



Log # 2022-0002896

## FINAL SUMMARY REPORT<sup>1</sup>

### I. EXECUTIVE SUMMARY

On July 12, 2022, the Civilian Office of Police Accountability (COPA) received a Civil Lawsuit No. 21 C 3929<sup>2</sup> from the complainant, ██████████ and his attorneys alleging misconduct by a member of the Chicago Police Department (CPD). ██████████ alleged that on July 25, 2020, an unknown sergeant, now known as Sgt. Jesus Enriquez #1213 hit his hand and cup with a baton and did not provide a name, star, or badge when asked.<sup>3</sup> Upon review of the evidence, COPA served additional allegations that Sgt. Enriquez struck ██████████ on or about his left hand with a baton without justification, failed to complete a Tactical Response Report (TRR) in violation of G03-02-02, did not activate his Body-Worn Camera (BWC) in violation of S03-14 and did not provide name, star or badge number upon request. Following its investigation, COPA reached **Sustained** findings regarding the allegations.

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

On July 25, 2020, a call of a disturbance went out for the location of 2129 W. Jackson Blvd via the Office of Emergency Management and Communications (OEMC) regarding 30-40 people loitering and disturbing the peace.<sup>5</sup> Multiple CPD officers, along with Sgt. Enriquez arrived and told the group to leave the area.<sup>6</sup> A man in a blue jersey, now known as ██████████ stood by a parked vehicle on the street while holding a red cup. Sgt. Enriquez approached ██████████ with his baton and told him to go home.<sup>7</sup> Sgt. Enriquez approached ██████████ while still holding the baton and struck ██████████ with his baton in the vicinity of his left hand, which caused his cup to drop out of his hand.<sup>8</sup> ██████████ yelled that he hit his hand.<sup>9</sup> Sgt. Enriquez responded that he only hit the cup.<sup>10</sup>

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<sup>1</sup> 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.

<sup>2</sup> Att. 30.

<sup>3</sup> 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.

<sup>4</sup> 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, ICC footage, police reports, Civil Lawsuit No. 21 C 392, and sergeant interview.

<sup>5</sup> Att. 57.

<sup>6</sup> Atts. 1-7 and Atts. 32-48.

<sup>7</sup> Att. 1 at 4:22.

<sup>8</sup> Att. 1 at 4:24.

<sup>9</sup> Att. 1 at 4:26.

<sup>10</sup> Att. 1 at 4:42.

Sgt. Enriquez stated in his interview that he had no recollection of this incident.<sup>11</sup> He further mentioned there was no reason his baton was out in the first place<sup>12</sup> and elaborated that it was his choice to have his baton out because it was one of the tools at his disposal.<sup>13</sup> Sgt. Enriquez then told ██████ to go home or he would be arrested.<sup>14</sup> A group of officers was present, and ██████ yelled for his badge number.<sup>15</sup> ██████ then left the area.

The Civil Lawsuit No. 21 C 3929<sup>16</sup> detailed that the unknown sergeant did not give him his name, star, or badge when asked, and he hit his hand with a baton without justification. The baton strike caused him considerable pain, and his hand was swollen, which led to difficulty moving his fingers. ██████ alleged he sought medical treatment but did not identify where or when he received medical treatment. ██████ received a settlement of U.S.C. 40,000.<sup>17</sup>

### III. ALLEGATIONS<sup>18</sup>

#### Sgt. Jesus Enriquez:

It is alleged that on or about July 25, 2020, at approximately 1:30 am, at or near 2100 W. Jackson Blvd. Sgt. Enriquez #1213 committed misconduct through the following acts or omissions, by:

1. Striking ██████ on or about his left hand with a baton without justification.
  - Sustained.
2. Failing to complete a TRR in violation of GO3-02-02.
  - Sustained, Rules 2 and 3.
3. Did not activate his BWC in violation of S03-12.
  - Sustained, Rules 2, 3.
4. Did not provide name, star, or badge number when asked.
  - Sustained, Rules 2, 3, and 37.

<sup>11</sup> Att. 65, Pg. 10, Lns. 18-19.

<sup>12</sup> Att. 65, Pg. 14, Ln 7.

<sup>13</sup> Att. 65, Pg. 14, Lns. 19-20.

<sup>14</sup> Att. 1 at 5:46.

<sup>15</sup> Att. 1 at 5:39.

<sup>16</sup> Att. 30.

<sup>17</sup> Att. 49, the Civil Lawsuit No. 21 C 3929, also mentioned an unknown officer who grabbed/ pushed him. COPA investigated that allegation and deemed the possible officer ██████ mentioned was Officer Partida. COPA reviewed the grab he conducted and deemed it was within CPD policy, and no allegations were served to him. Also, the Civil Lawsuit mentioned another unknown Sgt. who threatened to use of mase on ██████ COPA investigated that claim and did not observe or hear any sergeant threatening the use of mase, nor was any mase used on ██████ that night.

<sup>18</sup> Att. 60.

#### IV. CREDIBILITY ASSESSMENT

This investigation has two contradictory statements. Sgt. Enriquez stated he only hit the cup [REDACTED] held and not his hand. [REDACTED] stated Sgt. Enriquez hit his hand with his baton. Based on the body worn camera evidence, [REDACTED] claims appear generally more credible.

#### V. ANALYSIS<sup>19</sup>

##### Excessive Force Allegation

COPA finds allegation #1 that Sgt. Enriquez struck [REDACTED] on or about his left hand with a baton without justification is sustained. Body worn camera footage<sup>20</sup> captured Sgt. Enriquez with a baton in his hand and striking [REDACTED] cup out of his hand with a baton.<sup>21</sup> [REDACTED] immediately yelled at Sgt. Enriquez to not hit things from his hand.<sup>22</sup> He continued to explain that Sgt. Enriquez struck his hand with the baton.<sup>23</sup> Sgt. Enriquez responded that he only hit his cup, not his hand.<sup>24</sup> Sgt. Enriquez alleged he did not recall the incident during his interview.<sup>25</sup> Sgt. Enriquez failed to use any de-escalation tactics such as having a dialogue with Housley and decided to use direct force. [REDACTED] was standing on a curb when Sgt. Enriquez asked him to go home. Sgt. Enriquez immediately hit his cup out of his hand with his baton. Thus, COPA finds this allegation is Sustained.

##### TRR Allegation

In G03-02-02,<sup>26</sup> a Tactical Response Report is required to be completed for the following reportable use of force incidents involving a sworn member or detention aide in the performance of their duties: all use of force incidents involving: a subject who is injured or alleges injury resulting from the member's use of force.<sup>27</sup>

Again, [REDACTED] alleged Sgt. Enriquez made contact with the baton in his hand and Sgt. Enriquez stated he only made contact with his cup, not his hand. Sgt. Enriquez mentioned in his COPA interview that he knew the baton only hit his cup because if it hit his hand, he would have made a report that reflected it hit his hand.<sup>28</sup> He mentioned that [REDACTED] did not complain of

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<sup>19</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

<sup>20</sup> Att. 1.

<sup>21</sup> Att. 1 at 4:24.

<sup>22</sup> Att. 1 at 4:26.

<sup>23</sup> Att. 1 at 4:41.

<sup>24</sup> Att. 1 at 4:42.

<sup>25</sup> Att. 65, Pg. 10, Lns. 18-19.

<sup>26</sup> Att. 63.

<sup>27</sup> Att. 63, G03-02-02, Incidents Requiring the Completion of a Tactical Response Report, 111, A, 1, a- b.

<sup>28</sup> Att. 65, Pg. 18, Lns. 1-3.

injury.<sup>29</sup> The evidence shows Sgt Enriquez made contact with either [REDACTED] cup or hand with the baton. Sgt. Enriquez still would have been required to write a TRR due to the use of the baton and [REDACTED] complaint that his hand was hit with the baton. In G03-02-02, the use of the baton and the complaint of injury from the subject, a TRR, is required. A TRR was not written by Sgt. Enriquez regarding the use of the baton. Thus, the allegation to be **Sustained**.

### **BWC Allegation**

The CPD member will activate the system to event mode at the beginning of an incident and record the entire incident for all law-enforcement-related activities. If circumstances prevent activating the BWC at the beginning of an incident, the member will activate the BWC as soon as practical. Law-enforcement-related activities include but are not limited to calls for service; investigatory stops; traffic stops; traffic control; foot and vehicle pursuits; arrests; use of force incidents etc.<sup>30</sup>

Sgt. Enriquez stated he did not know if he had on BWC that day and did not recall when his Department obtained BWCs.<sup>31</sup> He mentioned if he had a BWC, he would have activated it.<sup>32</sup> The BWC screenshot of assisting officers showed Sgt. Enriquez with a BWC on that day.<sup>33</sup> Thus, Sgt. Enriquez did have his BWC on, and he should have activated it to record this incident per S03-14.<sup>34</sup> Thus, the allegation to be **Sustained**.

### **Not Providing Name, Star, and Badge Allegation**

Sgt. Enriquez stated in his COPA interview from the review of Officer Ivanova's BWC<sup>35</sup> he heard [REDACTED] as he yelled something regarding a badge number.<sup>36</sup> Sgt. Enriquez mentioned he did not know who [REDACTED] was referring to since there were many other officers present at the time.<sup>37</sup> The BWC of Officer Ivanova<sup>38</sup> captured [REDACTED] as he stated, "He hit me with a stick. I want his badge number... I want his badge number."<sup>39</sup> Sgt. Enriquez is overheard in the BWC as he says, "Go home."<sup>40</sup> Therefore, it is probable to believe Sgt. Enriquez did hear [REDACTED] when he yelled for his badge number. CPD members are required by Rule 37 to correctly identify themselves by giving their name, rank, and star number when so requested by other members of the CPD or by a private citizen.<sup>41</sup> Sgt. Enriquez should have provided [REDACTED] with his badge

<sup>29</sup> Att.65, Pg. 18, Ln. 6.

<sup>30</sup> Att. 62, S03-14, Body Worn Cameras, 111. A. Initiation of a Recording, 2, a-r.

<sup>31</sup> Att. 65, Pg. 19, Lns. 9-12.

<sup>32</sup> Att. 65, Pg. 19, Ln. 21.

<sup>33</sup> Att. 61.

<sup>34</sup> Att. 62.

<sup>35</sup> Att. 1.

<sup>36</sup> Att. 65, Pg. 20, Lns. 1-2.

<sup>37</sup> Att. 65, Pg. 20, Lns. 4-5.

<sup>38</sup> Att. 1.

<sup>39</sup> Att. 1 at 5:39.

<sup>40</sup> Att. 1 at 5:46.

<sup>41</sup> Att.64, pg. 10, Rule 37.

number to identify himself regarding this incident when [REDACTED] asked, and he did not. Thus, the allegation is **Sustained**.

**VI. DISCIPLINARY RECOMMENDATION**

**a. Sgt. Enriquez**

**i. Complimentary and Disciplinary History<sup>42</sup>**

Sgt. Enriquez has received 263 awards, including; 3 Complimentary Letters, 11 Department Commendations, 10 Emblem of Recognition, and 229 Honorable Mentions. Sgt. Enriquez has a disciplinary history of a 15-day suspension for a sustained finding on a July 2018 case.

**ii. Recommended Discipline**

COPA has found that Sgt. Enriquez has violated Rules 2, 3, 6 and 37 by not writing a TRR regarding the use of the baton in violation of G03-02-02, not activating his BWC in violation of S03-14, and not providing his name, star, and badge number when asked. COPA has considered his complimentary and disciplinary history as well as the nature of the sustained allegations. Accordingly, COPA recommends a 25 day suspension.

Approved:

[REDACTED]

*Sharday Jackson*  
*Deputy Chief Administrator – Chief Investigator*

August 30, 2023

Date

<sup>42</sup> Att. 66.

Appendix A**Case Details**

Date/Time/Location of Incident:	July 25, 2020/ 1:30 am/ 2100 W. Jackson Blvd.
Date/Time of COPA Notification:	July 12, 2022/ 4:13 pm.
Involved Member #1:	Jesus Enriquez, Star #1213, Employee ID# [REDACTED], Date of Appointment: 12/02/1996, Unit of Assignment: 012, Male, Hispanic.
Involved Individual #1:	[REDACTED] 1989, 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 37:** Failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank and star number when so requested by other members of the Department or by a private citizen.

**Applicable Policies and Laws**

- S03-14: Body Worn-Cameras (April 30, 2018, to Present)
- G03-02-02: Use of Force (February 29, 2020, to Present)

## 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.<sup>43</sup> For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD 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.”<sup>44</sup>

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<sup>43</sup> 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).

<sup>44</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> 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