

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	October 3, 2019/1:05 am /2150 N. California Avenue
Date/Time of COPA Notification:	October 3, 2019/3:27 am
Involved Officer #1:	Edward Gomez, Star No. 19739, Employee ID No., [REDACTED], Date of Appointment: December 2, 1996, PO, Unit of Assignment 014, DOB: [REDACTED], 1967, male, Hispanic
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1982, male, Hispanic
Case Type:	Excessive Force/Verbal Abuse

I. ALLEGATIONS

Officer	Allegation	Finding/ Recommendation
Officer Edward Gomez	It is alleged that on or about October 3, 2019, at approximately 1:05 am, at or near 2150 N. California, Officer Edward Gomez Star No. 19739 committed misconduct through the following acts or omissions:	
	1. Pushing [REDACTED] to the ground, without justification.	Not Sustained
	2. Stating words to the effect of, "You asked me to unbuckle you right? Like a little bitch," at or in the direction of [REDACTED]	Sustained
	3. Stating words to the effect of, "I have to unbuckle you like a little sissy," at or in the direction of [REDACTED]	Sustained
	4. Failing to activate his body worn camera.	Sustained

II. SUMMARY OF EVIDENCE¹

COPA was notified of this complaint through an Initiation Report dated October 3, 2019, and submitted by Sergeant Jackie Varela of the 14th District on behalf of the complainant, Mr. [REDACTED] ([REDACTED]).² In addition to reviewing the Initiation Report, COPA reviewed the Original Case Incident Report,³ Officer Gomez's Tactical Response Report ("TRR"),⁴ as well as the Body Worn Camera (BWC) of Officer Joseph Jarzembowski⁵ that recorded the incident. COPA obtained a statement from [REDACTED] on October 3, 2019, and alleged that Officer Gomez pushed him to the ground.⁶ COPA also obtained a statement from Officer Edward Gomez on September 15, 2021.⁷ Based on these evidentiary sources, COPA makes the following factual findings.

[REDACTED] was a passenger in an Uber driven by Ms. [REDACTED] ([REDACTED]).⁸ [REDACTED] stated that he had consumed six beers before entering the Uber and admitted he was "buzzed."⁹ After a disturbance between [REDACTED] and [REDACTED] drove to the 14th District station because she did not feel safe and wanted [REDACTED] removed from her vehicle. Officer Gomez approached [REDACTED] vehicle to assist her, and Officer Jarzembowski followed.

[REDACTED] and Officer Gomez engage in a heated exchange captured on Officer Jarzembowski's BWC. Officer Gomez approaches the rear passenger side door, opens the door, and directs [REDACTED] to unbuckle his seatbelt and step out of [REDACTED] vehicle. [REDACTED] refuses and tells Officer Gomez to unbuckle the seatbelt for him. Officer Gomez unbuckles [REDACTED] seatbelt and again directs [REDACTED] to exit the vehicle. Officer Gomez can be heard on Officer Jarzembowski's BWC video stating to [REDACTED] "You asked me to unbuckle you right? Like a little bitch."¹⁰ Officer Gomez also states to [REDACTED] "I have to unbuckle you like a little sissy"¹¹, at which point [REDACTED] who has exited the vehicle, walks up to Officer Gomez in an aggressive manner and stands close to Officer Gomez's face. [REDACTED] stated to COPA that he got in Officer Gomez's face when he exited the vehicle because Officer Gomez was in his personal space. Officer Gomez shouts at [REDACTED] "Back away!" while simultaneously pushing [REDACTED] in the chest with both hands.¹² [REDACTED] falls to the ground, quickly stands up, and again stands close to Officer Gomez's face. Officer Gomez lifts his hand palm out to maintain space. Officer Jarzembowski then intervenes, and [REDACTED] yells at Officer Jarzembowski. Moments later, [REDACTED] walks into the

¹COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA's ongoing efforts to increase case closure capacity, certain cases are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

² Att. 8.

³ Att. 5.

⁴ Att. 11.

⁵ Att. 16.

⁶ Att. 4.

⁷ Att. 21.

⁸ COPA was unsuccessful in obtaining a statement from [REDACTED] Note [REDACTED].

⁹ Att. 4 starting at 13:40.

¹⁰ Att. 16 at T06:03:18Z.

¹¹ Att. 16 at T06:03:27Z.

¹² Att. 16 at T06:03:33Z.

station with Officer Jarzembowski following. Officer Jarzembowski tells a supervisor that [REDACTED] is intoxicated and smells like alcohol. Officer Jarzembowski also relays what happened between Officer Gomez and [REDACTED]¹³

In Officer Gomez's statement to COPA, he admitted to making the offensive statements alleged. Officer Gomez stated that he regretted using the language but did so to make [REDACTED] comply. Officer Gomez also stated that he attempted to activate his body worn camera but "miscalculated" as he was focused on [REDACTED]

III. 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;
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 reviewed complied with 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 conduct complied with Department policy than that it did not, 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.

IV. ANALYSIS AND CONCLUSION

It is undisputed that Officer Gomez pushed [REDACTED] in the chest, and [REDACTED] fell to the ground. Officer Gomez stated he was trying to create space between himself and [REDACTED] because he believed [REDACTED] might strike him. [REDACTED] admitted that he got in Officer Gomez's face.

¹³ Officer Jarzembowski retired from the Department on March 5, 2021, Att. 17.

█████ admitted to consuming six beers and being “buzzed.” Officer Jarzembowski’s BWC footage confirms that █████ aggressively approached Officer Gomez, thus making █████ an assailant under the applicable Directive.¹⁴ Officer Gomez completed a TRR documenting his use of force with █████. However, Officer Gomez did not appear to make any effort to de-escalate the situation. In fact, Officer Gomez’s language and demeanor intensified the situation. Therefore, COPA finds this allegation to be **Not Sustained**.

Officer Gomez admitted to directing words at █████ to the effect of, “You asked me to unbuckle you right? Like a little bitch,” and “I have to unbuckle you like a little sissy” during the incident. Rule 8 of the Chicago Police Department rules and regulations prohibit disrespect to or maltreatment of any person, whether on or off duty. Rule 2 also prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department. Officer Gomez stated that he regretted using the language but did so to get █████ to comply. However, Officer Gomez’s language was disrespectful and unacceptable under any circumstances. Officer Gomez’s use of language is also detrimental to the goals of the Department. COPA finds the allegations against Officer Gomez to be **Sustained**.

Special Order S03-14 (III)(A)(2) require officers to activate their body-worn cameras “at the beginning of an incident” and require that the cameras “record the entire incident for all law enforcement related activity.”¹⁵ Failure to follow these requirements violates Rule 6. Responding to █████ request for service and engaging in an encounter with █████ that became adversarial, as Officer Gomez did, were law enforcement related activities. Officer Gomez stated that at the time of the incident, he was wearing his body worn camera but “miscalculated” when he tried to activate it because he was focused on █████. The body worn camera video of Officer Jarzembowski supports Officer Gomez’s assertion that he attempted to activate his body worn camera. However, while Officer Gomez’s focus on █████ is laudable, it did not release him from the obligation to ensure that his body worn camera was activated. For these reasons, COPA finds this allegation to be **Sustained**.

V. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Edward Gomez

i. Complimentary and Disciplinary History

Officer Gomez has received 48 various awards.

ii. Recommended Penalty

COPA found that Officer Gomez violated Rules 2, 6, and 8 when he directed disrespectful language to █████ and failed to activate his BWC. For these reasons, combined with the officer’s complimentary history and no disciplinary history, COPA recommends a **3-5 days suspension**.

¹⁴ G03-02-01 (IV)(C) (Effective October 16, 2017, through February 28, 2020).

¹⁵ S03-14(III)(A)(2).

Approved:



Angela Hearts-Glass
Deputy Chief Administrator

2-28-2023

Date

Appendix A

Assigned Investigative Staff

Squad#:	12
Major Case Specialist:	Vanessa McClinton-Jackson
Supervising Investigator:	LaKenya White
Deputy Chief Administrator:	Angela Hearts-Glass