



Log # 2021-4379

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On November 3, 2021, the Civilian Office of Police Accountability (COPA) received a telephone complaint from an anonymous reporting party alleging misconduct by a member of the Chicago Police Department (CPD). The reporting party alleged that on November 3, 2021, Officer Joel Soto and other officers aggressively removed a male, now known to be [REDACTED] and a female, now known to be [REDACTED] from a white SUV as well as forcefully removed five children.² Upon review of the evidence, COPA served additional allegations that Officer Soto failed to provide an Investigatory Stop Receipt to [REDACTED] neglected the safety of a minor, and verbally abused [REDACTED] by stating words to the effect that [REDACTED] “would lose her children.” Following its investigation, COPA did not sustain any findings relating to this incident.

II. SUMMARY OF EVIDENCE³

On the evening of November 3, 2021, [REDACTED] and several family members were traveling east on 16th Street in [REDACTED] vehicle, a four-door Ford SUV.⁴ There was a total of 10 people in the car, seven of which were minors. Due to lack of space, some children were placed in laps.⁵ [REDACTED] who was driving, stopped the vehicle after a police vehicle in front of him stopped.⁶ [REDACTED] reversed the vehicle.⁷ Officer Brian Collins, Officer Robert Cabello, and Officer Soto blocked [REDACTED] vehicle and curbed it after they observed the vehicle reversing down the 1500 block of Trumbull Avenue against one-way traffic.⁸ Officer Soto approached the passenger side of the vehicle where [REDACTED] was sitting.⁹

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 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. After a review of the evidence, it was determined that sufficient evidence existed to bring allegations against Officer Soto only.

³ 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, third-party video, police reports, civilian statements and officer statements.

⁴ Att. 4, Statement of [REDACTED] (video) at 2:58 to 3:00; Att. 81 (transcript), pg. 4, lns. 14 to 15 and pg. 6, lns. 23 to 24.

⁵ Att. 4 at 5:02 to 5:04; Att. 81, pg. 6, lns. 6 to 10.

⁶ Att. 4 at 3:07 to 3:20; Att. 81, pg. 4, lns. 16 to 20

⁷ Att. 4 at 15:05 to 15:32; Att. 81, pg. lns. 20 to 21.

⁸ Att. 70, Statement of Officer Joel Soto (audio), at 6:27 to 6:40; Att. 80 (transcript), pg. 10, lns. 1 to 12.

⁹ Att. 67, BWC of Officer Joel Soto, at 1:55; Att. 70 at 7:01.

As Officer Soto approached the vehicle, he observed several children were not wearing seatbelts.¹⁰ [REDACTED] three-year old daughter was between [REDACTED] legs and was not wearing a seatbelt.¹¹ Officer Collins and Officer Cabello approached [REDACTED] on the driver's side and asked him to exit the vehicle.¹² [REDACTED] did not comply. [REDACTED] stated that when officers began pulling on [REDACTED] to remove him from the car, she pulled [REDACTED] in the opposite direction.¹³ Officer Collins and Officer Cabello interacted with [REDACTED] while Officer Soto and Officer Aaron David spoke with [REDACTED]. Officer Soto asked [REDACTED] to stop after she repeatedly leaned over [REDACTED] and argued with officers.¹⁴ [REDACTED] did not comply. [REDACTED] engaged in a heated exchange with Officer Soto and Officer David. An officer can be heard directing words to the effect of "you're going to lose your fucking kids" toward [REDACTED].¹⁵ Officer Soto stated that he did not direct those words to [REDACTED].¹⁶ Officer Soto stated that he told [REDACTED] that he would call DCFS.¹⁷ He stated that he did so because [REDACTED] was putting her kids in danger.¹⁸

As officers continued to get [REDACTED] to exit the vehicle and to place him in custody, [REDACTED] began reaching towards [REDACTED].¹⁹ [REDACTED] daughter was standing between her legs. Officer Soto then grabbed [REDACTED] by her right arm and pulled her out of the car because he believed that she was attempting to obstruct the arrest of [REDACTED].²⁰ [REDACTED] daughter, who was still standing between her legs at the time [REDACTED] was removed, stumbled toward the passenger door when [REDACTED] was pulled by Officer Soto but did not fall out of the vehicle.²¹ Officer Soto stated that he believed [REDACTED] daughter was still standing on the car's baseboard when he removed [REDACTED] from the vehicle.²² He further stated that he had to secure [REDACTED] before securing the child.²³ Officer Soto, with the assistance of Officer David, then handcuffed [REDACTED].²⁴

[REDACTED] was not arrested and was released from custody by an officer who was not Officer Soto.²⁵ Officer Soto completed an Investigatory Stop Report (ISR) recording his interaction with [REDACTED] but stated that he did not provide an Investigatory Stop receipt because he was not the officer who released [REDACTED].²⁶ Officer Soto stated that he participated in a search of the car but

¹⁰ Att. 70 at 7:42 to 7:49; Att. 80, pg. 12, lns. 2 to 6.

¹¹ Att. 67 at 1:45; Att. 46, Unsigned Written Statement of [REDACTED]

¹² Att. 55, BWC of Officer Robert Cabello at 2:54.

¹³ Att. 4 at 4:30 to 4:48; Att. 81, pg. 6, lns. 1 to 4.

¹⁴ Att. 67 at 3:42.

¹⁵ Att. 67 at 4:08 to 4:10.

¹⁶ Att. 70 at 4:19; Att. 80, pg. 18, lns. 12 to 15. The officer who made the statement could not be definitively identified.

¹⁷ Att. 67 at 4:21 to 4:25; Att. 70 at 14:26.

¹⁸ Att. 70 at 14:33; Att. 81, pg. 18, lns. 16 to 21.

¹⁹ Att. 67 at 4:30 to 4:32.

²⁰ Att. 67 at 4:33 to 4:45.

²¹ Att. 52, BWC of Officer Aaron David at 3:19 to 3:21.

²² Att. 67 at 13:57.

²³ Att. 70 at 13:19; Att. 80, pg. 17, lns. 14 to 17.

²⁴ Att. 67 at 4:39 to 4:53.

²⁵ Att. 70 at 15:33 to 15:37; Att. 80, pg. 19, ln. 24 to pg. 20, ln. 2.

²⁶ Att. 70 at 15:37; Att. 80, pg. 19, ln. 20 to pg. 20, ln. 2.

that he did not remove any children from [REDACTED] vehicle.²⁷ Officer Soto's BWC does not show him removing any children from [REDACTED] vehicle.

III. ALLEGATIONS

Officer Joel Soto:

1. Failing to provide [REDACTED] with an Investigatory Stop Receipt.
 - Not Sustained
2. Neglecting the safety of a minor.
 - Not Sustained
3. Verbally abusing [REDACTED] when you said words to the effect of "you're going to lose your fucking kids."
 - Unfounded
4. Aggressively removed [REDACTED] from the vehicle, without justification.
 - Not Sustained
5. Removed children from the vehicle in an aggressive manner, without justification.
 - Unfounded

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question the credibility of any of the individuals (sworn or unsworn) who provided statements.

V. ANALYSIS²⁸

- a. **There is insufficient evidence that Officer Soto failed to provide [REDACTED] with an Investigatory Stop receipt.**

Special Order S04-13-09 provides that at the conclusion of an Investigatory Stop that involved a pat down or any other search, sworn CPD members are required to provide an Investigatory Stop receipt.²⁹ Officer Soto completed an ISR for [REDACTED] that indicated that a receipt had not been provided but did not state why it had not been provided. However, Officer Soto stated that he did not provide a receipt because he was not the officer who released [REDACTED]. Officer Soto's BWC footage supports his claim to the extent that it does not show him interacting with [REDACTED] once the handcuffs were removed. Therefore, there is insufficient evidence to determine whether Officer Soto was the officer that should have been responsible for offering the receipt, whether the receipt was offered by someone else, and/or if it was refused. COPA finds this allegation to be **Not Sustained**.

²⁷ Att. 70 at 14:42; Att. 80, pg. 18, lns. 22 to 24.

²⁸ For a definition of COPA's findings and standards of proof, *see* Appendix B.

²⁹ Att. 73, S04-13-09(VIII)(A)(3), Investigatory Stop System, (effective July 10, 2017 to present).

b. There is insufficient evidence to determine that Officer Soto neglected the safety of a minor when he removed [REDACTED] from a vehicle without regard for the safety of her child.

General Order G02-01 directs CPD members to “treat all persons with courtesy and dignity which is inherently due every person as a human being.”³⁰ CPD members are also required to behave in a manner that promotes the goal of the protection of “life and limb” in the city of Chicago.³¹ Here, [REDACTED] three-year old daughter was standing between the legs of [REDACTED] when [REDACTED] was removed from [REDACTED] vehicle. Verifiable BWC evidence supports that Officer Soto made no effort to secure the child before or while removing [REDACTED] from the vehicle. Further, Officer Soto stated that he believed he had to secure [REDACTED] before securing the child. [REDACTED] daughter, moved by [REDACTED] momentum, stumbled toward the passenger door when Officer Soto pulled [REDACTED] out. However, [REDACTED] failed to meet her duty of care for her daughter by reaching across to [REDACTED] while her daughter was still between her legs. [REDACTED] failure to fulfill her duty of care precipitated Officer Soto’s decision to remove [REDACTED] from the car. Therefore, it is impossible to determine that Officer Soto’s actions were neglectful. COPA finds this allegation to be **Not Sustained**.

c. Officer Soto did not state words to the effect of “you’re going to lose your fucking kids,” to [REDACTED]

CPD directive G02-01, Human Rights and Human Resources, requires members to engage in respectful treatment with the community and members.³² Directing profanity toward [REDACTED] and implying that the custody of her children was at risk is a violation of this rule. Upon review of his BWC, Officer Soto heard the comment but did not recognize the voice as his. After obtaining Officer Soto’s statement and hearing him speak, it was confirmed that the voice was not his, therefore this allegation is **Unfounded**.³³

d. There is insufficient evidence that Officer Soto aggressively removed [REDACTED] from a vehicle, without justification.

General Order G03-02-01 provides that members may only use force that is objectively reasonable, necessary, and proportional to the threat, actions, and level of resistance offered by a subject.³⁴ Here, verifiable evidence supports Officer Soto’s claim that he pulled [REDACTED] out of the vehicle because she obstructed efforts to take [REDACTED] into custody. [REDACTED] leaned over toward [REDACTED] as officers were attempting to remove [REDACTED] from the car and admitted to pulling [REDACTED]

³⁰ Att. 74, G02-01 (III)(B), Human Rights and Human Resources (effective October 5, 2017 to the present).

³¹ Att. 76, Rules and Regulations of the Chicago Police Department, (II)(A).

³² Att. 74, G02-01(II)(C).

³³ During his statement Officer Soto stated that he directed words to [REDACTED] to effect of that he would be calling DCFS on her, which is also problematic. Officer Soto is encouraged to refrain from making such statements in the future.

³⁴ Att. 21, G03-02-01 (II)(C), Response to Resistance and Force Options (effective April 15, 2021, to June 28, 2023).

in the opposite direction after [REDACTED] was given directions to exit the vehicle. Obstruction is a crime that provides probable cause for detention.³⁵ Moreover, before removing [REDACTED] Officer Soto directed Briges to stop, and she failed to comply. With respect to the way [REDACTED] was removed from the vehicle, there is insufficient evidence to support that it was excessively aggressive. As [REDACTED] had not complied with previous directions, and considering the proceeding heated exchange, it is not possible to determine whether [REDACTED] would have allowed herself to be removed from the vehicle with less force. COPA finds this allegation to be **Not Sustained**.

e. There is insufficient evidence that Officer Soto removed children from a vehicle in an aggressive manner.

CPD directive G02-01, Human Rights and Human Resources requires members to engage in respectful treatment with the community and members.³⁶ With respect to force, its use must be objectively reasonable, necessary, and proportional to the threat.³⁷ Officer Soto stated that he did not remove any children from [REDACTED] vehicle. Officer Soto's BWC video and the BWC of other officers support this assertion. Consequently, because the evidence tends to support that Officer Soto did not remove any of the children, COPA finds this allegation to be **Unfounded**.

Approved:

[REDACTED]

1-23-24

LaKenya White
Director of Investigations

Date

³⁵ Att. 75, 720 ILCS 5/31-1(a)(2).

³⁶ Att. 74, G02-01(II)(C).

³⁷ Att. 21, G03-02-01 (II)(C).

Appendix ACase Details

Date/Time/Location of Incident:	November 3, 2021 / 5:00pm / 3354 W. 16 th Street
Date/Time of COPA Notification:	November 3, 2022 / 6:04pm
Involved Member #1:	Joel Soto, Star No. 19351, Employee ID No. [REDACTED], Date of Appointment November 24, 2014, Unit of Assignment, 010/606, male, Hispanic
Involved Individual #1:	[REDACTED] female, 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 LawsGeneral and Special Orders

- G02-01, Human Rights and Human Resources (effective October 5, 2017, to June 30, 2022).
- G03, De-escalation, Response to Resistance, and Use of Force (effective April 15, 2021 to June 28, 2023).
- G03-02-01, Response to Resistance and Force Options (effective April 15, 2021, to June 28, 2023).
- S04-13-09: Investigatory Stop System (effective July 10, 2017 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.³⁸ 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.”³⁹

³⁸ 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).

³⁹ *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