

**SUMMARY REPORT OF INVESTIGATION**

Date/Time/Location of Incident:	November 16, 2013/10:55 AM/812 N. Central Ave & 15th District Police Station, 5701 W. Madison St.
Date/Time of COPA Notification:	October 12, 2018/5:37 PM
Involved Officer #1:	Bernard Veleta, Star #21285, Employee ID # [REDACTED] Date of Appointment: September 27, 2004, Police Officer as Detective, Unit 610 (Bureau of Detectives - Area Central), Date of Birth: [REDACTED], 1970, Male, White <sup>1</sup>
Involved Officer #2:	Guy Dailey, Star #17280, Employee ID # [REDACTED] Date of Appointment: October 25, 2004, Police Officer, Unit 196 (Asset Forfeiture Investigations Section), Date of Birth: [REDACTED], 1972, Male, White
Involved Officer #3:	Richard DeFelice, Star #1294, Employee ID # [REDACTED] Date of Appointment: September 27, 2004, Sergeant of Police, 18th District, Date of Birth: [REDACTED], 1981, Male, White <sup>2</sup>
Involved Officer #4:	Sean Fleming, Star #1561, Employee ID # [REDACTED] Date of Appointment: September 26, 2005, Sergeant of Police, 1 <sup>st</sup> District, Date of Birth: [REDACTED], 1978, Male, White <sup>3</sup>
Involved Officer #5:	Bienvenido Acevedo, Star #6380, Employee ID # [REDACTED] Date of Appointment: March 8, 1999, Police Officer, 24 <sup>th</sup> District, Date of Birth: [REDACTED], 1972, Male, Hispanic
Involved Officer #6:	Unknown
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED], 1981, Male, Black
Case Type:	Excessive Force/On Duty – No Injury & Illegal Arrest/ False Arrest

**I. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
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<sup>1</sup> Detective Veleta was a police officer at the time of [REDACTED] November 16, 2013 arrest.  
<sup>2</sup> Sergeant DeFelice was a police officer at the time of [REDACTED] November 16, 2013 arrest.  
<sup>3</sup> Sergeant Fleming was a police officer at the time of [REDACTED] November 16, 2013 arrest.

<p>Detective Veleta</p>	<p>It is alleged that on November 16, 2013, at approximately 10:55 AM, at or near 812 N. Central Ave., you:</p> <ol style="list-style-type: none"> <li>1. Searched [REDACTED] without justification.</li> <li>2. Detained [REDACTED] without justification.</li> <li>3. Grabbed [REDACTED] at or near his chest.</li> <li>4. Handcuffed [REDACTED] without justification.</li> <li>5. Slammed [REDACTED] into a police car.</li> <li>6. Searched inside [REDACTED] pockets.</li> <li>7. Searched inside [REDACTED] cigarette pack.</li> <li>8. Arrested [REDACTED] without justification.</li> </ol> <p>It is alleged that on November 16, 2013, at approximately 10:55 AM, at or near the Chicago Police Department's 15th District Station, located at 5701 W. Madison Ave., you:</p> <ol style="list-style-type: none"> <li>9. Struck [REDACTED] about his body.</li> <li>10. Stripped [REDACTED] naked.</li> </ol>	<p>Not Sustained Not Sustained Not Sustained Not Sustained Not Sustained Not Sustained Not Sustained Not Sustained</p> <p>Not Sustained Unfounded</p>
<p>Officer Dailey</p>	<p>It is alleged that on November 16, 2013, at approximately 10:55 AM, at or near 812 N. Central Ave, you:</p> <ol style="list-style-type: none"> <li>1. Searched [REDACTED] without justification</li> <li>2. Detained [REDACTED] without justification</li> <li>3. Handcuffed [REDACTED] without justification</li> <li>4. Slammed [REDACTED] into a police car</li> <li>5. Searched inside [REDACTED] pockets</li> <li>6. Searched inside [REDACTED] cigarette pack</li> <li>7. Arrested [REDACTED] without justification</li> </ol> <p>It is alleged that on November 16, 2013, at approximately 10:55 AM, at or near the Chicago Police Department's 15<sup>th</sup> District Station, located at 5701 W. Madison Ave., you:</p> <ol style="list-style-type: none"> <li>8. Struck [REDACTED] about his body</li> <li>9. Stripped [REDACTED] naked</li> <li>10. Attempted to tase [REDACTED]</li> </ol>	<p>Not Sustained Not Sustained Not Sustained Not Sustained Not Sustained Not Sustained Not Sustained</p> <p>Not Sustained Unfounded Not Sustained</p>
<p>Sergeant DeFelice</p>	<p>It is alleged that on November 16, 2013, at approximately 10:55 AM, at or near 812 N. Central Ave, you:</p> <ol style="list-style-type: none"> <li>1. Searched [REDACTED] without justification</li> <li>2. Detained [REDACTED] without justification</li> <li>3. Handcuffed [REDACTED] without justification</li> <li>4. Slammed [REDACTED] into a police car</li> <li>5. Searched inside [REDACTED] pockets</li> </ol>	<p>Not Sustained Not Sustained Not Sustained Not Sustained Not Sustained</p>

	<p>6. Searched inside ██████ cigarette pack                  7. Arrested ██████ without justification</p> <p>It is alleged that on November 16, 2013, at approximately 10:55 AM, at or near the Chicago Police Department's 15<sup>th</sup> District Station, located at 5701 W. Madison Ave., you:</p> <p>8. Struck ██████ about his body                  9. Stripped ██████ naked                  10. Twisted ██████ feet</p>	<p>Not Sustained                  Not Sustained</p> <p>Not Sustained                  Unfounded                  Not Sustained</p>
<p>Sergeant Fleming</p>	<p>It is alleged that on November 16, 2013, at approximately 10:55 AM, at or near 812 N. Central Ave, you:</p> <p>1. Searched ██████ without justification                  2. Detained ██████ without justification                  3. Handcuffed ██████ without justification                  4. Slammed ██████ into a police car                  5. Searched inside ██████ pockets                  6. Searched inside ██████ cigarette pack                  7. Arrested ██████ without justification</p> <p>It is alleged that on November 16, 2013, at approximately 10:55 AM, at or near the Chicago Police Department's 15<sup>th</sup> District Station, located at 5701 W. Madison Ave., you:</p> <p>8. Struck ██████ about his body                  9. Stripped ██████ naked</p>	<p>Not Sustained                  Not Sustained                  Not Sustained                  Not Sustained                  Not Sustained                  Not Sustained                  Not Sustained</p> <p>Not Sustained                  Unfounded</p>
<p>Officer Acevedo</p>	<p>It is alleged that on November 16, 2013, at approximately 10:55 AM, at or near the Chicago Police Department's 15<sup>th</sup> District Station, located at 5701 W. Madison Ave., you:</p> <p>1. Struck ██████ about his body                  2. Stripped ██████ naked</p>	<p>Not Sustained                  Unfounded</p>
<p>Unknown Officer</p>	<p>It is alleged that on November 16, 2013, at approximately 10:55 AM, at or near the Chicago Police Department's 15<sup>th</sup> District Station, located at 5701 W. Madison Ave., you:</p> <p>1. Performed a chokehold on ██████</p>	<p>Unfounded</p>

## II. SUMMARY OF EVIDENCE <sup>4</sup>

The complainant, ██████████ (██████████) alleged that on November 16, 2013 he was approached by four Chicago Police Department (“CPD”) officers in an alley who detained, searched, and arrested ██████████ without justification. COPA conducted interviews with the five accused CPD members, as well as witness officers. During their interviews, Detective Bernard Veleta (“Detective Veleta”) and Officer Guy Dailey (“Officer Dailey”) asserted that they saw ██████████ urinating in an alley and had probable cause to detain, search, and arrest ██████████. ██████████ admitted to peeing in the alley, but he denied that the officers saw him. According to ██████████ the officers only knew ██████████ relieved himself because he told them. Neither Detective Veleta, nor Officer Dailey, recalled any additional officers at the arrest, aside from a marked transport car who arrived later. No other officers remembered being present for ██████████ arrest and none of the officers recalled pushing ██████████ into a police car.

██████████ was in a processing room at the 15<sup>th</sup> District, where he and Detective Veleta had a verbal altercation. Detective Veleta then brought ██████████ to a search room, where the physical altercation began. However, ██████████ denied seeing Detective Veleta after he left the processing room. Detective Veleta, and other officers, reported that ██████████ sucker punched Detective Veleta. Conversely, ██████████ alleged that an unknown officer put him in a choke hold from behind and he was ambushed. Officer Dailey, Sergeant DeFelice, Sergeant Fleming, and Officer Acevedo all joined the altercation, and they described ██████████ as an assailant. ██████████ alleged he was choked until his lost consciousness, when the choking officer announced he had subdued ██████████. All officers denied choking ██████████ and no one recalled seeing another officer do so. ██████████ also alleged that the officers stripped him nude as part of the beating. This was denied by all accused officers and no witness officers observed this. Sergeant Richard DeFelice did not recall twisting, or touching, ██████████ feet. Officer Dailey attempted to discharge his taser, but it was ineffective. Officer Dailey stated that ██████████ struck, and attempted to gouge out, Officer Dailey’s eye. Sergeant DeFelice reported being scratched by ██████████. CPD Evidence photos confirmed injuries to Officer Dailey, Sergeant DeFelice, and Detective Veleta. No visible injuries were seen on ██████████. ██████████ did not get medical treatment. Eventually, ██████████ was handcuffed and escorted to lockup by Detective Veleta and Sergeant DeFelice. While waiting in lockup, ██████████ headbutted Detective Veleta. ██████████ admitted to headbutting an officer, but he did not recall that it was Detective Veleta. Detention Aide (D.A.) Henry Der had no memory of ██████████ but he denied ever receiving a nude male into lockup.

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<sup>4</sup>COPA 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, such as this one, are summarized more succinctly in a Modified Summary Report of Investigation.

### III. ANALYSIS AND CONCLUSION

#### *Allegations - Scene of Arrest*

Allegations 1 – 8 against Detective Veleta, and allegations 1 – 7 against Officer Dailey, are not sustained. Officer Dailey and Detective Veleta asserted that they saw ██████ urinating in an alley, so they detained, handcuffed, and arrested him. Neither officer recalled searching ██████. Conversely, ██████ denied that the officers saw him pee and asserted they only learned that fact after he told them. While ██████ claim that the officers did not see him peeing is questionable, it is possible that the officers detained him without justification. Neither Department member recalled slamming ██████ into a police car. Detective Veleta recalled grabbing ██████ arm because ██████ was an active resister, but he did not recall grabbing ██████ chest. Due to the years that have passed since ██████ arrest, it is possible that the officers and ██████ do not fully recall the event. Since COPA cannot make a factual determination about what occurred during ██████ arrest in 2013 based on the available evidence, these allegations are not sustained.

Allegations 1– 7 against Sergeant DeFelice and Sergeant Fleming are not sustained, for the reasons detailed in the above paragraph, and because it is possible that Sergeant DeFelice and/or Sergeant Fleming were not present during ██████ arrest. ██████ arrest report listed them as assisting arresting officers, and ██████ recalled two unmarked cars and four officers present at his arrest. However, available evidence is unclear if Sergeant DeFelice and Sergeant Fleming were actually present. The Event Query report, which would have shown which beat(s) responded, is no longer available due to the length of time that has passed between ██████ arrest and when ██████ made his complaint to COPA. Neither Sergeant DeFelice nor Sergeant Fleming recalled any details from ██████ arrest and Officer Dailey and Detective Veleta were also uncertain if additional officers were present.

#### *Allegations – 15<sup>th</sup> District/Use of Force*

The allegations against Detective Veleta, Officer Dailey, Sergeant DeFelice, Sergeant Fleming, and Officer Acevedo, that they struck ██████ about his body are not sustained. The allegation that Officer Dailey attempted to tase ██████ and that Sergeant DeFelice twisted ██████ feet are also not sustained. Based on officer interviews, ██████ interview, and CPD documentation, there is no question there was a physical altercation. Due to the passage of time, the fact that officers were interviewed years after the incident, and the lack of video evidence, COPA cannot say, by the clear and convincing standard, how the situation escalated into a fight or whether ██████ was an assailant. That being said, ██████ has credibility issues. He seems to misremember details, such when and where he interacted with specific officers. Specifically, ██████ thought he never saw Detective Veleta again after the processing room, but ██████ headbutted Detective Veleta in lockup. Next, injuries suggest ██████ was the assailant. It seems unlikely ██████ would have no injuries if he was subjected to a coordinated effort by five or six officers to beat him up. Conversely, Detective Veleta, Sergeant DeFelice, and Officer Dailey all reported injuries, with Officer Dailey's being fairly severe. Lastly, ██████ version of events seemingly hold no motive for why the officers would have ambushed, beat up, and stripped

█ Instead █ narrative is self-serving, with gaps in his memories and a sense of embellishment.

The allegations against Detective Veleta, Officer Dailey, Sergeant DeFelice, Sergeant Fleming, and Officer Acevedo, that they stripped █ nude, is unfounded. There is no evidence to suggest this occurred, aside from █ statement. All accused officers also denied that █ was stripped. Notably, D.A. Henry Der denied receiving a nude arrestee into lockup. D.A. Der was unrelated to the arrest and the altercation, and he first encountered █ inside lockup.

Allegation 1 against an unknown officer, that performed a chokehold on █ is unfounded. █ purportedly heard the officer say “I got him, I got him. He’s passed out. Ya’ll can stop beating him up now”<sup>5</sup> after █ was choked unconsciousness. Logic follows that █ would not have been able to hear the officer’s statements if he fell unconscious, and this allegation is therefore lacking credibility. Additionally, no officers reported performing this action or seeing another officer do so.

Approved:

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4/29/20

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Andrea Kersten  
*Deputy Chief Administrator – Chief Investigator*

\_\_\_\_\_  
Date

<sup>5</sup> Approximately 16:42 minute mark of Att. 71.

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	Three
<b>Investigator:</b>	Kelsey Fitzpatrick, #61
<b>Supervising Investigator:</b>	Matthew Haynam, #10
<b>Deputy Chief Administrator:</b>	Andrea Kersten, #7