

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	May 8, 2022; 7:30 pm; [REDACTED]
Date/Time of COPA Notification:	May 8, 2022; 10:39 pm
Involved Police Officer #1:	Antonio Godinez, Star #19613, Employee ID # [REDACTED], Date of Appointment: February 20, 2018, Unit of Assignment: 010, Male, Hispanic
Involved Individual #1:	[REDACTED] Female, Black
Involved Individual #2:	[REDACTED] Male, Black
Case Type:	Fourth Amendment Violation; Verbal Abuse

I. ALLEGATIONS

Officer	Allegation	Findings / Recommendations
Officer Antonio Godinez	1. It is alleged by [REDACTED] that on or about May 8, 2022, at approximately 7:30 PM at or near [REDACTED] Officer Antonio Godinez #19613 committed misconduct through the following acts or omissions, by forcibly entering [REDACTED] residence without justification.	Sustained / 10-Day Suspension
	2. It is alleged by [REDACTED] that on or about May 8, 2022, at approximately 7:30 PM at or near [REDACTED] Officer Antonio Godinez #19613 committed misconduct through the following acts or omissions, by engaging in an unjustified verbal altercation with [REDACTED]	Sustained / 10-Day Suspension

II. SUMMARY OF EVIDENCE

On May 8, 2022, at 6:54 pm, [REDACTED] the owner of an apartment building at [REDACTED] [REDACTED] called 911 to report two individuals trespassing in front of the building. [REDACTED] described the individuals as wearing ski masks, but he had no further description of the trespassers.¹ Beats 1063A (Officers Casimir Janus and Suzanne Neimoth) and 1063D (Officers Antonio Godinez, Samantha Surma, and Vicky Apostolou)² were assigned the service call.³

¹ Att. 21.

² Atts. 1 and 24.

³ Att. 11, pg. 4.

The officers arrived at [REDACTED] at 7:30 pm and encountered multiple individuals wearing masks in front of the building.⁴ Three individuals began to run down the gangway on the north side of [REDACTED] when the officers stopped their cars in front of the building. Officer Godinez reported that he observed an L-shaped bulge on two of these individuals, one with a bulge in his jacket and other in his waistband.⁵ Officer Godinez gained entry to the gated area in front of [REDACTED] and initiated a foot pursuit,⁶ and he followed these individuals down the gangway.⁷ Once in the rear of the building, Officer Godinez climbed the rear steps to the third-floor porch.⁸ [REDACTED] resident of the third-floor apartment, and [REDACTED] resident of the second-floor apartment, were sitting on the third-floor porch barbecuing.⁹

Under the belief that the individuals he was pursuing had entered [REDACTED] apartment, Officer Godinez tried to open the door. The door was locked, and Officer Godinez kicked the door open.¹⁰ Officer Godinez entered a short distance into the apartment where members of [REDACTED] family were in the kitchen preparing food. Officer Godinez then terminated his pursuit and returned to the rear porch.¹¹

Believing that some of the individuals he was pursuing jumped to the adjacent building,¹² Officer Godinez left the rear porch and searched the gangway to the south of that building, 1244 S Lawndale, and the alleyway behind the buildings with Officers Apostolou, Janus, and Surma.¹³ The officers failed to locate the individuals, and the officers returned to the sidewalk in front of the building.¹⁴

Once the officers were in front of the building, [REDACTED] exited the front door of [REDACTED] [REDACTED]¹⁵ From the front yard, [REDACTED] began speaking to Officer Godinez.¹⁶ [REDACTED] told Officer Godinez to apologize to [REDACTED]¹⁷ Officer Godinez refused, and the exchange escalated into an argument.¹⁸ As they argued, [REDACTED] and Officer Godinez were on opposite sides of a fence. They began to move towards the gate, and Officer Surma positioned herself to keep Officer Godinez and [REDACTED] from opening the gate.¹⁹ Officers Janus and Apostolou intervened and began to walk with Officer Godinez back to the patrol cars. As they turned and began walking, [REDACTED] told Officer Godinez to take his vest off. Officer Godinez turned back towards [REDACTED] and began to

⁴ Att. 5 at 1:56.

⁵ Att. 17.

⁶ Att. 5 at 2:05.

⁷ Att. 5 at 2:13.

⁸ Att. 5 at 2:19.

⁹ Att. 5 at 2:34.

¹⁰ Att. 5 at 2:31.

¹¹ Att. 5 at 2:36.

¹² Att. 23 at 11:59.

¹³ Att. 5 at 4:13.

¹⁴ Att. 5 at 6:19.

¹⁵ Att. 7 at 6:46.

¹⁶ Att. 7 at 7:04.

¹⁷ Att. 7 at 7:11.

¹⁸ Att. 5 at 7:13.

¹⁹ Att. 5 at 7:27.

advance towards him while removing his vest. Officer Surma remained at the gate holding it closed and Officer Apostolou grabbed Officer Godinez's arm to stop him from approaching the gate.²⁰



Figure 1: Still frame from Att. 8 at 7:35, BWC video recording from Officer Niemoth, showing Officer Apostolou grabbing Officer Godinez's arm.

Ultimately, Officer Godinez returned to his patrol car.²¹ Once in the car, bystanders who observed the altercation approached the patrol car and asked Officer Godinez to identify himself. Officer Godinez provided his name and star number and left the scene at approximately 7:37 pm.²²

At approximately 7:40 pm, ██████ called 911 to request to speak to a sergeant and make a complaint regarding Officer Godinez.²³ Sergeant (Sgt.) Manuel Guzman arrived at ██████ at approximately 7:54 pm.²⁴ Sgt. Guzman interviewed ██████ regarding the incident and examined the damage to her door.²⁵ Sgt. Guzman subsequently completed a City Claims Notification and an Initiation Report.²⁶

III. ANALYSIS AND CONCLUSION

a. Credibility Assessments

²⁰ Att. 9 at 7:30.

²¹ Att. 5 at 7:50.

²² Att. 5 at 8:06.

²³ Att. 22.

²⁴ Att. 6 at 3:31.

²⁵ Att. 6 at 4:46.

²⁶ Att. 14.

The accounts of Officer Godinez, ██████ and ██████ generally agree, except for whether any of the fleeing suspects entered ██████ apartment and whether ██████ told Officer Godinez that the individuals he was pursuing jumped to the adjacent building before he kicked in her door. These factual disagreements both relate to the allegation that Officer Godinez forcibly entered ██████ apartment without justification, but they do not materially affect the analysis of that allegation regardless of which account is adopted.

i. ██████

██████ said in her statement to COPA that she saw three or four boys run up the stairs to her porch, and they all jumped from her porch to the adjacent building.²⁷ ██████ denied knowing any of the individuals she saw run up to her porch.²⁸ So, there is no clear motive for ██████ to conceal that one of the individuals entered her apartment. If a stranger had entered ██████ apartment while being pursued by the police, she would have considerable incentive to alert Officer Godinez of this, and ██████ did alert Officer Godinez that the suspects jumped to the next building, indicating her willingness to cooperate with him.

██████ also said that she told Officer Godinez that the individuals he was pursuing jumped to the adjacent building before he forcibly entered her apartment.²⁹ Officer Godinez's BWC video recording shows Officer Godinez walk past ██████ to reach her door.³⁰ After Officer tried the doorknob, ██████ said, "Over there."³¹ Immediately after Officer Godinez kicked the door open, ██████ said, "He's over there."³² Once Officer Godinez turned and exited the apartment, ██████ pointed to the adjacent building and told Officer Godinez that someone jumped to the roof.³³

ii. ██████

██████ said that a single individual came up the stairs and jumped to the adjacent building while other individuals fled through the yard to the alley.³⁴ ██████ also said that the last time anyone had entered or exited ██████ apartment was seven to ten minutes prior to Officer Godinez arriving at the porch. ██████ denied knowing any of the individuals he saw running from Officer Godinez.³⁵ Similar to ██████ there is no clear motive for ██████ to be untruthful about where these individuals fled.

²⁷ Att. 18 at 7:10.

²⁸ Att. 18 at 12:56.

²⁹ Att. 18 at 8:36.

³⁰ Att. 5 at 2:30.

³¹ Att. 5 at 2:32.

³² Att. 5 at 2:34.

³³ Att. 5 at 2:38.

³⁴ Att. 3 at 12:34.

³⁵ Att. 3 at 16:41.

iii. Officer Godinez

Officer Godinez asserts that he saw at least one individual enter [REDACTED] apartment while he was on the landing below her porch.³⁶ Officer Godinez' BWC video does not show the individuals he was pursuing.³⁷ They are purported to have begun fleeing when the officers pulled up, and Officer Godinez was impeded by the fence around [REDACTED] when he began his pursuit.³⁸ So, the suspects began with a lead on Officer Godinez and would have gained a further lead as Officer Godinez sought access to the property. Officer Godinez would have needed to make up a considerable amount of ground in a short time in order to be able to see the individuals he was pursuing enter [REDACTED] apartment.

Officer Godinez's BWC video recording does show that the door to [REDACTED] apartment appeared to be slightly open as Officer Godinez approached the porch.³⁹ Based on [REDACTED] description of having a full house and [REDACTED] statements that people from [REDACTED] party had been entering and exiting that door prior to the incident, it suggests that Officer Godinez could have seen someone else entering [REDACTED] apartment.⁴⁰



Figure 2: Still frame from Att. 5 at 2:28, BWC video recording from Officer Godinez, showing the door to [REDACTED] apartment as Officer Godinez ascended the rear stairs.

iv. Conclusions

Officer Godinez said in his statement to COPA that he was positioned on the landing below [REDACTED] porch when he saw someone enter [REDACTED] apartment.⁴¹ As discussed above, Officer

³⁶ Att. 23 at 12:24.

³⁷ Att. 5 at 1:58 to 5:49.

³⁸ Att. 5 at 1:59.

³⁹ Att. 5 at 2:28.

⁴⁰ Att. 18 at 4:01; Att. 3 at 11:37.

⁴¹ Att. 3 at 16:41.

Godinez' BWC video recording is unclear, but to Officer Godinez, this may have appeared to be the most likely direction of flight of the individuals he was pursuing. Once he entered the apartment, however, there was no one present matching the description of the individual(s) he was chasing.⁴²

Also, Officer Godinez was obstructed by the fence around ██████████ when he initiated the foot pursuit. The individuals he was pursuing were never shown on Officer Godinez' BWC video recording, suggesting that he would not be able to clearly see whether anyone entered the apartment or if someone merely opened and closed the door after hearing the individuals fleeing Officer Godinez run onto the porch. Both ██████████ and ██████████ were seated on the porch in a position to see where the individuals that Officer Godinez was pursuing went, and there is no identifiable reason for them to make false statements regarding this fact. Based on the statements given by ██████████ and ██████████ COPA finds by a preponderance of the evidence that none of the individuals being pursued by Officer Godinez entered ██████████ apartment.

██████████ said during her interview with COPA investigators that she told Officer Godinez that the individuals he was chasing jumped to the adjacent building before he entered her apartment,⁴³ but Officer Godinez' BWC video recording shows that the statement she made to Officer Godinez before he made entry to her apartment was ambiguous.⁴⁴ Officer Godinez' belief that an individual he was pursuing entered ██████████ apartment was likely reasonable, even if mistaken, based on the information available to him at the time.

b. Analysis

i. Allegation #1

Officer Godinez is accused of entering ██████████ home without justification. The fourth amendment to the United States Constitution guards the "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures."⁴⁵ Generally, police officers may not enter a person's home without a warrant, absent exigent circumstances.⁴⁶ Exigent circumstances may exist when police pursue a suspect into a residence to make an arrest based upon probable cause.⁴⁷ This exception does not apply in the immediate case. Officer Godinez sought to invoke this exception during his statement to COPA on the basis that he pursued an individual into ██████████ apartment to arrest them for criminal trespass and unlawful use of a weapon,⁴⁸ but probable cause did not exist to make an arrest on either basis.

⁴² Att. 5 at 2:37.

⁴³ Att. 18 at 8:36.

⁴⁴ Att. 5 at 2:31.

⁴⁵ U.S. Const., amend. IV; *accord* Ill. Const. 1970, art. I, § 6.

⁴⁶ *People v. Absher*, 242, Ill. 2d 77, 83 (2011) (citing *Payton v. New York*, 445 U.S. 573, 590 (1980)).

⁴⁷ *See Lange v. California*, 141 S. Ct. 2011 *passim* (2021); *United States v. Santana*, 427 U.S. 38, 43 (1976); *Kirk v. Louisiana*, 536 U.S. 635, 638 (2002) ("[P]olice officers need either a warrant or probable cause *plus* exigent circumstances in order to make a lawful entry into a home.") (emphasis added); *In re D.W.*, 341 Ill. App. 3d 517, 529 (2003).

⁴⁸ Att. 23 at 22:59

██████████ the owner of ██████████ made a report of two trespassers at the property, and he described the individuals as males wearing face masks inside the locked gate at 6:54 pm.⁴⁹ More than thirty minutes passed from the time of ██████████ 911 call to the officers arriving at the scene at 7:30 pm.⁵⁰ Once the officers arrived, there were six individuals in front of ██████████⁵¹ A seventh person exited ██████████ after Officer Godinez initiated his foot pursuit and was questioned by Officer Niemoth.⁵² That person told Officer Niemoth that he was at ██████████ for the gathering at ██████████ apartment.⁵³ The description provided by ██████████ was so broad that all seven of these individuals matched some aspects of it. The only basis Officer Godinez had for believing that the individuals he was pursuing were the subjects of ██████████ complaint was their flight. This alone was not sufficient to create probable cause for an arrest.

Officer Godinez wrote in his Original Case Incident Report that he saw the individuals he was pursuing each had an L-shaped bulge on their person.⁵⁴ During his statement to COPA, Officer Godinez said that these individuals were all wearing hoodies and the objects were in the front pockets.⁵⁵ Officer Godinez was able to see the outline of the object through the pocket. Officer Godinez said that these individuals were holding the objects with both hands as they ran.⁵⁶ Based on these observations, Officer Godinez believed these individuals each were in possession of a handgun. These observations could be sufficient to justify an investigatory stop in public (based on reasonable articulable suspicion, rather than probable cause), but at the time that Officer Godinez entered ██████████ apartment, probable cause did not exist to make an arrest for unlawful use of a weapon.

Because Officer Godinez entered ██████████ apartment for the purpose of conducting an arrest that was not supported by probable cause, COPA finds that Officer Godinez violated rules 1, 2, 3, and 8, and **Allegation #1** against Officer Godinez is **Sustained**.

ii. Allegation #2

Officer Godinez is accused of engaging in an unjustified verbal altercation with ██████████. The interaction between Officer Godinez and ██████████ began with ██████████ telling Officer Godinez to apologize to ██████████⁵⁷ The interaction quickly escalated with both Officer Godinez and ██████████ shouting and cursing at each other. During the interaction, Officer Godinez told ██████████ not to “act fucking stupid,”⁵⁸ said, “fuck you, dude” to ██████████⁵⁹ called ██████████ a “fuck,”⁶⁰ and called ██████████

⁴⁹ Att. 21.

⁵⁰ Att. 5 at 1:57.

⁵¹ Att. 17 (the narrative of Officer Godinez’ Original Case Incident Report indicates that he pursued three unknown subjects) and Att. 5 at 2:08 (Officer Godinez’ BWC video shows three individuals standing in front of ██████████ as Officer Godinez runs past them.).

⁵² Att. 8 at 2:45.

⁵³ Att. 8 at 5:29.

⁵⁴ Att. 17.

⁵⁵ Att. 23 at 10:06.

⁵⁶ Att. 23 at 31:59.

⁵⁷ Att. 5 at 7:11.

⁵⁸ Att. 5 at 7:19.

⁵⁹ Att. 5 at 7:22.

⁶⁰ Att. 5 at 7:33.

a “fucking idiot.”⁶¹ Both Officer Godinez and ██████ sought to close the distance between them.⁶² They appeared prepared to escalate the encounter to a physical altercation after ██████ told Officer Godinez to take his vest off and Officer Godinez, in response, removed his vest.⁶³ In his statement to COPA, Officer Godinez acknowledged that he lost his temper during the interaction and that he should not have engaged with ██████ in the manner that he did.⁶⁴

Because Officer Godinez subjected ██████ to verbal abuse and his conduct indicated that Officer Godinez was prepared to escalate the incident further, COPA finds that Officer Godinez violated Rules 2, 3, 8, and 9, and **Allegation #2** against Officer Godinez is **Sustained**.

c. Recommended Discipline for Sustained Allegations

i. Complimentary and Disciplinary History⁶⁵

Officer Godinez has received eight Department Commendations, the Police Officer of the Month Award, 182 Honorable Mentions, one complimentary letter, and four other awards and commendations. Officer Godinez was suspended for five days for a March 2021 incident where he was found to have committed operational or personnel violations related to a traffic pursuit with serious bodily injury. Officer Godinez was also reprimanded through the summary punishment process for an August 2023 court appearance violation.

ii. Recommended Penalty

COPA has found that Officer Godinez violated Rules 1, 2, 3, and 8 by entering an apartment without justification and that Officer Godinez violated Rules 2, 3, 8, and 9 by engaging in an unjustified verbal altercation. Chicago residents’ rights to be free from unjustified searches of their residences by police are enshrined in both the United States and Illinois constitutions, and breaches of these rights can be traumatic for the effected residents and can tend to undermine individual and community trust in CPD. Also, by engaging in an unjustified verbal altercation with ██████ where he both directed profanity towards ██████ and appeared to be willing to engage in a physical altercation with ██████ had he not be restrained by other CPD members, Officer Godinez undermined public faith in CPD and damaged the reputation of CPD and the relationship between the City and its residents. Considering the serious nature of this misconduct, and considering Officer Godinez’s complimentary and disciplinary history, COPA recommends that Officer Godinez serve a **10-day suspension**.

⁶¹ Att. 5 at 7:34.

⁶² Att. 5 at 7:24.

⁶³ Att. 5 at 7:38.

⁶⁴ Att. 23 at 28:41.

⁶⁵ Att. 41.

Approved:



Angela Hearts-Glass
Deputy Chief Investigator

11-30-2023

Date