



Log # 2023-0000190

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

### I. EXECUTIVE SUMMARY

On January 14, 2023, the Civilian Office of Police Accountability (COPA) received a web complaint from ██████████ reporting alleged misconduct by members of the Chicago Police Department (CPD). ██████████ alleged that on January 14, 2023, Officer Jose Sanchez, and Officer Tyler Videka stopped him and took a picture of his ID on a cellphone without justification.<sup>2</sup> Following its investigation, COPA reached **Exonerated** findings for all allegations.

### II. SUMMARY OF EVIDENCE<sup>3</sup>

On January 14, 2023, at approximately 12:17 am, Officers Jose Sanchez and Tyler Videka responded to a call of a gang disturbance stating that there were male Hispanic gang members wearing hoods, screaming and throwing up gang signs at passing cars, with something in their hands.<sup>4</sup> Upon arriving at the scene, Officers Sanchez and Videka observed ██████████ walking on the sidewalk a few houses away from the area of the gang disturbance call<sup>5</sup> holding on to his side, “protecting his right side”<sup>6</sup> “twisting” and “contorting” his body away from the officers.<sup>7</sup>

The officers approached ██████████ a male Hispanic wearing a hood, and told him he is being detained because they believed that he was concealing a weapon.<sup>8</sup> ██████████ stated, “you can pat me down, you’re not going in my pockets.”<sup>9</sup> Officer Sanchez proceeded to pat down ██████████ and asked if he would like a receipt for the stop.<sup>10</sup> ██████████ provided his ID and Officer Sanchez took a picture of the ID on a cellphone to collect information for the receipt.<sup>11</sup> ██████████ asked what the phone was

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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> 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>3</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 *[identify the most material and outcome-determinative evidence relied upon, such as BWC footage, ICC footage, third-party video, police reports, civilian interviews, officer interviews, etc.]*.

<sup>4</sup> Att. 3.

<sup>5</sup> Att. 56, pg. 9.

<sup>6</sup> Att. 55, pg. 7, lns. 2 to 6; Att. 56, pg. 12.

<sup>7</sup> Att. 56, pgs. 8, 12.

<sup>8</sup> Att. 18 at 00:17:45.

<sup>9</sup> Att. 18 at 00:17:48.

<sup>10</sup> Att. 18 at 00:18:13.

<sup>11</sup> Att. 18 at 00:19:58.

for, to which Officer Sanchez responded, “this is a department phone.”<sup>12</sup> [REDACTED] then expressed his gratitude to Officer Sanchez for explaining it to him. [REDACTED] was released, received an Investigatory Stop Receipt, and stated, “thank you Officer Sanchez, enjoy your night. I appreciate what you’re all doing tonight.”<sup>13</sup>

In the ISR, Officer Sanchez reported the reasonable suspicion for the stop – [REDACTED] was in the area of a with his hand in his pocket close to his body – and further noted that a weapon had been recovered from a parked vehicle where [REDACTED] was seen on POD, near the vehicle and kneeling behind it prior to the stop,<sup>14</sup> although the officers were not privy to this information prior to stopping [REDACTED]

### III. ALLEGATIONS

#### **Officer Jose Sanchez:**

It is alleged that on January 14, 2023, at approximately 12:17am, at or near 2650 W. 23<sup>rd</sup> PL. Officer Jose Sanchez #18528, committed misconduct by:

1. Stopping and detaining [REDACTED] without justification
  - Exonerated
2. Taking a picture of [REDACTED] ID without justification
  - Exonerated

#### **Officer Tyler Videka:**

It is alleged that on January 14, 2023, at approximately 12:17am, at or near 2650 W. 23<sup>rd</sup> PL. Officer Tyler Videka #14504, committed misconduct by:

1. Stopping and detaining [REDACTED] without justification
  - Exonerated

### IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual’s truthfulness and 2) the reliability of the individual’s account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual’s ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory.

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<sup>12</sup> Att. 19 at 00:20:02

<sup>13</sup> Att. 18 at 00:17:45

<sup>14</sup> Att. 2

This investigation did not reveal any evidence that caused COPA to doubt the credibility of any of the individuals who provided statements.

## V. ANALYSIS<sup>15</sup>

### *a. Allegation #1 against Officers Sanchez and Videka – Stopping and detaining [REDACTED] without justification*

COPA finds **Allegation #1** against Officers Sanchez and Videka – stopping and detaining [REDACTED] without justification – to be **Exonerated**. Department members are permitted to detain a person when there is reasonable articulable suspicion that person is about to commit, is committing, or has committed a criminal offense.<sup>16</sup> This detention is an Investigatory Stop. Reasonable articulable suspicion has been described as less than probable cause but more than a hunch or general suspicion. It “depends on the totality of the circumstances which the sworn member observes and the reasonable inferences that are drawn based on the sworn member’s training and experience.”<sup>17</sup>

Here, the officers responded to a call of male Hispanic gang members screaming and throwing up gang signs at passing cars with something in their hands.<sup>18</sup> The evidence showed that [REDACTED] was walking a few houses away from the area of the disturbance, matching the description, albeit a general description, making movements with his body indicating to the experienced officers that he may be in possessing a weapon, COPA finds there is clear and convincing evidence the officers had reasonable articulable suspicion to stop [REDACTED] and detain him long enough to confirm or dispel their suspicions.

### *b. Allegation #2 against Officer Sanchez - Taking a picture of [REDACTED] ID without justification*

COPA finds allegation #2 against Officer Sanchez – taking a picture of [REDACTED] ID without justification – is **Exonerated**.

The BWC showed that Officer Sanchez took a picture of [REDACTED] ID on a cell phone.<sup>19</sup> During Officer Sanchez’s interview with COPA, he stated that the phone was a department issued cell phone, and it was another tool he used to enter [REDACTED] information accurately on the Investigatory Stop Receipt.<sup>20</sup> As such, COPA finds by clear and convincing evidence that the picture taking of [REDACTED] ID was justified and the allegation is **Exonerated**.

<sup>15</sup> For a definition of COPA’s findings and standards of proof, *see* Appendix B.

<sup>16</sup> Att. 57, S04-13-09 II (A), Investigatory Stop System (effective July 10, 2017, to current).

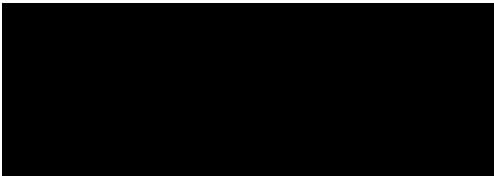
<sup>17</sup> Att. 57 S04-13-09(II)(C), Investigatory Stop System (effective July 10, 2017, to current).

<sup>18</sup> Att. 3.

<sup>19</sup> Att. 18 at 00:20:00.

<sup>20</sup> Att. 55, pg. 9, lns. 3 to 8.

Approved:



November 13, 2023

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Matthew Haynam  
*Deputy Chief Administrator – Chief Investigator*

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Date

Appendix ACase Details

Date/Time/Location of Incident:	January 14, 2023 / 12:17 am / 2658 W. 23 <sup>rd</sup> PL
Date/Time of COPA Notification:	January 14, 2023 / 2:46 am
Involved Member #1:	Jose Sanchez, Star# 18528, Employee ID# [REDACTED], Date of Appointment: April 16, 2021, Unit: 010, Male, Hispanic
Involved Member #2:	Tyler Videka, Star# 14504, Employee ID# [REDACTED], Date of Appointment: October 16, 2019, Unit: 010, Male, Unknown
Involved Individual #1:	[REDACTED] Male, Hispanic

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

- Investigatory Stop System (effective July 10, 2017, to current).
- 4<sup>th</sup> amendment to the United States Constitution.

## 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>21</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>22</sup>

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<sup>21</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>22</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