



Log # 2023-2857

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On June 30, 2023, the Civilian Office of Police Accountability (COPA) received a telephone complaint from ██████ an attorney with the Law Office of the Cook County Public Defender (the Public Defender), reporting alleged misconduct by a member of the Chicago Police Department (CPD). ██████ alleged that on June 19, 2023, Sergeant (Sgt.) Daniel Aragon denied ██████ attempts to visit a client in CPD custody.² Following its investigation, COPA reached a sustained finding regarding the allegation of improperly denying an attorney visitation.

II. SUMMARY OF EVIDENCE³

On June 19, 2023, the Public Defender's police station response unit, staffed by ██████ and ██████ received a call from ██████ seeking representation for her son, ██████ at approximately 8:00 pm.⁴ ██████ called CPD's central booking number and was told that ██████ was being held at the 18th District.⁵ ██████ called the 18th District at approximately 8:30 pm and spoke to the district station supervisor (DSS), Sgt. Aragon, who checked the DSS queue in CLEAR,⁶ which displays completed arrest reports. ██████ name was not returned in the queue, and Sgt. Aragon told ██████ that ██████ was not at the 18th District.⁷

█████ called the 18th District a second time at 9:30 pm to see if ██████ was being held there and again spoke to Sgt. Aragon.⁸ Sgt. Aragon identified an arrestee in his queue who he believed to be ██████ client.⁹ Sgt. Aragon asked ██████ to submit his credentials to verify his identity as an attorney with the Public Defender. ██████ sent his credentials to Sgt. Aragon at 9:46 pm.¹⁰ ██████ also

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.

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 civilian and officer interviews and CPD-generated reports.

⁴ Att. 2 at 1:57 to 2:46.

⁵ Att. 2 at 4:10 to 4:31.

⁶ CLEAR is the Citizen Law Enforcement Analysis and Reporting system, a computer database used by CPD.

⁷ Att. 2 at 4:32 to 4:39; Att. 32 at 6:40 to 8:01.

⁸ Att. 2 at 4:55 to 5:16.

⁹ Att. 32 at 10:11 to 10:19. CPD records show that six other men were arrested in the 18th District aside from ██████ on June 19, 2023. One other arrestee was named ██████. No other arrestees shared a first or last name with ██████. See Att. 33. The arresting officer submitted ██████ arrest report at 9:41 pm. See Att. 34.

¹⁰ Att. 2 at 5:27 to 6:05.

began driving to the 18th District to attempt an in-person visit.¹¹ Sgt. Aragon arranged a telephonic visit with [REDACTED] and this individual at approximately 10:03 pm. Upon speaking with that individual, [REDACTED] determined that the individual was not [REDACTED] notified Sgt. Aragon of the mistake, and Sgt. Aragon told [REDACTED] that no one else matching the name [REDACTED] was in custody at the 18th District.¹²

[REDACTED] then arrived at the 18th District at approximately 10:30 pm and spoke with Sgt. Aragon at the front desk. Sgt. Aragon again told [REDACTED] that [REDACTED] was not there. [REDACTED] asked to speak to a supervisor.¹³ Sgt. Aragon called Lieutenant (Lt.) William McClelland, the watch operations lieutenant, who responded to the front desk and identified [REDACTED] in the district arrest queue in CLEAR.¹⁴ Sgt. Aragon proceeded to arrange for [REDACTED] to visit [REDACTED] ultimately visited [REDACTED] in a conference room at the 18th District at 10:49 pm and then departed.¹⁵ COPA attempted to interview Lt. McClelland as a witness in this investigation, but the lieutenant retired from CPD effective August 22, 2023.¹⁶

III. ALLEGATIONS

Sergeant Daniel Aragon:

1. Denying an attorney request for visitation by telephone with arrestee, [REDACTED] without justification.
 - Sustained, Violation of Rules 5, 6, and 10.

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. ANALYSIS¹⁷

Under CPD policy, arrestees are entitled to a reasonable number of telephone visitations with a legal representative for a reasonable period of time.¹⁸ District station supervisors must allow visitations by attorneys who are licensed to practice law and provide identification indicating their status as a licensed attorney.¹⁹ A CPD member may only deny attorney telephonic visitation

¹¹ Att. 2 at 6:45 to 6:54.

¹² Att. 2 at 6:35 to 7:22; Att. 32 at 10:20 to 11:14.

¹³ Att. 2 at 7:22 to 7:46; Att. 32 at 11:20 to 12:03.

¹⁴ Att. 2 at 8:23 to 8:39.

¹⁵ Att. 2 at 12:53 to 13:05; Att. 32 at 12:11 to 13:03; Att. 3, pg. 5.

¹⁶ Att. 29; Notes CO-1342289, CO-1345145, CO-1346664.

¹⁷ For a definition of COPA's findings and standards of proof, *see* Appendix B.

¹⁸ Att. 35, G06-01-04(VI)(A), Arrestee and In-Custody Communications (effective February 1, 2023, to present).

¹⁹ Att. 35, G06-01-04(III)(C)(1).

requests if there is a risk the arrestee may escape or if the arrestee is being held in a CPD facility that is not equipped with an on-site visitation area furnished with a functioning telephone.²⁰

The bases denoted in CPD policy for denying an attorney telephonic visitation do not apply to this incident. The 18th District, where ██████ was being held, was clearly equipped with an on-site visitation area furnished with a functioning telephone as evidenced by Sgt. Aragon making another arrestee available to speak with ██████ by phone.²¹ One of the officers involved in processing ██████ said he did not believe that ██████ needed to be handcuffed during the arrest processing because ██████ was being cooperative,²² which indicates there was no basis to believe that ██████ would attempt to escape if allowed to speak with ██████ over the phone.

In his statement to COPA, Sgt. Aragon admitted that he did not accommodate ██████ visitation request with ██████. Sgt. Aragon explained that he did not intend to deny the request or interfere with ██████ access to counsel and that his failure to accommodate the visitation request was due to his lack of awareness of how arrestees were tracked in the CLEAR database prior to being fully processed.²³ This explanation is consistent with Sgt. Aragon's actions in confirming ██████ status as a licensed attorney and in making another arrestee, who Sgt. Aragon believed to be ██████ client, available for a telephonic visit. Because Sgt. Aragon failed to accommodate ██████ telephonic visitation request without a valid reason for denying the request, **Allegation 1 against Sgt. Aragon is Sustained.**

VI. DISCIPLINARY RECOMMENDATION

a. Sgt. Daniel Aragon

i. Complimentary and Disciplinary History²⁴

Sgt. Aragon has received one Department Commendation, three Problem Solving Awards, one complimentary letter, thirty-one Honorable Mentions, and nine other awards and commendations. Sgt. Aragon has not been disciplined within the past five years.

ii. Recommended Discipline

COPA has found that Sgt. Aragon violated Rules 5, 6, and 10 by denying an attorney request for telephone visitation with an arrestee. Sgt. Aragon had recently been promoted to the rank of Sergeant of Police in December 2022, approximately six months before this incident, and he admitted that he was not entirely proficient in using the CLEAR database to track the status of arrestees. While Sgt. Aragon should have requested assistance from a more experienced supervisor

²⁰ Att. 35, G06-01-04(VI)(A) and (B).

²¹ Att. 2 at 6:35 to 7:22; Att. 32 at 10:20 to 11:14.

²² Att. 10 at 2:10 to 2:27.

²³ Att. 2 at 8:02 to 8:33 and 13:08 to 13:53.

²⁴ Att. 36.

earlier during this incident, the facts and circumstances discovered during this investigation show that Sgt. Aragon's violation of policy was unintentional, and COPA recommends an entry of **"Sustained – Violation Noted, No Disciplinary Action."**

Approved:



2/29/2024

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date

Appendix ACase Details

Date/Time/Location of Incident:	June 19, 2023 / 8:30 pm / 1160 N Larrabee St., Chicago, IL 60610
Date/Time of COPA Notification:	June 30, 2023 / 11:33 am
Involved Member #1:	Sgt. Daniel Aragon, Star #1887, Employee ID # [REDACTED] DOA: October 17, 2011, Unit: 018, Male, Hispanic
Involved Individual #1:	[REDACTED] Male, Black
Involved Individual #2:	[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.

Applicable Policies and Laws

- G06-01-04: Arrestee and In-Custody Communications (effective February 1, 2023, 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.²⁵ 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.”²⁶

²⁵ See *Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill. 2d 100, 191 (2005) (“A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.”).

²⁶ *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