



Log # 2022-4416

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On October 15, 2022, the Civilian Office of Police Accountability (COPA) received an Initiation Report from Sergeant Andrew Kadus, documenting a complaint from ██████████ of alleged misconduct by a member of the Chicago Police Department. Per Kadus, ██████████ alleged that on October 14, 2022, an officer with the last name “David” improperly searched her daughter and did not provide his star number.² Upon review of the evidence, COPA served an allegation that Officer David was rude and unprofessional in that he directed derogatory statements at members of the public³. Following its investigation, COPA reached sustained findings regarding the allegations of rude and unprofessional statements.

II. SUMMARY OF EVIDENCE⁴

On October 14, 2022, at approximately 9:14 PM, Officer Aaron David and Officer Alexander Verta arrived at the corner of S Karlov Ave and 26th St. Per BWC, several subjects can be observed standing in front of Miska’s Liquors on S Karlov Ave. In his statement to COPA, Officer David stated that he and Officer Verta were on routine patrol, and they knew Two-Six gang members were located there due to someone being killed on the same block earlier that day⁵. Per Officer David’s account of the incident⁶, David said they observed an individual pass a handgun to another individual. The BWC⁷ showed Officer Verta and Officer David approach the two individuals and attempt to detain them. The subject suspected of being in possession of the firearm, later identified as ██████████ can be observed on BWC with his arm wrapped around a female subject’s neck, later identified as ██████████. ██████████ can be seen and

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 COPA did not serve allegations regarding the initial complaints of inappropriate touching and improper search. COPA’s preliminary investigation of the complaint determined by clear and convincing evidence that the misconduct did not occur as ██████████ and ██████████ alleged. *See* Att. Nos. 3, 4, and 5. COPA concluded the misconduct did not occur, as well, it was not observed on either Officer Verta’s or Officer David’s BWC.

⁴ 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, police reports, civilian interviews, and officer interviews.

⁵ Att. 52, Audio statement of Officer Aaron David, at 8:02 to 8:20.

⁶ Att. 52, at 8:25 to 8:35.

⁷ Atts. 3 and 4, BWC of Officers Verta and David, respectively. Att. 3 at 1:26 and Att. 4 at 1:40.

⁸ Att. 4 at 2:00 to 2:10.

heard telling ██████ to “get away from me” and “stop choking me⁹.” Officer David then attempted to detain ██████ and separate him from ██████. A struggle ensued between Officer David and ██████ while Officer David attempted to separate ██████ from ██████. While Officer David attempted to control ██████ a metal object was heard sliding across the concrete sidewalk¹⁰. Officer Verta was observed running to and recovering a silver and black handgun from the sidewalk¹¹. Officer David conducted an emergency takedown on ██████ who continued to fight with Officer David, which was not fully captured on BWC.

Officer David was seen mounted on top of ██████ who was positioned with his back on the sidewalk and continuing to avoid Officer David’s attempted control of his hands¹². A male subject off camera view can be heard stating words to the effect of, “Don’t drop him like that,” and Officer David stating words to the effect of, “I’ll drop you like that, get the fuck away from me¹³.” A female subject who was out of camera view was heard stating, “You’re a fucking racist,” and David responding, “Fuck you, you stupid bitch,” and “Shut the fuck up¹⁴.” Officer David continued to struggle to control ██████ and secure him in handcuffs. ██████ then attempts to illicit assistance from other subjects located on the street.¹⁵ After several minutes, assisting officers arrive on the scene, and David is able to secure handcuffs on ██████¹⁶ ██████ was then transported to District 10 lockup¹⁷.

III. ALLEGATIONS

P.O. Aaron David:

1. *Was rude and unprofessional in that you directed derogatory statements at members of the public.*
 - Sustained Rules 2, 8, and 9.

IV. CREDIBILITY ASSESSMENT

On 02-27-2024, COPA spoke via telephone with ██████ the mother of ██████ ██████ explained, she originally made the complaint to COPA on behalf of her daughter. ██████ said her daughter was hysterical when she arrived home on the day of the incident. ██████ later viewed a video captured by ██████ friends and believed the officer was doing his

⁹ Att. 4, at 2:00 to 2:10.

¹⁰ Att. 3, at 2:30.

¹¹ Att. 3, at 2:30 to 2:40.

¹² Att. 5, at :15 to :35.

¹³ Att. 5, at :17 to :21.

¹⁴ Att. 5, at :20 to :27.

¹⁵ Att. 5, :55 to 1:10.

¹⁶ Att. 5, at 4:40 to 5:05.

¹⁷ Att. 23, Daniel Avarado arrest Report.

job, and that he did not do anything wrong. █████ informed COPA she would take back the complaint if she could. COPA obtained permission from █████ to speak with █████ regarding her complaint. COPA spoke with █████ via telephone but ultimately failed to come into the office for her statement.

This investigation did not reveal any evidence that caused COPA to question the credibility of Officer David.

V. ANALYSIS¹⁸

COPA finds that Officer David violated Department Rules and Regulations when he engaged with the female subject off-camera view when he stated words to the effect of, “Fuck you, you stupid bitch,” and “Shut the fuck up,” as well as when he told someone, “I’ll drop you like that, get the fuck away from me.” Under CPD policy, members will interact with all members of the public in an unbiased, fair, and respectful manner.¹⁹ COPA recognizes that the situation Officer David was stressful and dangerous due to the crowd, as well as the nature of the incident involving a firearm. However stressful, Officer David could have simply not responded to the comments made by the female and male subjects off-camera view. The statements made by Officer David were insulting, derogatory, unprofessional, and unnecessary. Officer David directly violated CPD policy and Rules 2, 8, and 9 when he made those statements. Therefore, COPA finds the allegation that Officer David was rude and unprofessional, **Sustained**.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Aaron David

i. Complimentary and Disciplinary History²⁰

Officer David has a total of two SPARs, for a court appearance violation, and the second a no disciplinary action for a preventable accident. David also has a total of 202 awards.

ii. Recommended Discipline

Here, COPA found that Officer David violated Rules 2, 8, and 9 by making rude and insulting statements to members of the public. Officer David explained to COPA that in the moment the incident occurred he was “just heated”, and he could see how his statements could offend someone, and that he felt sorry for that.²¹ COPA acknowledges this was a high stress and

¹⁸ For a definition of COPA’s findings and standards of proof, *see* Appendix B.

¹⁹ G02-01 (III)(B)(1-5).

²⁰ Att. 54.

²¹ Att. 52, at 27:41 to 28:00.

dangerous situation and commends Officer David for taking culpability for his actions. COPA recommends a penalty of a one (1) day suspension.

Approved:



Matthew Haynam
Deputy Chief Administrator

4/12/2024

Date

Appendix ACase Details

Date/Time/Location of Incident:	October 14, 2022/ 9:14 pm/ 2554 S. Karlov Ave.
Date/Time of COPA Notification:	October 15, 2022/ 11:18 am
Involved Member #1:	Aaron David / Star # 18491 / Employee ID# [REDACTED] / DOA: August 31, 2015 / Unit: 193 / Male / Hispanic.
Involved Individual #1:	[REDACTED] / Female / Hispanic.
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.
- Rule __:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- G02-01: Protection of Human Rights (effective 30 June 2022 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.²² 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.”²³

²² 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).

²³ *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