



Log # 2023-0002902

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On July 4, 2023, the Civilian Office of Police Accountability (COPA) received a Chicago Police Department (CPD) Initiation Report alleging misconduct by a member of CPD.² ██████ alleged that on July 4, 2023, an unknown officer, later identified as Officer Jose Sanchez, forcibly grabbed ██████ by the neck, head and/or shirt without justification; pushed ██████ without justification, shoved ██████ face against a wall without justification, and threatened to strike ██████ with nightstick if he did not stop filming.³ Following its investigation, COPA reached unfounded and exonerated findings.

II. SUMMARY OF EVIDENCE⁴

On July 4, 2023, at approximately 2:00 am, officers responded to a 911 call of a person with a gun. The caller described the individual as wearing no shirt and khaki pants heading east bound on Flournoy.⁵ Upon arrival at the scene, officers observed the offender, ██████ in the alley between Flournoy and Harrison with a firearm in his hand.⁶ ██████ then ran through a backyard and jumped a fence, still with the firearm in hand. Officers gave multiple verbal commands to drop the gun and to stop running. All officers that were present, took cover behind vehicles and trees.⁷

Officer Sanchez was one of the many assisting officers that responded to the scene. Upon their arrival, Officers Sanchez, Murray, and Videka took cover behind a vehicle across the street in case of possible crossfire. While tactically positioned, Officer Sanchez noticed ██████ on the sidewalk filming with his cellphone while approaching the line of fire. Officer Sanchez ran towards ██████ and another individual, yelling “get the fuck outta here right now.”⁸ Officer Sanchez then

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 Att. 1.

³ 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.

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, medical reports, and officer interviews.

⁵ Att. 3.

⁶ Att. 2.

⁷ Att. 13 at 5:10-6:28 and Att. 15 at 5:14 to 6:28.

⁸ Att. 17 at 3:00.

pushed ██████ with both hands along the sidewalk for approximately 7 seconds.⁹ After that, Officer Sanchez took out his ASP, and held it with both hands in a low position for possible crowd control.¹⁰ Officers Sanchez and Videka continued to give verbal commands to ██████ to back up and get out of the way.¹¹ Shortly thereafter, ██████ was placed into custody and taken to the 10th district for further processing.¹² A weapon was recovered on scene but after an inspection it was found to be an airsoft weapon without an orange tip.¹³

After the incident concluded, ██████ asked Lt. Calvo to file a complaint about an officer. Lt. Calvo directed Sgt. Even to take his complaint.¹⁴ ██████ complained of neck pain, and an ambulance was requested which transported ██████ to Mt. Sinai Hospital.¹⁵

The ambulance report reflected, that ██████ had full range of motion, no loss of consciousness, and no obvious signs of trauma or deformity.¹⁶ Mt. Sinai reported no record of ██████ being a patient on or around July 4, 2023.¹⁷

██████████ was scheduled for an interview with COPA, but decided he wanted to speak with an attorney and obtain a copy of security footage from a nearby building beforehand.¹⁸ COPA's subsequent efforts to interview ██████ were unsuccessful.¹⁹ Officers Sanchez's, Murray's and Videka's descriptions of the events on July 4, 2023, in their COPA interviews were substantially consistent with the above description.

III. ALLEGATIONS

Officer Jose Sanchez:

1. Forcibly grabbed ██████ by the neck, head and/or shirt without justification.
 - Exonerated
2. Pushed ██████ without justification.
 - Exonerated
3. Shoved ██████ face against a wall without justification; and
 - Unfounded
4. Threatened to strike ██████ with a nightstick if he did not stop filming.
 - Unfounded

⁹ Att. 17 at 3:00- 3:07.

¹⁰ Att. 17 at 3:25.

¹¹ Att. 26 at 37 to 39 seconds and Att. 17 at 3:09, and 3:26.

¹² Att. 2.

¹³ Att. 32, pg. 5, Att. 18 at 6:48 to 7:07, Att. 13 at 8:05 to 8:28, and Att. 2, pg. 1.

¹⁴ Att. 18 starting at 8:00 and Att. 28.

¹⁵ Att. 1.

¹⁶ Att. 47.

¹⁷ Att. 49.

¹⁸ See CMS note CO-1338700.

¹⁹ Att. 35.

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.

COPA questions the reliability and truthfulness of [REDACTED] account of the events where BWC contradicts his versions. For instance, [REDACTED] allegations of an officer shoving his face against a wall and threatening to strike him with a nightstick if he did not stop filming, was not reflected in the BWC of any involved officers. Further, his allegations of injuries suffered as a result of the interaction is not borne out by the BWC or medical documentation.

The accused CPD members provided accounts of this incident that were largely consistent with each other and with the available BWC and reports. Thus, COPA finds the officers’ statements about this incident generally credible.

V. ANALYSIS²⁰

Force Allegations

Force is defined as any physical contact by a CPD member, either directly or through use of equipment, to compel a person’s compliance.²¹ CPD members may only use force that is objectively reasonable, necessary, and proportional in light of the totality of the circumstances.²²

Considerations in evaluating the objective reasonableness of the force include: whether the person is posing an imminent threat to the members or others; the risk of harm or level of threat to the sworn member, the person another person or property; the level of resistance presented by the person; whether de-escalation techniques can be employed or are effective; and the availability of other resources. “Necessary” means “the minimum amount of force needed to provide for the safety of any person or member, stop an attack, make an arrest, bring a person or situation under control, or prevent escape.”²³ Responses must be “proportional to the threat, actions, and level of resistance offered by a person.”²⁴

CPD directives classify a person who fails to comply with verbal directives as a passive resister. Force options authorized for passive resisters include: holding techniques, compliance

²⁰ For a definition of COPA’s findings and standards of proof, *see* Appendix B.

²¹ Att. 52, G03-02, § (III)(A), De-Escalation, Response to Resistance, and Use of Force (effective June 28, 2023, to present).

²² Att. 52, G03-02, (III)(B)(1)-(3).

²³ Att. 52, G03-02, (III)(B)(2).

²⁴ Att. 52, G03-02, (III)(B)(3).

techniques, control techniques, and oleoresin capsicum (OC spray).²⁵ An active resistor is defined as a person who attempts to create distance between himself or herself and the member's reach with the intent to avoid physical control and/or defeat the arrest. In addition to the force options available for a passive resistor, for an active resistor, members may also use stunning techniques, takedown methods, canines, and tasers. In all uses of force, the goal of a member's response is to resolve the incident "with the foremost regard for the preservation of human life and the safety of all persons involved."²⁶

COPA finds Allegation #1 – Forcibly grabbed ██████████ by the neck, head and/or shirt without justification, is **Exonerated**; Allegation #2 – pushed ██████████ without justification, is **Exonerated**; and Allegation #3 – shoved ██████████ face against a wall without justification, to be **Unfounded**.

In this case, the BWC shows that the force Officer Sanchez used upon ██████████ was Officer Sanchez grabbing ██████████ with both hands approximately on ██████████ back and shoulder area for seven seconds, as Officer Sanchez was moving ██████████ down the sidewalk.²⁷ The ambulance report does not suggest any injury from the encounter, and it does not appear ██████████ was treated for any injuries at Mt. Sinai Hospital.²⁸

Officer Sanchez responded to the scene of a man with a gun.²⁹ Once Officer Sanchez arrived, he saw multiple units on scene, and a man behind a gated fence with a gun in his hand.³⁰ He saw other officers running back to take cover, and he and Officer Videka then also took cover. Officer Sanchez described the scene as a "very hostile situation," where the man with a gun was telling police to shoot him, suggesting a possible "suicide by cop situation."³¹

Officer Sanchez told COPA that while in his cover position behind a car across the street from the gunman, he noticed individuals, including ██████████ on the sidewalk in the possible line of fire. These individuals were drawing attention to themselves by yelling "don't shoot," and walking towards the man with a gun. These actions were drawing officers' attention away from the man with a gun.³² Officers Sanchez and Murray gave multiple verbal commands to ██████████ to move back, but ██████████ did not comply.

Officer Sanchez then left his cover position, and while commanding ██████████ to get back, redirected ██████████ along the sidewalk away from the line of fire. In his Tactical Response Report (TRR), Sanchez wrote that he "felt an urgency to get [█████████] back due to the potential of great

²⁵ Att. 52, G03-02-01 IV (B)(1).

²⁶ Att. 52, G03-02, (III)(A).

²⁷ Att. 17 at 3:00- 3:08; Att. 50, pgs. 14-15; Att. 15 at 2:55-3:01 and Att. 19 at 6:19-6:25.

²⁸ Att. 47 and 49.

²⁹ Att. 50, pgs. 8-9.

³⁰ Att. 50, pg. 9, ln. 8.

³¹ Att. 50, pg. 9, ln. 15.

³² Att. 50, pgs. 11-12.

bodily harm that can be caused to [REDACTED].³³ In his interview with COPA, Officer Sanchez explained that the purpose was to redirect [REDACTED] so he would not be in the line of fire and at risk for possible gunfire.

As stated above, the BWC shows that Officer Sanchez used two hands to push [REDACTED] along the sidewalk for approximately seven seconds using his both of his hands, approximately on [REDACTED] back and shoulder area.³⁴ Officer Sanchez's told COPA he pushed [REDACTED] to cover by grabbing him on the back and by his shirt with open hands, but he may have closed his hands to gain more control due to the resisting of [REDACTED].³⁵ The BWC does not show Officer Sanchez's hands on [REDACTED] head or neck area, nor does it show that Officer Sanchez shoved [REDACTED] face into a wall or fixed object. There is no other corroborating evidence to establish that these alleged actions happened. Additionally, [REDACTED] did not fall to the ground or suffer any obvious injuries that are captured on BWC. There also is no corroborating documentation to establish that [REDACTED] was injured at all.

As such, COPA finds by clear and convincing evidence that Officer Sanchez's use of force was objectively reasonable, necessary, and proportional. [REDACTED] placed himself in a very dangerous situation and was not compliant with multiple officers' verbal commands, making him a passive resistor initially. According to Officer Sanchez's TRR and his statement to COPA, [REDACTED] resisted resisting Officer Sanchez's efforts to relocate [REDACTED] to a safer location by stiffening his body. This made [REDACTED] an active resistor. COPA finds that pushing [REDACTED] down the sidewalk resulting in no documentable injuries appeared to be a minimal and acceptable technique to move [REDACTED] out of the potential of grave danger. It should be further noted that in doing so, Officer Sanchez jeopardized his own safety by leaving his cover position to bring [REDACTED] to safety. This action demonstrated the utmost regard for human life.

Accordingly, COPA finds Allegation's #1 and #2 are **Exonerated** and Allegation #3 is **Unfounded**.

COPA finds Allegation #4 – Threatened to strike [REDACTED] with a nightstick if he did not stop filming, is **Unfounded**.

Once Officer Sanchez pushed [REDACTED] out of the life of fire, [REDACTED] continued to attempt to walk back towards the scene. Officer Sanchez took his asp baton out in a double handed natural grip and held it in a low non-threatening position for potential crowd control purposes.³⁶ Officer Sanchez denied using any threatening language or behavior towards [REDACTED]. Officers Murray and Videka stated they did not observe Officer Sanchez threaten any individual with the asp nor did they hear or observe Officer Sanchez tell an individual to stop filming.³⁷ The applicable BWC did

³³ Att. 36.

³⁴ Att. 17 at 3:00- 3:08 and Att. 50, pgs. 14-15.

³⁵ Att. 50, pgs. 15-16.

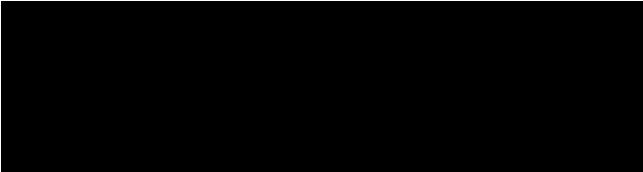
³⁶ Att. 36, pg. 2 and Att. 50, pgs. 17-18.

³⁷ Att. 46, pg. 26.

not show Officer Sanchez threaten [REDACTED] with a nightstick or an asp baton because he was filming.³⁸

Therefore, COPA finds by clear and convincing evidence that the alleged actions did not transpire. Thus, this allegation is **Unfounded**.

Approved:



6-26-2024

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

³⁸ Att. 17 and Att. 26.

Appendix ACase Details

Date/Time/Location of Incident:	July 4, 2023/ 2:15am/ 2714 West Harrison St., Chicago, IL 60612
Date/Time of COPA Notification:	July 4, 2023/ 3:16 AM
Involved Officer #1:	Jose Sanchez, Star #18528, Employee ID # [REDACTED] DOA: April 16, 2021, Unit: 010, Male, White Hispanic
Involved Officer #2:	Sean Murray, Star #13686, Employee ID # [REDACTED] DOA: June 16, 2021, Unit: 010, Male, White
Involved Officer #3:	Tyler Videka, Star #14504, Employee ID # [REDACTED] DOA: October 16, 2019, Unit: 010, Male, Unknown
Involved Individual #1:	[REDACTED] 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.

Applicable Policies and Laws

- General Order G03-02, De-Escalation, Response to Resistance, and Use of Force (effective June 28, 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.³⁹ 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.”⁴⁰

³⁹ 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).

⁴⁰ *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