



Log # 2023-0004241

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On September 6, 2023, the Civilian Office of Police Accountability (COPA) received an initiation report from Lt. Salvador Garcia reporting alleged misconduct by a member of the Chicago Police Department (CPD).² Lt. Garcia alleged that on September 6, 2023, Officer “Sanchez’s arm then appears to slip towards the offender’s neck area, making what appears to be incidental contact.”³ Upon review of the evidence, COPA served additional allegations that Officer Sanchez failed to document his use of force in his Tactical Response Report (TRR). Following its investigation, COPA reached not sustained findings regarding all the allegations.

II. SUMMARY OF EVIDENCE⁴

On September 6, 2023, at approximately 6:51 am, Officers Herrera and Sanchez attempted to conduct an arrest of ██████████⁵ ██████████ was involved in a previous incident that day when CPD officers attempted to apprehend an individual, ██████████ (██████████ after stealing a police radio from behind the counter of the CPD 012th District station.⁶ ██████████ obstructed the officers from pursuing ██████████ by placing himself between the pursuing officers and ██████████⁷ After ██████████ was arrested, Officers Sanchez and Herrera were instructed to speak with ██████████ regarding the incident.⁸

██████████ was now located across the street from the 012th District station. Officers Sanchez and Herrera left the 012th District police station on foot and began speaking to ██████████ In Spanish, Officer Sanchez asks ██████████ not verbatim, about his friend, asks him if he has any weapons on him, asks him to lift his shirt, that he is coming with them (the officers), and to get back.⁹ After

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 Att. 15, Pg. 2 lines 5-6.

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, Tactical Response Reports, Arrest Reports, Officer Statements, and POD footage.

⁵ Att. 3, Arrest Report of ██████████

⁶ Att. 2, Arrest Report of ██████████

⁷ Att. 17, POD video from District 12, Timestamp 6:40:40 to 6:41.

⁸ Att. 22, Officer Herrera’s TRR, Pg. 2.

⁹ Att. 7, PO Sanchez’s BWC, Timestamp 2:30 to 2:50. Att. 8 PO Herrera’s BWC, Timestamp 2:30 to 2:50.

this exchange, ██████ then fled from the officers on foot and was almost struck by a truck in the process. The officers pursued ██████ across the street, where they attempted to apprehend him. Officer Sanchez utilized a control hold of ██████ around the shoulders, and both ██████ and Sanchez fell to the ground.¹⁰

Upon making contact with the ground, Officer Sanchez's right arm can be observed around ██████ shoulder and making contact with the right side of ██████ neck. ██████ then stood up, and the officers pushed ██████ against the hood of a nearby parked car.¹¹ Officers then utilized control holds and were able to handcuff ██████. In the process of attempting to control ██████ against the car, Officer Sanchez's right hand briefly grabs the back of ██████ neck or shoulder.¹² Officer Sanchez, with the assistance of other officers on the scene, put ██████ in handcuffs, placed him into the back of CPD vehicle #8320, and removed him from the scene for processing.¹³

In his statement to COPA, Officer Sanchez explained that while he and Officer Herrera attempted to apprehend ██████ was resisting the arrest and not complying with their verbal commands.¹⁴ Officer Sanchez further explained that he did not believe his arm came into contact with ██████ neck. During his attempted apprehension of ██████ his arm was around ██████ shoulder, and when they fell to the ground, his bicep was around ██████ shoulder, and his forearm was located on ██████ chest,¹⁵ Officer Sanchez could not recall ██████ complaining of any injuries on the day of the incident.¹⁶ Officer Sanchez also explained he believed the level of force he used was proportional to the resistance by ██████ and that he was not attempting to put ██████ in a chokehold. The actions he took were to gain control of ██████¹⁷

III. ALLEGATIONS

Officer Giovanni Sanchez:

1. Applying pressure to the throat of ██████ without justification.
- Not Sustained
2. Failing to document the use of force in Tactical Response Report Number 2023-3303.
- Not Sustained

¹⁰ Att. 8, PO Herrera's BWC, Timestamp 2:55 to 3:20.

¹¹ Att. 8, PO Herrera's BWC, Timestamp 3:12 to 3:16.

¹² Att.7, PO Sanchez's BWC, Timestamp 3:13 to 3:20.

¹³ Att. 7, PO Sanchez's BWC, Timestamp 4:20-4:30.

¹⁴ Att. 25, - Pg. 23, Ins. 4 to 6.

¹⁵ Att. 25, Pg. 23, Ins. 14 to 24.

¹⁶ Att. 25, Pg. 24, Ins. 2 to 6.

¹⁷ Att. 25, Pg. 34, Ins. 10 to 22.

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. While there were issues with both officers' COPA statements, Officer Herrera and Officer Sanchez provided an account of the incident that was generally consistent with the written reports and each other's statements to COPA.

Officer Herrera's statement to COPA suggested that he had difficulty recalling the exact order of events from the incident. In his statement to COPA, Herrera clarified that they were attempting to place ██████ under arrest. Herrera stated he informed ██████ that he would have to come with them (Officer Sanchez and Herrera), which is when ██████ attempted to flee from the officers. In their TRRs, both Officer Herrera and Sanchez write in their narratives they ordered ██████ to place his hands behind his back and that he was under arrest before any physical interaction. However, BWC footage from the incident shows Officers Herrera and Sanchez order ██████ to place his hands behind his back after they initiate the arrest.

From COPA's perspective, this discrepancy is not material to COPA's analysis, and it appears to be an inconsistent memory vs. a willful falsehood. It is COPA's opinion that ██████ understood the officers' initial statements to mean that he was under arrest or, at the very least, was being detained. The incident was a dynamic and fluid situation, and due to the rapid actions by both the officers and ██████ it would be easy to misremember the exact order of events.

V. ANALYSIS¹⁸

a. Chokehold allegation

COPA finds Allegation #1, that Officer Sanchez applied pressure to ██████ throat without justification, is not sustained. CPD policy prohibits the application of a chokehold, carotid artery restraint, or other maneuvers for applying direct pressure on a windpipe or airway, with the sole exception being as an act of last resort or when necessary to protect against an imminent threat to life.¹⁹

Here, Officer Sanchez acknowledged his arm was near ██████ neck but was not making contact.²⁰ Officer Sanchez explained to COPA that while he was attempting to detain ██████ both he and ██████ fell to the ground, and his forearm fell over the shoulder of ██████ and was in contact with his chest and not his neck. There is no evidence to prove that Officer Sanchez

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

¹⁹ General Order G03-02(IV)(D)(2)

²⁰ Att. 25, Pg. 23.

applied direct pressure to [REDACTED] windpipe or airway or restricted [REDACTED] ability to breathe. In addition, [REDACTED] did not claim to be choked, never indicated that he could not breathe, and did not make any sounds that would mimic his breathing being compromised at the time of the incident. COPA was unable to speak to [REDACTED] regarding this incident.²¹ Without additional evidence to demonstrate that Officer Sanchez applied direct pressure to [REDACTED] airway or windpipe, COPA is unable to prove or disprove this allegation. Therefore, this allegation is **not sustained**.

b. Reporting allegations

COPA finds the allegation that Officer Sanchez failed to document that he applied pressure to [REDACTED] throat in his TRR not sustained. CPD policy requires that members must document the facts and circumstances involving their use of force.

In this instance, Officer Sanchez completed a TRR, but he did not mention making contact with [REDACTED] neck or throat. The question, then, is whether the contact with [REDACTED] neck is a fact or circumstance that Officer Sanchez was obligated to report. As discussed above, there is insufficient evidence to prove or disprove whether Officer Sanchez applied direct pressure to [REDACTED] windpipe or restricted [REDACTED] ability to breathe. Had such evidence existed, then Officer Sanchez would have likely been required to document the circumstances in his TRR. Further, Officer Herrera would have been required to intervene in the moment and/or report the incident after the fact. Since it is unclear whether Officer Sanchez used the alleged level of force, it is also unclear whether Officer Sanchez was required to include that information in his TRR or whether Officer Herrera was required to intervene and/or report. As such, COPA finds that Allegation #2 against Officer Sanchez is **not sustained**.

Approved:

[REDACTED]
Sharday Jackson
Deputy Chief Administrator – Chief Investigator

March 12, 2025

Date

²¹ [REDACTED] has no listed address, nor is he a citizen of The United States of America. The databases available to COPA did not render any results, as [REDACTED] does not have a Social Security Number or Driver's License.

Appendix A

Case Details

Date/Time/Location of Incident:	September 6, 2023/ 6:50 am/ 1412 S Blue Island Ave, Chicago, IL 60608
Date/Time of COPA Notification:	September 13, 2023/ 10:43:10 am
Involved Member #1:	Giovanni Sanchez, star # 18462, employee ID# [REDACTED], Date of Appointment: April 25, 2022, Unit of Assignment: 12, Male, Hispanic
Involved Member #2:	Adrian Herrera, star #10584, employee ID# [REDACTED], Date of Appointment: September 30, 2022, Unit of Assignment: 12, Male, Hispanic
Involved Individual #1:	[REDACTED] Male, 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

- *G03-02: De-Escalation, Response to Resistance, and Use of Force (effective June 28, 2023, to present)*
- *G03-02-01: Response to Resistance and Force Options (effective June 28, 2023 to present)*
- *G03-02-02: Incidents Requiring the Completion of a Tactical Response Report (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.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