



Log # 2023-0002687

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On June 22, 2023, the Civilian Office of Police Accountability (COPA) received a Chicago Police Department (CPD) initiation report from Lieutenant Dale Caridine (Lt. Caridine), on behalf of ██████████ (██████████ reporting alleged misconduct by a member of CPD. Lt. Caridine alleged that on June 22, 2023, Police Officer Arturo Guzman (Officer Guzman) committed misconduct by utilizing a takedown on ██████████ and calling him a “retard”.² Upon review of the evidence, COPA served additional allegations in that Officer Guzman failed to properly document the use of a takedown on the Tactical Response Report (TRR) he filed for the incident. Following its investigation, COPA reached sustained findings regarding the allegations of verbal abuse, excessive force, and inaccurate documentation on the TRR.

II. SUMMARY OF EVIDENCE³

Lt. Caridine’s initiation report states that when he reviewed the incident, he noted that ██████████ was driving an all-terrain vehicle (ATV) in the vicinity of the field museum when officers attempted to detain him via conducting a traffic stop.⁴ Lt. Caridine also noted that when ██████████ got off the ATV, Officer Guzman utilized an emergency takedown and handcuffed ██████████⁵ He then noticed that ██████████ was bleeding from the top of his head, thus initiating this complaint.⁶

In review of the body-worn camera (BWC) footage⁷, ██████████ and his female passenger, ██████████ ██████████ (██████████ could be seen riding on the sidewalk of the Field Museum while Officer Guzman and his partner attempted to initiate the stop.⁸ ██████████ disregarded the officers until he eventually ran into a dead end.⁹ ██████████ then got off the ATV and was then brought to the ground.¹⁰ On Officer Guzman’s BWC footage, it is unclear whether force was used

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 BWC footage, police reports, and officer interviews.

⁴ Att. 1.

⁵ Att. 1, pg. 2.

⁶ Att. 1, pg. 2.

⁷ Atts. 10 to 25.

⁸ Att. 10 at 1:09.

⁹ Att. 10 at 2:02.

¹⁰ Att. 10 at 2:05.

by Officer Guzman to takedown [REDACTED] due to Officer Guzman's BWC falling to the ground.¹¹ However, the other officers' cameras were able to capture [REDACTED] going to the ground. The camera angle of Officer Luis Zizumbo, Officer Guzman's partner, shows [REDACTED] being grabbed by Officer Guzman, then going to the ground with Officer Guzman on top.¹² After [REDACTED] was handcuffed, Officer Guzman escorted him to the patrol vehicle and stated, "You got this fucking retard fucking".¹³

Officer Guzman completed a Tactical Response Report (TRR) for his actions with [REDACTED].¹⁴ The report noted that [REDACTED] did not follow verbal commands.¹⁵ Officer Guzman stated that he utilized emergency handcuffing techniques and other physical restraints.¹⁶ In the narrative of the report, Officer Guzman stated that he ordered [REDACTED] to the ground, to which [REDACTED] complied and went down to his knees before laying down on the ground.¹⁷ Lt. Caridine reviewed the TRR and stated that the report was not in compliance with department policies.¹⁸

In his statement to COPA, Officer Guzman stated he encountered [REDACTED] after [REDACTED] broke off from a caravan of drivers.¹⁹ After he saw [REDACTED] stop the ATV, Officer Guzman stated that he grabbed [REDACTED] by the arm and ordered him to get off the bike and get on the ground.²⁰ Officer Guzman stated that [REDACTED] complied with the order by kneeling to the ground and that an emergency handcuffing was used, but a takedown was not utilized.²¹ When asked if he had stated "You got this fucking retard" when referring to [REDACTED] Officer Guzman admitted that he did say those words due to the frustration he was feeling from the situation.²²

COPA reviewed BWC and the actions of the assisting officers who detained and handcuffed [REDACTED]. COPA believes the actions of these officers did not rise to the level of misconduct and that the actions taken were permissible and lawful. Consequently, no allegations were filed against these officers.

III. ALLEGATIONS

Police Officer Arturo Guzman:

1. Stating words to the effect of "you got this fucking retard", when referring to [REDACTED]
 - SUSTAINED in violation of Rules 2, 3, and 8.

¹¹ Att. 10 at 2:08.

¹² Att. 11 at 2:06.

¹³ Att. 10 at 3:07.

¹⁴ Att. 5.

¹⁵ Att. 5, pg. 1.

¹⁶ Att. 5, pg. 1.

¹⁷ Att. 5, pg. 2.

¹⁸ Att. 5, pg. 3.

¹⁹ Att. 44 at 7:00.

²⁰ Att. 44 at 8:07.

²¹ Att. 44 at 8:30.

²² Att. 44 at 19:30.

2. Utilized a takedown on [REDACTED] when placing him under arrest, without justification.
 - SUSTAINED, in violation of rules 2, 3, 6, 8, and 9.
3. Failing to accurately document the use of a takedown on a Tactical Response Report, during the arrest of [REDACTED]
 - SUSTAINED, in violation of rules 2, 3, 5, 6, 9, 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 or information.

V. ANALYSIS²³

A. Stating Words to The Effect Of "You Got This Fucking Retard", When Referring to [REDACTED]

Department guidelines require officers to “interact with all members of the public in an unbiased, fair, and respectful manner”²⁴. Furthermore, officers must “act, speak, and conduct themselves in a courteous, respectful, and professional manner...not exhibit a condescending attitude or direct any derogatory terms toward any person in any manner and will not use language or take action intended to taunt or denigrate an individual including using racist or derogatory language”.²⁵

The language in question is the usage of the term “fucking retard”. During his statement to COPA, Officer Guzman admitted that he did use that term in reference to [REDACTED] Officer Guzman made these remarks in public and while actively engaged in law-enforcement related activities. Because he was actively working and made these remarks in front of [REDACTED] COPA finds that Officer Guzman violated this directive. Therefore, this allegation is sustained.

B. Utilized A Takedown on [REDACTED] When Placing Him Under Arrest, Without Justification.

The Department’s Use of Force policy states that an active resister is “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”.²⁶ For active resisters, officers are allowed to utilize takedowns in order to detain the person. In this case, it is clear that [REDACTED] was an active resister at certain points in the incident because he was avoiding the officers by not stopping his ATV in

²³ For a definition of COPA’s findings and standards of proof, *see* Appendix B.

²⁴ Att. 40, pg. 2.

²⁵ Att. 40, pg. 2.

²⁶ Att. 42, pg. 5.

an attempt to defeat the arrest. However, after [REDACTED] ran into a dead end, he ceased fleeing and stopped being an active resistor. The directive tasks officers with constantly reassessing a subject's level of resistance and to adjust their tactics accordingly.

In the instant case, Officer Guzman stated that he ordered [REDACTED] to the ground, but none of the BWC videos reviewed showed Officer Guzman giving these orders. Although BWC footage for the incident was unable to clearly capture [REDACTED] going to the ground and the subsequent handcuffing, it does clearly show Officer Guzman placing his hands on [REDACTED] and using force to direct [REDACTED] to the ground. By a preponderance of evidence, it is more likely than not that Officer Guzman utilized a takedown on [REDACTED] after [REDACTED] had stopped resisting. Therefore, the takedown was not justified, and this allegation is sustained.

C. Failing To Accurately Document the Use of a Takedown on a Tactical Response Report, During the Arrest Of [REDACTED]

General Order G03-02-02 states that officers have to write a TRR if they utilize force that goes beyond handcuffing or if the subject sustained an injury.²⁷ It is clear that Officer Guzman did file a TRR for the incident in which he indicated that [REDACTED] was allegedly injured and that the only force used was an emergency handcuffing. A takedown was not noted but as stated above, it is more likely than not that a takedown was utilized due to the fact that Officer Guzman used physical force to direct [REDACTED] to the ground. Therefore, Officer Guzman should have noted that he utilized a takedown on [REDACTED] in addition to the emergency handcuffing. Consequently, this allegation is sustained.

VI. DISCIPLINARY RECOMMENDATION

a. Police Officer Arturo Guzman

i. Complimentary and Disciplinary History²⁸

Officer Guzman has received 83 awards, including 1 Police Officer of the Month, 69 Honorable Mentions, 2 Complimentary Letters, and 2 Department Commendations. As of February 27, 2024, Officer Guzman was given a reprimand for a preventable accident stemming from a September 2023 incident.

ii. Recommended Discipline

COPA finds that Officer Guzman violated Rules 2, 3, 5, 6, 8, 9, and 10 by utilizing verbally abusive language, utilizing excessive force, and failing to accurately document the use of force on a department report. COPA recommends a 15-day suspension.

²⁷ Att. 43.

²⁸ Att. 46.

Approved:



Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date 3/15/2024

Appendix ACase Details

Date/Time/Location of Incident:	June 22, 2023 / 12:10 AM / 441 E. McFetridge Drive
Date/Time of COPA Notification:	June 22, 2023 / 08:45 AM
Involved Officer #1:	Arturo Guzman, Star #12864, Employee ID # [REDACTED] Date of Appointment: July 2, 2012, Unit of Assignment: 007 Detailed to 216, Male, Hispanic
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.

Applicable Policies and Laws

- G02-01: Protection of Human Rights (effective June 30, 2022, to present)
- G03-02: De-escalation, Response to Resistance, and Use of Force (effective December 31, 2020, to June 28, 2023)
- G03-02-01: Response to Resistance and Force Options (effective April 15, 2021, to June 28, 2023)
- G03-02-02: Incidents Requiring the Completion of a Tactical Response Report (effective April 15, 2021, to June 28, 2023)

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.²⁹ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department 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.”³⁰

²⁹ 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).

³⁰ *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