with *Graham v. Connor*, in some instances, are more restrictive than the Fourth Amendment. As explained below, COPA finds that multiple officers violated the Fourth Amendment, and thus separate analysis under the more restrictive state statute and CPD orders is unnecessary.

██████████ for the purpose of having him wrongfully arrested. All independent witnesses to this incident provided accounts that corroborated ██████████ and ██████████ assertion that Officer Villarreal was the aggressor in this incident. The way Officer Villarreal navigated the U-turn caused him to almost strike ██████████ and ██████████ as they crossed the street. Rather than apologizing for his actions and proceeding to render aid to the individuals involved in the traffic crash, Officer Villarreal engaged in an unjustified verbal and physical altercation with ██████████. Officer Villarreal became the aggressor, exited his vehicle and physically approached ██████████ rather than maintaining a safe distance. The independent witnesses, not knowing either one of the involved parties or having a motive to fabricate their recollection of the events, supported ██████████ account that there was no reason for the altercation or ██████████ ensuing arrest. More specifically, ██████████ denied that ██████████ took a fighting stance or got in Officer Villarreal's face. Additionally, ██████████ stated that Officer Villarreal jumped out of his vehicle, approached ██████████, got in his face, used profanities, and pushed ██████████. She also denied that ██████████ made any physical contact with Officer Villarreal or threatened him. ██████████ also stated that it was Officer Villarreal who approached ██████████, yelled profanities and pushed ██████████. Moreover, ██████████ stated that Officer Villarreal exited his vehicle, approached ██████████ in an aggressive manner, directed profanities at ██████████ and pushed him. Further, the witnesses stated that ██████████ actions of being upset and briefly using profanities were a response to Officer Villarreal's aggression from the moment Officer Villarreal exited his vehicle.

Based upon the evidence noted above, Officer Villarreal willfully made a material and false statement to the responding officers when he told them that ██████████ assaulted him and challenged him to a fight. As reported by the on-sight witnesses ██████████ did not threaten Officer Villarreal or attempt any physical contact with the officer. ██████████ denied verbally threatening Officer Villarreal with physical harm. Again, it cannot be overstated that not a single independent witness stated that ██████████ verbally or physically assaulted Officer Villarreal. In fact, ██████████ and ██████████ walked away from the situation after Officer Villarreal pushed him and they saw the gun on his waist. The investigation showed that it was Officer Villarreal, who verbally and physically mistreated ██████████. Officer Villarreal abused his authority and used his police powers to his advantage by having ██████████ arrested. Officer Villarreal told the responding officers to arrest ██████████ after ██████████ told Officer Villarreal and the responding officers that he wanted to file a complaint against Officer Villarreal. Every statement Officer Villarreal made to the responding officer's claiming that ██████████ assaulted him was a willful, material, and false statement.

COPA issues a **SUSTAINED** finding for **Allegation #5** against **Officer Villarreal**, that he directed profanities at ██████████. ██████████ stated that Officer Villarreal was upset when she and others on the scene pointed out that he was mistreating ██████████ for no reason and that he cursed at her. ██████████ account of the incident was supported by ██████████ and ██████████. Officer Villarreal did not directly deny the allegation, but rather indicated that he was upset and there was a lot going on at the time. There was no reason for Officer Villarreal to direct any profanities and be unprofessional to ██████████.

c. Allegations against Officer Svihula

COPA issues a **NOT SUSTAINED** finding for **Allegation #1** against **Officer Svihula**, that she grabbed and twisted [REDACTED] hand and finger. There is insufficient evidence, witnesses or facts to support or refute the allegation. [REDACTED] corroborated [REDACTED] account of the physical contact between her and Officer Svihula, but none of the other witnesses were able to provide a detailed account of [REDACTED] and Officer Svihula's physical contact. [REDACTED] saw Officer Svihula grab [REDACTED] and block her path from going with him and Officer Dunn, but [REDACTED] did not witness the entire contact between Officer Svihula and [REDACTED]. Photographs and medical records document an injury to [REDACTED] finger, which she attributes to the officer twisting her left hand and pinky finger. However, [REDACTED] did not seek medical treatment until 17 days after the incident. Further, [REDACTED] stated that when Officer Villarreal made the sharp turn onto Hermitage with his vehicle, he believed that the vehicle may have had contact with [REDACTED] hand. [REDACTED] was not sure if [REDACTED] contact with the vehicle caused or not any injury to her finger. COPA was unable to determine if Officer Svihula's contact and actions against [REDACTED] caused the injury to her finger. Even though [REDACTED] complained about the injury to her finger to bystanders including [REDACTED] after her contact with Officer Svihula, there are no actual witnesses to Officer Svihula grabbing and twisting [REDACTED] hand and finger back. Officer Svihula reported that she does not recall having any verbal or physical contact with [REDACTED]. However, the video showed Officer Svihula having verbal contact with [REDACTED] at several points during the incident and showed the two near each other when [REDACTED] was being placed under arrest, which Officer Svihula could not explain. Although COPA learned from the investigation that Officer Dunn was the only other female officer on the scene, it was determined that she did not have any verbal or physical contact with [REDACTED] as she was busy taking [REDACTED] into custody at the same time the incident with [REDACTED] occurred. Therefore, due to the lack of evidence and witnesses COPA recommends that this allegation be Not Sustained.

COPA issues a **NOT SUSTAINED** finding for **Allegation #2** against **Officer Svihula**, that she pushed [REDACTED]. The investigation revealed that there is insufficient evidence or witnesses to support or refute the allegation. None of the independent witnesses or the responding officers were witnesses to Officer Svihula's actions toward [REDACTED] and Officer Svihula could not recall any verbal or physical contact with [REDACTED]. Officer Svihula denied the allegations made against her. Additionally, after viewing the cell phone footage, Officer Svihula acknowledged the footage depicted her interacting with [REDACTED] but that the cell phone footage did not capture any actual verbal or physical contact between Officer Svihula and [REDACTED].

COPA issues a **NOT SUSTAINED** finding for **Allegation #3** against **Officer Svihula**. Department Policy requires the completion of a TRR if an officer uses force that results in injury.⁶³ As noted reference Allegation #1, COPA was unable to prove that Officer Svihula used force or had any physical contact with [REDACTED]. Although witness [REDACTED] and [REDACTED] saw Officer Svihula

⁶³ G03-02-05, Att. 146.

grab ██████ and block her path toward ██████ and Officer Dunn, there are no other witnesses to support ██████ account of her contact with Officer Svihula that she pushed ██████ grabbed and twisted her left-hand causing ██████ left finger to be broken. Officer Svihula stated that she could not recall having any contact with ██████ which is why she did not document it in a Tactical Response Report. Additionally, after viewing the cell phone footage, Officer Svihula acknowledged the footage depicted her interacting with ██████ but that the cell phone footage did not captured any actual verbal or physical contact between Officer Svihula and ██████

COPA issues a **NOT SUSTAINED** finding for **Allegation #4** against **Officer Svihula**, that she failed to complete a contact card. Although witness ██████ and ██████ saw Officer Svihula grab ██████ and block her path toward ██████ and Officer Dunn, neither one of them observed any further other contact between Officer Svihula and ██████ According to Department Policy in effect at the time of this incident,⁶⁴ Officer Svihula would not need to complete a contact card for mere civilian contact. Without further information regarding their contact, COPA finds that there is insufficient evidence to determine if a contact card would have been required.

d. Allegations against Officer Dunn

COPA issues a **NOT SUSTAINED** finding for **Allegation #1** against **Officer Dunn**, that she handcuffed ██████ too tightly. Although ██████ provided photographs that depict some red marks about his wrists, there are no witnesses to this allegation. In addition, ██████ admitted that he resisted arrest to some degree by stiffening his body and not allowing the officers to handcuff him. ██████ and the other witnesses did not report hearing or observing ██████ complain that the handcuffs were tight. Officer Dunn denied the allegations and stated that she always checks the tightness of any handcuff that she places by putting two fingers between the handcuff and the person's wrist, which she stated she performed on ██████ Witness officers stated that they never heard ██████ complain that the handcuffs were tight or of any pain to his wrists. Further, witness officers stated that ██████ resisted arrest which could have caused the handcuffs to tighten after they were placed.

COPA issues an **EXONERATED** finding for **Allegation #2** against **Officer Dunn**, that she falsely arrested ██████ Officer Dunn was provided information by Officer Villarreal that he was assaulted by ██████ Officer Dunn believed that ██████ committed such an act and placed him under arrest with the assistance of other officers. Police officers may rely on others' complaints to form sufficient probable cause for arrest. "Where the victim of the crime supplies the police with the information forming probable cause, there is a presumption that this information is inherently reliable." *Kim v. City of Chicago*, 368 Ill. App. 3d 648, 655 (1st Dist. 2006) (internal citations omitted).

e. Allegations against Unidentified Officers

⁶⁴ S04-13-09

COPA issues a **NOT SUSTAINED** finding for **Allegation #1** against an **Unidentified Officer(s)**, that he pushed ██████████ against a wall. Mr. ██████████ was not able to identify the officer(s) who pushed him against the brick building and there are no witnesses to it or video recordings that captured this action. Although Mr. ██████████ sustained some abrasions about his arms and elbow, he also admitted to stiffening his body when the officers were trying to place him in handcuffs. The arresting officers stated that they placed ██████████ against the building during this struggle to handcuff him, but they denied using excessive force or pushing him against the building.

COPA issues a **NOT SUSTAINED** finding for **Allegation #2** against an **Unidentified Officer**, that he punched ██████████ about the body. There is insufficient evidence to identify the accused officer or to prove whether this action happened. In addition, there are no witnesses to the incident other than ██████████ who stated that she saw the action of an officer punching ██████████ during his arrest, but she was unable to identify or describe the officer since the action occurred quickly. ██████████ does not mention that he was punch in his statement to COPA. The video recording did not capture any of the arresting officers committing such an act. The involved officers denied seeing any officer at the scene commit this misconduct and they all denied having knowledge of this allegation or anyone involved.

COPA issues a **NOT SUSTAINED** finding for **Allegation #3** against an **Unidentified Officer**. There is insufficient evidence to identify the accused officer who verbally abused ██████████ with profanities and derogatory comments while in the interview room of the 009th District Police station. The involved officers denied having knowledge of this allegation or of any officer at the station committing the misconduct. ██████████ was unable to provide a clear description of the accused or identify him. Further, there were no working video recordings in this area of the station.

COPA issues a **NOT SUSTAINED** finding for **Allegation #4** against an **Unidentified Officer**. There is insufficient evidence to identify the accused officer who refused to provide his name and star number upon request. The involved officers denied having knowledge of this allegation or of any officer at the station of committing the misconduct.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Jason Villarreal

i. Complimentary and Disciplinary History

1. **Complimentary:** 1 Presidential Election Deployment Award 2008, 13 Emblems of Recognition – Physical Fitness, 1 Crime Reduction Ribbon 2004, 13 Honorable Mentions, 5 Complimentary Letters, 1 NATO Summit Service Award, 1 Crime Reductions Award 209
2. **Disciplinary:** None

ii. Recommended Penalty, by Allegation

1. Allegation No. 1: 5 days
2. Allegation No. 2: 10 days
3. Allegation No. 3: Separation
4. Allegation No. 4: 25 days
5. Allegation No. 5: 5 days

IX. CONCLUSION

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

| Officer | Allegation | Finding/ Recommendation |
|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Officer Jason Villarreal | 1. It is alleged that Officer Villarreal directed profanities at ██████████ in violation of Rule 9. | Sustained/ 5 days |
| | 2. It is alleged that Officer Villarreal pushed ██████████ in violation of Rule 8. | Sustained/ 10 days |
| | 3. It is alleged that Officer Villarreal provided a false report to responding officers regarding ██████████ in violation of Rule 14. | Sustained/ Separation |
| | 4. It is alleged that Officer Villarreal had ██████████ falsely arrested, in violation of Rule 2. | Sustained/ 25 days |
| | 5. It is alleged that Officer Villarreal directed profanities at ██████████ in violation of Rule 9. | Sustained/ 5 days |
| Officer Lisa Svihula | 1. It is alleged that Officer Svihula grabbed ██████████ hand and finger, in violation of Rule 8. | Not Sustained |
| | 2. It is alleged that Officer Svihula pushed ██████████ in violation of Rule 8. | Not Sustained |
| | 3. It is alleged that Officer Svihula failed to complete a Tactical Response Report, in violation of Rule 6. | Not Sustained |

| | | |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| | 4. It is alleged that Officer Svihula failed to complete a Contact Card, in violation of Rule 6. | Not Sustained |
| Officer Christine Dunn | 1. It is alleged that Officer Dunn handcuffed [REDACTED] too tightly, in violation of Rule 8. 2. It is alleged that Officer Dunn falsely arrested [REDACTED] in violation of Rule 2. | Not Sustained Exonerated |
| Unknown Officers | 1. It is alleged that an Unknown Officer(s) pushed [REDACTED] against a wall, in violation of Rule 8. 2. It is alleged that an Unknown Officer punched [REDACTED] about the body, in violation of Rule 8. 3. It is alleged that an Unknown Officer verbally abused with profanities [REDACTED] [REDACTED] in an interview room at the 009 th District station in violation of Rule 9. 4. It is alleged that an Unknown Officer refused to provide his name and star number upon request, in violation of Rule 37. | Not Sustained Not Sustained Not Sustained Not Sustained |

Approved:

[REDACTED]

May 30, 2019

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

[REDACTED]

May 30, 2019

Sydney Roberts
Chief Administrator

Date

Appendix A

Assigned Investigative Staff

| | |
|------------------------------------|----------------------------------|
| Squad#: | 9 |
| Investigator: | Maira Webb |
| Supervising Investigators: | Shannon Hayes Sharday Jackson |
| Deputy Chief Administrator: | Angela Hearts-Glass |
| Attorney | Scott Crouch |