



Log # 2023-0001864

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On May 1, 2023, the Civilian Office of Police Accountability (COPA) received an initiation report² from the 014th District reporting alleged misconduct by a member of the Chicago Police Department (CPD). The initiation report stated that on April 30, 2023, PO Alejandro Moreno's arm was positioned near the arrestee's neck while struggling during an arrest.³ Upon review of the evidence, COPA served an allegation that PO Moreno placed his arm across [REDACTED] neck during an arrest without justification.

II. SUMMARY OF EVIDENCE⁴

COPA obtained an audio-recorded statement from [REDACTED]⁵, who was present at the business location, [REDACTED], at the time of the incident. [REDACTED] is an [REDACTED] who was on duty at the time of the initial incident and called 9-1-1. [REDACTED] was also present during the altercation between officers and [REDACTED]. During his audio-recorded statement, [REDACTED] recounted that [REDACTED] approached the business requesting his food order and refused to leave. [REDACTED] further stated that when he refused to open the door and give him his order, he explained to [REDACTED] that this was not that type of business. At that point, [REDACTED] began kicking the glass door until it shattered, and [REDACTED] called the police. Once on scene, officers contacted [REDACTED] which is when the altercation ensued. [REDACTED] stated that he believed the officers handled the situation with high regard for [REDACTED] safety and did not harm [REDACTED].

COPA obtained body-worn camera footage of PO Alejandro Moreno,⁶ Sgt. Rene Duran,⁷ and PO Kevin Garcia⁸. The BWC does not show the incident before police arrived but collectively shows the altercation between officers and [REDACTED]. In addition to body-worn camera footage, COPA obtained the Arrest Report,⁹ Case Report,¹⁰ and the Injured on Duty (IOD) Report of PO

¹ Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

² See Att. 10 Initiation Report

³ One or more of these allegations fall within COPA's jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

⁴ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including BWC footage, officer statements, and Department reports.

⁵ See Att. 32 COPA Audio Recorded Statement_Octavio Medina

⁶ See Att. 14 PO Alejandro Moreno BWC

⁷ See Att. 3 PO Rene Duran BWC

⁸ See Att. 9 PO Kevin Garcia BWC

⁹ See Att. 1 Arrest Report

¹⁰ See Att. 2 Case Report

Alejandro Moreno.¹¹ When officers engaged ██████ he stiffened his body in an attempt to defeat arrest and refused commands. Officer Moreno and ██████ were on the ground, and ██████ appeared on top of Officer Moreno. Officer Moreno's arms can be seen wrapped around ██████ head, but do not appear to be obstructing his neck or airway. During his audio-recorded statement, PO Moreno explained that he used control tactics during the altercation by placing his forearm across ██████ chin and forehead to control his head. PO Moreno further explained that this control tactic was done to maintain control of ██████ prevent ██████ from headbutting or striking officers, and effectively restrain him. The arrest report details the incident that led to the arrest of ██████ and why police were called to ██████. at ██████, Chicago, IL 60647. The Case Report describes the altercation between officers and ██████ along with the IOD Report that details the injuries sustained by the accused officer, PO Alejandro Moreno.

COPA attempted to contact ██████ to obtain a statement and was unsuccessful.¹² COPA received the medical records¹³ of ██████ from West Suburban Medical Center. The medical records show that ██████ did not sustain any injuries related to his contact with the arresting officers and has a history of mental health issues.

III. ALLEGATIONS

PO Alejandro Moreno:

1. Placing his arm across ██████ neck during an arrest without justification.
 - Unfounded

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question the credibility of PO Moreno, who provided a recorded statement. PO Moreno was very forthcoming with information and answered questions throughout the investigation. ██████ did not cooperate with the investigation.

V. ANALYSIS¹⁴

1. Placing his arm across ██████ neck during an arrest without justification.

Under CPD policy, members may only use force that is objectively reasonable, necessary, and proportional to the threat, actions, and level of resistance offered by a person.¹⁵ When a CPD member encounters a person who attempts to create distance from a member with an intent to

¹¹ See Att. 11 IOD Report_Alejandro Moreno

¹² Atts. 24, 38 and See CMS notes

¹³ Att. 28

¹⁴ For a definition of COPA's findings and standards of proof, see Appendix B.

¹⁵ See G03-02 (III)(B), De-Escalation, Response to Resistance, and Use of Force (effective April 15, 2021 to present).

Appendix ACase Details

Date/Time/Location of Incident:	30 APR 2023/05:08H/2308 W. Moffat St., Chicago, IL 60647
Date/Time of COPA Notification:	MAY 01 2023/07:46H
Involved Officer #1:	Alejandro Morena, Star #: 13379, Employee ID#: [REDACTED], Date of Appointment: 23 FEB 2015, Unit of Appointment: 014, Male, Hispanic
Involved Individual #1:	[REDACTED] Male, Black

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule __:** [Insert text of any additional rule(s) violated]

Applicable Policies and Laws

- *G03-02: De-escalation, Response to Resistance, and Use of Force* (effective April 15, 2021 to June 28, 2023)

Appendix B

Definition of COPA’s Findings and Standards of Proof

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 a proposition is proved.²⁰ For example, 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. 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.”²¹

²⁰ 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 is found to be more probably true than not).

²¹ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C

Transparency and Publication Categories

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation