



Lori E. Lightfoot
Mayor

Department of Police · City of Chicago
3510 S. Michigan Avenue · Chicago, Illinois 60653

Eddie T. Johnson
Superintendent of Police

September 9, 2019

Sydney Roberts
Chief Administrator
Civilian Office of Police Accountability (COPA)
1615 West Chicago Avenue, 4th Floor
Chicago, Illinois 60622

Re: Log #1061914 / Police Officer Jason Villarreal #16534

Dear Chief Administrator Roberts:

Based on a review of the above-referenced complaint register file, the Department respectfully requests that the Chief Administrator conduct further investigation. According to Section 2-78-130, Decisions, Recommendations of Chapter 2-78, Civilian Office of Police Accountability, if the Superintendent requests that the Chief Administrator conduct further investigation, the Superintendent shall specify the reasons for the additional investigation.

BRIEF SYNOPSIS

While off-duty, Officer Villarreal witnessed a traffic accident and attempted to make a U-turn on 35th Street to aid at the accident scene. As Officer Villarreal was making the U-Turn, his vehicle nearly struck two pedestrians, [REDACTED] (Complainant [REDACTED]) and [REDACTED] (Witness [REDACTED]). After being nearly struck by the vehicle, Complainant [REDACTED] and Witness [REDACTED] expressed their anger toward Officer Villarreal. Officer Villarreal stopped, exited his vehicle, and approached Complainant [REDACTED]; they engaged in a verbal altercation. At one point, Officer Villarreal pushed Complainant [REDACTED] with two hands.

Several witnesses ([REDACTED], [REDACTED], [REDACTED], and [REDACTED]) provided similar accounts, including that, after Officer Villarreal made the U-Turn, he almost struck Complainant [REDACTED] and Witness [REDACTED]; that Officer Villarreal and Complainant [REDACTED] had a verbal altercation on the street; and that, although Complainant [REDACTED] directed profanities at Officer Villarreal, Officer Villarreal pushed [REDACTED] and was the aggressor. COPA highlighted statements by witnesses that were independent of each other, noting that all witnesses felt that Officer Villarreal was the aggressor. Yet, there were inconsistencies in the witnesses' accounts.

Officer Villarreal confirmed that Complainant [REDACTED] was angry because his vehicle came close to him as he attempted to make a U-turn to render aid at the traffic accident. Officer Villarreal also admitted that he pushed Complainant [REDACTED]; however, Officer Villarreal stated he pushed Complainant [REDACTED] to create a



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safe distance to avoid receiving a battery by Complainant [REDACTED] Officer Villarreal called 911 and informed responding officers that Complainant [REDACTED] had assaulted him. Officer Villarreal signed criminal complaints against Complainant [REDACTED] for assault; Complainant [REDACTED] was placed under arrest.

On August 22, 2013, Complainant [REDACTED] pleaded guilty and was convicted for his role in the incident.

REASONS FOR ADDITIONAL INVESTIGATION REQUEST

COPA's investigation failed to address the fact the Complainant [REDACTED] pled guilty. In COPA's Attachment 144, Complainant [REDACTED] stated in a telephone conversation with COPA that he "plead guilty to the charges." During that conversation, Complainant [REDACTED] explained that an arrest warrant had been issued for him because he missed his initial court date, and he felt that because an arrest warrant had been issued, it made him look guilty. He further explained he did not want to remain in the Cook County jail, he had no money for a private attorney, and he wanted to get the matter behind him so he pled guilty to the charges. Complainant [REDACTED] also noted that none of his witnesses appeared in court.

In failing to address the fact the Complainant [REDACTED] pled guilty, COPA also failed to reconcile the inconsistent statements from Complainant [REDACTED]. During his interview with COPA on May 1, 2013, Complainant [REDACTED] first told COPA that he did not assault Officer Villarreal. Then, on August 22, 2013, Complainant [REDACTED] pled guilty. Finally, on May 13, 2014, he said in a telephone conversation with COPA that he was upset because he "now has this charge of aggravated assault to a police officer in his record when he was initially falsely arrested and accused of something that he did not do." According to Attachment 144, that telephone conversation took place on May 13, 2014; however, the COPA Investigator did not document it until September 24, 2016 in a To-From-Subject Report created more than two years after the telephone conversation.

When a person pleads guilty to a crime, that person admits under oath in open court responsibility for the facts and circumstances of their conduct. Because the person is waiving their constitutional right to defense/rights as a defendant, the Court requires the person pleading guilty to sign a "Request to Enter a Plea of Guilty and Jury Waiver." To ensure the person fully acknowledges that they are waiving their constitutional rights on record and in the hearing, the person must initial next to each of the rights that are listed on the plea form. In doing so, the person stipulates that there is a basis in fact for the plea of guilty. Therefore, Complainant [REDACTED] admitted to the facts of the incident.

A review of the Clerk of the Circuit Court of Cook County shows that Complainant [REDACTED] pleaded guilty to Count 2: Resisting/Obstructing Peace Officer (PO Dunn); however, Count 1: Aggravated Assault/Police Officer (PO Villarreal), Count 3: Resisting/Obstructing Peace Officer (PO Moe), Count 4: Resisting/Obstructing Peace Officer (PO Fasam), and Count 5 Resisting/Obstructing Peace Officer (PO Salazar) were Stricken Off with Leave to Reinstate. In many cases, when a defendant pleads guilty, including to just one count, the entire facts of the event are read into the record, and the defendant stipulates to all of the facts.



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Without the transcript of the court proceedings, however, the scope of Complainant [REDACTED] guilty plea cannot be determined. Therefore, the Department respectfully requests COPA to request a copy of the transcript of the court proceeding when Complainant [REDACTED] pled guilty.

CLASSIFYING ALLEGATIONS

Special Order S08-01-01, Conduct of Complaint Investigations, finds that when a complaint investigation is complete, the allegation is classified as one of the following:

- **Unfounded**—when the allegation is false or not factual;
- **Exonerated**—when the incident occurred, but the actions of the accused were lawful and proper;
- **Not Sustained**—when there is insufficient evidence to either prove or disprove the allegation;
- **Sustained**—when the allegation is supported by substantial evidence.

ALLEGATIONS AND COPA'S FINDINGS

COPA sustained six allegations against Officer Villarreal:

- **Allegation #1:** Officer Villarreal directed profanities at Complainant in violation of Rule 9, *Engaging in any unjustified verbal or physical altercation with any person*, while on or off duty. COPA sustained this allegation and recommended a 5-day suspension for this violation.
- **Allegation #2:** Officer Villarreal pushed Complainant in violation of Rule 8, *Disrespect to or maltreatment of any person, while on or off duty*. COPA sustained this allegation and recommended a 10-day suspension for this violation.
- **Allegation #3:** Officer Villarreal provided a false report to responding officers regarding Complainant in violation of Rule 14, *Making a false report, written or oral*. COPA sustained this allegation and recommended separation for this violation.
- **Allegation #4:** Officer Villarreal had Complainant falsely arrested in violation of Rule 2, *Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department*. COPA sustained this allegation and recommended a 25-day suspension for this violation.
- **Allegation #5:** Officer Villarreal directed profanities at Heather Arriaga in violation of Rule 9, *Engaging in any unjustified verbal or physical altercation with any person, while on or off duty*. COPA sustained this allegation and recommended a 5-day suspension for this violation.



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CONCLUSION

The evidence supports that, when Officer Villarreal attempted to make a U-turn, he almost struck Complainant [REDACTED] and Witness [REDACTED] as they crossed 35th Street, and that when he exited his vehicle; he used profanities and dealt with Complainant [REDACTED] in an aggressive and argumentative manner. Therefore, the Superintendent concurs there is a basis to sustain Allegation #1.

Unless COPA provides the court transcripts that indicate that Complainant [REDACTED] only pled guilty to Count 2, then Allegation #2, that Officer Villarreal pushed [REDACTED] should be reclassified as Exonerated; Allegation #3, that Officer Villarreal provided a false report to responding officers regarding [REDACTED] and Allegation #4, that Officer Villarreal falsely arrested Complainant [REDACTED] should both be reclassified as Unfounded.

Regarding Allegation #5, Officer Villarreal denied using profanities toward Witness/Complainant Arriaga. Witness/Complainant Arriaga said during her COPA interview that Officer Villarreal directed profanities at her during one interaction. She also indicated that all of the events were witnessed by [REDACTED] who was standing alongside her when the traffic accident occurred and Officer Villarreal's vehicle nearly struck Complainant [REDACTED] and Witness [REDACTED]. However, it does not appear in the record that COPA ever interviewed [REDACTED]. COPA should seek to interview [REDACTED]. Officer Villarreal denied directing profanities at Witness/Complainant Arriaga, and Witness/Complainant Arriaga alleged that he did; however, COPA failed to prove or disprove this allegation with an independent corroboration; therefore, Allegation #5 as written should be classified as Not Sustained.

Given that Complainant [REDACTED] pled guilty under oath to engaging in certain criminal conduct directed at Officer Villarreal, such an admission supports an Exonerated finding for Allegation #2 and Unfounded findings for allegations #3 and #4. Complainant [REDACTED] guilty plea must be closely reviewed to determine its applicability and weight toward the aforementioned findings.

[REDACTED]
Eddie T. Johnson
Superintendent of Police
Chicago Police Department