



Log # 2023-4459

## FINAL SUMMARY REPORT<sup>1</sup>

### I. EXECUTIVE SUMMARY

On September 22, 2023, the Civilian Office of Police Accountability (COPA) received a website complaint from ██████████ reporting alleged misconduct by a member of the Chicago Police Department (CPD).<sup>2</sup> ██████████ alleged that on September 22, 2023, Officer Joseph Jasper and Officer Daniel Rico searched him without justification.<sup>3</sup> Upon review of the evidence, COPA served additional allegations that Officers Jasper and Rico failed to complete an Investigatory Stop Report (ISR) and an Investigatory Stop Receipt for ██████████. Following its investigation, COPA reached Sustained findings that Officers Rico and Jasper failed to complete an Investigatory Stop Report and Investigatory Stop Receipt.

### II. SUMMARY OF EVIDENCE<sup>4</sup>

On September 20, 2023, at approximately 10:45 pm, Officers Rico and Jasper responded to a gang disturbance in the area of 2300 S. Rockwell Street.<sup>5</sup> When the officers arrived, they ██████████, who was standing on the corner, and asked him for his identification.<sup>6</sup> Officer Rico then shined a flashlight in ██████████ direction and apparently recognized him. Officer Rico acknowledged ██████████ by his first name, and ██████████ attempted to walk away.<sup>7</sup> Officer Rico attempted to grab ██████████ by the arm, but ██████████ snatched away. ██████████ was hostile and started yelling, “Don’t touch me nigga,” to Officer Rico.<sup>8</sup> ██████████ continued to tell Officer Rico not to touch him while yelling profanities and racial epithets.<sup>9</sup> ██████████ asked for Officer Rico’s name and badge number.<sup>10</sup>

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<sup>1</sup> 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.

<sup>2</sup> Att. 1, Web complaint.

<sup>3</sup> 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.

<sup>4</sup> The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including body worn camera (BWC) footage, case and arrest reports, and interviews.

<sup>5</sup> Att. 5, Office of Emergency Management and Communications (OEMC) Transmissions, at 1:04, reported a gang disturbance at Cermak and Fairfield, which is 2200 S. Fairfield.

<sup>6</sup> Att.6, BWC of Officer Rico, at 04:08.

<sup>7</sup> Att. 6 at 04:10.

<sup>8</sup> Att.6 at 4:15.

<sup>9</sup> Att. 6 at 4:28 to 4:55.

<sup>10</sup>Att. 6 at 4:38.

Officer Jasper approached ██████████ and Officer Rico and stated, “Relax, ██████████”<sup>11</sup> ██████████ walked away, and Officer Jasper followed behind him. ██████████ and Officer Jasper exchanged words as Officer Jasper continued to search the area.<sup>12</sup> ██████████ approached Officers Jasper and Rico and asked them for their badge number.<sup>13</sup> ██████████ was not arrested, and no ISR was completed.

In his statement with COPA, Officer Rico stated that he encountered ██████████ because he suspected him of having an L-shaped bulge in his pocket.<sup>14</sup> ██████████ was very aggressive and did not want to talk. Officer Rico acknowledged that he had multiple previous encounters with ██████████. Officer Rico conducted a quick protective pat-down on ██████████ but did not breach his pockets.<sup>15</sup> ██████████ swatted Officer Rico’s arm to stop him from completing the pat-down. Officer Rico said he did not give ██████████ an ISR receipt because he walked away. Officer Rico stated that he forgot to complete the ISR due to a very busy night.<sup>16</sup>

During Officer Jasper's statement with COPA, he stated that there were calls of disturbances, and Shot Spotter detected gunfire in the area.<sup>17</sup> Officers Jasper and Rico drove down Rockwell Street and observed several individuals and gang members hanging out on the street, so they decided to look around and see what was happening. Officer Jasper heard ██████████ yell, “Don’t touch me,<sup>18</sup>” and attempted to calm ██████████ down. Officer Jasper explained that he had had prior encounters with ██████████ and every encounter had always been the same.<sup>19</sup> Officer Jasper did not give ██████████ an Investigatory Stop Receipt or complete an Investigatory Stop Report.<sup>20</sup> Officer Jasper said he had already done two ISRs that day, and this one had slipped through the cracks.<sup>21</sup>

### III. ALLEGATIONS

#### **Police Officer Joseph Jasper:**

1. Searched ██████████ without justification.
  - Unfounded

<sup>11</sup> Att. 7, BWC of Officer Jasper, at 4:54.

<sup>12</sup> Att. 7 at 5:30.

<sup>13</sup> Att. 6 at 7:38; Att. 7 at 6:44.

<sup>14</sup> Att.16, Officer Rico’s Audio Transcript, pg.7, Ins. 2 to 7.

<sup>15</sup> Att.16, pg. 9, In. 2.

<sup>16</sup> Att.16 pg.7 Ins. 17 to 19.

<sup>17</sup> Att. 15, Officer Jasper’s Audio Transcripts, pg.6 Ins. 17 to 20.

<sup>18</sup> Att.15, pg. 7 Ins. 21 to 23.

<sup>19</sup> Att.15, pg. 7 Ins. 15 to 21.

<sup>20</sup> Att.15, pg. 9 Ins. 1 to 3.

<sup>21</sup> Att. 15, pg. 10-11, Ins. 24 to 2.

2. Failed to complete an Investigatory Stop Receipt for [REDACTED]
  - Sustained in violation of Rules 2, 3, 5, 6, and 10.
3. Failed to complete an Investigatory Stop Report for [REDACTED]
  - Sustained in violation of Rules 2, 3, 5, 6, and 10.

**Police Officer Daniel Rico:**

1. Search [REDACTED] without justification.
  - Not Sustained
2. Failed to complete an Investigatory Stop Receipt for [REDACTED]
  - Sustained in violation of Rules 2, 3, 5, 6, and 10.
3. Failed to complete an Investigatory Stop Report for [REDACTED]
  - Sustained in violation of Rules 2, 3, 5, 6, and 10.

**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. This investigation did not disclose any reason to doubt the fundamental credibility of anyone involved.

**V. ANALYSIS<sup>22</sup>**

COPA finds that Allegation # 1 against Officer Jasper, that he searched [REDACTED] without justification, **Unfounded**. Officer Jasper did not search [REDACTED] Officer Rico admitted that he conducted a quick pat-down search of [REDACTED]

COPA finds that Allegation #1 against Officer Rico, that he searched [REDACTED] without justification, **Not Sustained**. Officers Rico and Jasper were responding to disturbances in the area, and Shot Spotter detected gunfire nearby. OEMC transmissions revealed that there was a gang disturbance in the vicinity. Officer Rico stated that he conducted a quick protective pat down on [REDACTED] due to an L-shaped bulge in his jacket pocket. It was later revealed that [REDACTED] had a cell phone in his jacket pocket. Officer Rico did not complete an ISR to the justification for the search. Therefore, based on the available information, there is insufficient evidence to confirm or refute the allegation.

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<sup>22</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

COPA finds that Allegations #2 and #3 against Officers Jasper and Rico, that they failed to complete an ISR and an Investigatory Stop Receipt for ██████████ **Sustained**. Special Order S04-13-09, Investigatory Stop System, states, “Sworn members who conduct an Investigatory Stop are required to complete an Investigatory Stop Report.<sup>23</sup> Sworn members who conduct an Investigatory Stop, Probable Cause stop when no other document captures the reason for the detention, and, if applicable, a Protective Pat Down or other search in a public place, are required to submit an Investigatory Stop Report.<sup>24</sup>

Here, Officers Rico and Jasper were responding to a gang disturbance. The officers encountered ██████████ who was hostile and refused to be searched. Officer Rico acknowledged that he had searched ██████████ by performing a quick protective pat down. While Officer Jasper did not search ██████████ he did engage with him, and they exchanged words. No other documentation is provided that captured the reason for the officers’ encounter with ██████████ or why Officer Rico searched him. Officer Rico stated that he forgot to complete the ISR due to a very busy night, and Officer Jasper said he had already done two ISRs that day, and this one slipped through the cracks.

Further, while the officers stated that ██████████ walked away before an Investigatory Stop Receipt could be provided, the officers never attempted to offer him one. ██████████ approached the officers again and asked them for their names and badge numbers. After the officer provided their identifying information, neither officer attempted to ask ██████████ if he wanted an Investigatory Stop Receipt or tried to offer him one. Therefore, Allegations #2 and #3 are Sustained, in Violation of Rules 2, 3, 5, 6, and 10.

## **VI. DISCIPLINARY RECOMMENDATION**

### **a. Officer Daniel Rico**

#### **i. Complimentary and Disciplinary History<sup>25</sup>**

Officer Rico has received 30 various awards, which include 1 Department Commendation and 27 Honorable Mentions. His disciplinary history included 4 SPARs for Court Appearance Violation and Failure to Perform Assigned tasks.

#### **ii. Recommended Discipline**

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<sup>23</sup> Att. 17, S04-13-09 Investigatory Stop System (III)(C).

<sup>24</sup> Att.17 S04-13-09 (VIII) (A)(1).

<sup>25</sup> Att. 19.

COPA has found that Officer Rico failed to complete an ISR and an Investigatory Stop Receipt to [REDACTED] in Violation of Rules 2, 3, 5, 6, and 10. Therefore, based on the above, combined with Officer Rico’s history, COPA recommends Officer Rico receive a **Reprimand and Retraining on Investigatory Stop System Policy**.

**a. Officer Joseph Jasper**

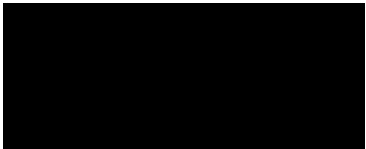
**iii. Complimentary and Disciplinary History<sup>26</sup>**

Officer Jasper has received 69 various awards, which include 63 Honorable Mentions, 1 Honorable Mention Ribbon Award, and 1 Unit Meritorious Performance Award. His disciplinary history included 1 SPAR for Failure to Perform Assigned tasks.

**iv. Recommended Discipline**

COPA has found that Officer Jasper failed to complete an ISR and an Investigatory Stop Receipt to [REDACTED] in Violation of Rules 2, 3, 5, 6, and 10. Therefore, based on the above, combined with Officer Jasper’s history, COPA recommends Officer Jasper receive a **Reprimand and Retraining on Investigatory Stop System Policy**.

Approved:



3/13/25

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LaKenya White  
*Director of Investigations*

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Date

<sup>26</sup> Att. 20.

Appendix ACase Details

Date/Time/Location of Incident:	September 22, 2023/ 10:45pm/ 2318 S. Rockwell Street
Date/Time of COPA Notification:	September 22, 2023/11:40pm/ 2318 S. Rockwell Street
Involved Member #1:	Daniel Rico, star # 19306, employee ID# [REDACTED], February 18, 2020, 010 District, Male, White Hispanic.
Involved Member #2:	Joseph Jasper, star # 4079, employee ID# [REDACTED] November 16, 2017, 010 District, Male, White.
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.
- Rule \_\_:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- Special Order S04-13-09, Investigatory Stop System (effective July 10, 2017, 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.<sup>27</sup> 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.”<sup>28</sup>

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<sup>27</sup> 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).

<sup>28</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> 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