

SUMMARY REPORT OF INVESTIGATION

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| Date/Time/Location of Incident: | May 23, 2019/ 7:05 P.M./ 3463 N. Clark Street |
| Date/Time of COPA Notification: | May 23, 2019/ 10:21 P.M. |
| Involved Officer #1: | Moises Diaz, Star No. 3359, Employee No. [REDACTED] Date of Appointment: November 16, 2017, Rank: Police Officer, Unit of Assignment 010, DOB: [REDACTED], 1994, Male, White Hispanic |
| Involved Officer #2: | Salvador Perez, Star No. 12411, Employee No. [REDACTED] Date of Appointment: May 16, 2017, Rank: Police Officer, Unit of Assignment 010, DOB: [REDACTED], 1995, Male, White Hispanic |
| Involved Individual #1: | [REDACTED] DOB: [REDACTED], 1989, Male, Black |
| Involved Individual #2: | [REDACTED] DOB: [REDACTED], 1995, Female, Black |
| Involved Individual #3: | [REDACTED] DOB: [REDACTED], 1997, Male, White |
| Involved Individual #4: | [REDACTED] DOB: [REDACTED], 1996, Male, White |
| Involved Individual #5: | [REDACTED] DOB: [REDACTED], 1998, Male, Asian |
| Involved Individual #6: | [REDACTED] DOB: [REDACTED], 1993, Male, Hispanic |
| Involved Individual #7: | [REDACTED] DOB: Unknown, Male, White |
| Involved Individual #8: | Unknown (Bystander), DOB: Unknown, Male, White |
| Case Type: | Unnecessary Physical Contact/Alcohol Intoxication Off Duty/Violation of Law or Ordinance/Abuse of Authority |

I. ALLEGATIONS

| Officer | Allegation | Finding |
|---------------------|---|-----------|
| Officer Moises Diaz | It is alleged by [REDACTED] and [REDACTED] that on or about May 23, 2019, at approximately 7:05 PM, at or near 3463 N. Clark Avenue, Chicago, IL, Officer Moises Diaz Star No. 3359 committed misconduct through the following acts or omissions, by: 1. Striking [REDACTED] on or about the face with his fist without justification. | Sustained |

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| | <p>2. Striking ██████████ on or about the face with his fist without justification.</p> <p>It is further alleged by the Civilian Office of Police Accountability that on or about May 23, 2019, at approximately 7:05 PM, at or near 3463 N. Clark Avenue, Chicago, IL, Officer Moises Diaz Star No. 3359 committed misconduct through the following acts or omissions, by:</p> | <p>Not Sustained</p> |
| | <p>3. Alcohol intoxication while off duty with a BrAC of .184.</p> | <p>Sustained</p> |
| | <p>4. Violating Chicago Municipal Code Section 8-4-010 by fighting in a public place in such unreasonable manner as to provoke, make or aid in making a breach of peace.</p> | <p>Sustained</p> |
| <p>Officer Salvador Perez</p> | <p>It is alleged by ██████████ and ██████████ that on or about May 23, 2019, at approximately 7:05 PM, at or near 3463 N. Clark Avenue, Chicago, IL, Officer Salvador Perez Star No. 12411 committed misconduct through the following acts or omissions, by:</p> <p>1. Striking ██████████ on or about the face with his fist without justification.</p> <p>2. Striking ██████████ on or about the face with his arm without justification.</p> <p>It is further alleged by the Civilian Office of Police Accountability that on or about May 23, 2019, at approximately 7:05 PM, at or near 3463 N. Clark Avenue, Chicago, IL, Officer Salvador Perez Star No. 12411 committed misconduct through the following acts or omissions, by:</p> <p>3. Alcohol intoxication while off duty with a BrAC of .146.</p> <p>4. Pushing an unknown bystander without justification.</p> <p>5. Grabbing ██████████ by the throat without justification.</p> <p>6. Grabbing ██████████ by the throat without justification.</p> <p>7. Using his official position to gain reentry to a private establishment after being ejected from the premises.</p> | <p>Not Sustained</p> <p>Sustained</p> <p>Not Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Not Sustained</p> <p>Sustained</p> |

II. SUMMARY OF EVIDENCE

██████████ and ██████████ employees of Dimo's Pizza in Wrigleyville, Chicago, alleged to COPA that two off-duty officers fought with staff after they were asked to leave the restaurant on May 23, 2019. COPA interviewed both ██████████¹ and ██████████² as well as Dimo's employees ██████████³ ██████████⁴ and ██████████⁵ and accused Officers Moises Diaz⁶ and Salvador Perez.⁷ COPA also obtained and reviewed the 19th District Initiation Report,⁸ the Tactical Response Reports (TRRs) of both officers,⁹ a Bureau of Internal Affairs (BIA) report detailing the officers' breath-alcohol concentrations (BrAC),¹⁰ Department case reports and General Progress Reports,¹¹ security camera video from inside Dimo's Pizza,¹² bystander cell phone video,¹³ and the BWC of responding Officer Kyle Plekavic.¹⁴ The following is a summary of the material facts determined by COPA.

On May 23, 2019, at approximately 7:05 pm, Off-duty Officers Diaz and Perez entered Dimo's Pizza to purchase food. Both men had attended a Chicago Cub's game earlier that day and had consumed alcohol at several bars.¹⁵ Officer Diaz asked to use the restroom, which was located behind a door in the kitchen area. Officer Diaz entered the restroom and began to urinate with the restroom door open. Multiple Dimo's staff members observed Officer Diaz and repeatedly asked him to close the restroom door. Officer Diaz refused, at which point the employees attempted to close the door themselves. Officer Diaz confronted them, and a struggle ensued. Three Dimo's staff members, ██████████ and ██████████ physically escorted Officer Diaz from the kitchen area into the front customer area, where they attempted to eject him from the premises. Officer Perez intervened between the staff members and Officer Diaz, calming the situation momentarily. As the staff repeatedly told both men to leave, Officer Diaz grabbed at one of the employees, and Officer Perez joined in the altercation. The officers pushed, shoved, grabbed, grappled with, and yelled at the staff members.

Hearing the commotion, Dimo's managers, ██████████ and ██████████ exited a small office area adjoining the customer area and attempted to break up the altercation. ██████████ was pushed and grabbed by both officers. Eventually, ██████████ and ██████████ were able to push Officer Diaz out of the restaurant and into a small vestibule area separating the inside of the restaurant from the sidewalk and street outside. Officer Perez displayed his badge to ██████████ stating he was

¹ Attachment 2.

² Attachment 3.

³ Attachment 4.

⁴ Attachment 5.

⁵ Attachments 6(a) & 6(b).

⁶ Attachment 7.

⁷ Attachment 8.

⁸ Attachment 1.

⁹ Attachments 10-11.

¹⁰ Attachment 15.

¹¹ Attachments 9, 17-19.

¹² Attachments 12, 13(a), & 13(b).

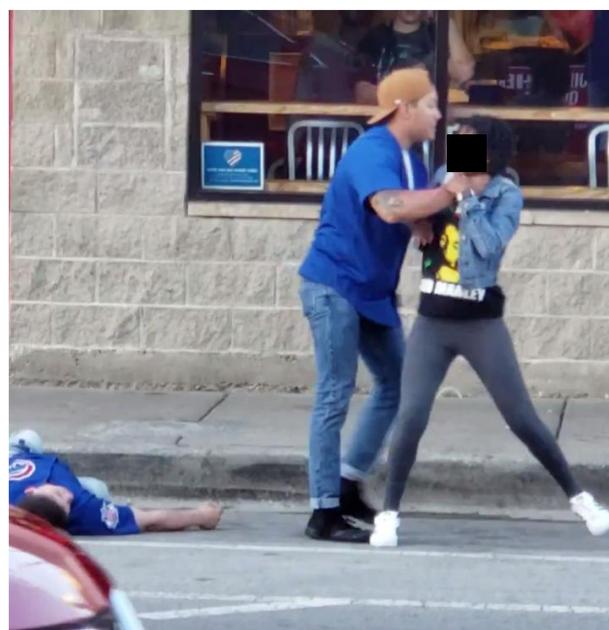
¹³ Attachment 14.

¹⁴ Attachment 16.

¹⁵ ██████████, the bouncer at Country Club Bar, told detectives the officers were "loud and belligerent" as they complained about the cost of beer. Attachment 20, pg. 15.

a Chicago Police Officer, and demanded his pizza from the staff. He then joined Officer Diaz in the restaurant's vestibule area, where the altercation continued. Officer Diaz began throwing punches, at least one of which struck ██████ in the face. Additionally, while in the vestibule, one of the officers grabbed ██████ by the throat, pushing him against the vestibule wall.¹⁶

The altercation spilled out onto the street in front of Dimo's Pizza, primarily involving the two officers, ██████ and ██████ and culminating with Officer Diaz rendered unconscious by ██████. As Officer Diaz laid motionless in the street, an unknown bystander approached him, appearing to assess the officer's condition. Officer Perez turned towards the bystander and forcefully shoved him, immediately throwing him several feet down the street. ██████ then stepped off the sidewalk and onto the street as she looked at Officer Diaz with apparent concern. Officer Perez suddenly turned, lunged at ██████ and forcefully grabbed her by the throat, pushing her by the throat several feet down the street.



Figures 1 and 2. Screenshots from the bystander's cell phone video showing Officer Perez lunge at ██████ and forcefully push her down the street by her throat.¹⁷

As Dimo's employees began to return inside the restaurant, ██████ and ██████ remained in and around the vestibule area to ensure the officers did not again attempt reentry. Officer Perez then attempted to force his way back into the restaurant, striking ██████ in the face with his arm. One staff member shouted to Officer Perez multiple times, "You don't touch her!"¹⁸ Immediately thereafter, security camera video captures ██████ emerge from the vestibule holding her chin and/or lower facial area, as if just struck. Staff members repeatedly yelled to Officer Perez, "Get out!" and "Get out of our restaurant!"¹⁹ Officer Perez displayed his badge in hand to the staff

¹⁶ Attachment 13(b) at 1:38 minutes.

¹⁷ Attachments 53 & 57; see also Attachments 14, 50-52, 54-56, & 58.

¹⁸ Attachment 13(b) at 4:07-4:13 minutes.

¹⁹ Attachment 13(b) at 4:20-4:50 minutes. Throughout the incident, the videos capture Dimo's staff instructing the officers to leave the restaurant more than two dozen times.

members,²⁰ and he continued to attempt to force his way inside. He also continued to demand the pizza he had ordered. Staff members succeeded in again ejecting Officer Perez from the premises as the first responding officers arrived at the scene.

When responding officers asked what happened, ██████ explained that he and his staff were just trying to move Officer Perez outside. Officer Perez responded that he was trying to reenter the restaurant because, “I just wanted my pizza, bro, to leave.”²¹ ██████ then walked back inside the restaurant and instructed his staff to make Officer Perez his pizza, which he provided to the officer.

An ambulance transported Officer Diaz to Illinois Masonic Hospital, where both he and Officer Perez submitted to breathalyzer tests. Officer Diaz’s BrAC was .184, while Officer Perez’s BrAC was .146.²² Officer Diaz told COPA he has no memory of the incident from the time he walked into the restroom at Dimo’s until he awoke in the hospital hours later. Multiple witnesses to the events at Dimo’s stated both officers appeared to be extremely intoxicated, with slurred speech, impaired coordination, and an apparent inability to process the situation in a clear or rational way.

III. LEGAL STANDARD

A. Standards of Proof

For each Allegation COPA must make one of the following findings:

Sustained - where it is determined the allegation is supported by a preponderance of the evidence;

Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;

Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or

Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

Preponderance of evidence can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy.²³ If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is satisfied.

²⁰ Additionally, Glover, who observed the fight from across the street, told detectives he heard someone yell “call the cops,” and Officer Perez respond, “We are the cops.” Attachment 20, pg. 15.

²¹ Attachment 16 at 1:06 minutes.

²² Notably, although the incident occurred at approximately 7:05 pm, Officers Perez and Diaz were not breathalyzed until 11:42 pm and 12:16 am, respectively. Attachment 15.

²³ 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).

Clear and convincing evidence is a higher standard than a preponderance of the evidence but less demanding than “proof-beyond-a-reasonable-doubt” that applies in criminal cases.²⁴ 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.”²⁵

IV. ANALYSIS AND CONCLUSION

A. Credibility Analysis

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. In this case, COPA finds neither Officer Diaz nor Officer Perez provided reliable accounts of the incident. Both officers were intoxicated, with Officer Diaz so inebriated and/or injured that he was unable to recall any part of the incident during his statements to detectives and COPA. Additionally, while Officer Perez was able to recall the incident, he consistently attempted to minimize his culpability by portraying himself and Officer Diaz as the victims in the incident, and the Dimo’s staff members as the sole aggressors. For example, Officer Perez’s TRR claims ██████ disregarded verbal commands and approached the unconscious Officer Diaz in a “hostile manner,” causing Officer Perez to “push[] the aforementioned subject/assailant with open hands in order to create a safe distance between the unconscious officer and the disobedient assailant.”²⁶ Not only does this statement incorrectly classify ██████ as an assailant, but it also fails to mention that Officer Perez pushed ██████ down the street *by her throat*. Officer Perez’s COPA statement is replete with similar examples of the officer providing information that helps his defense while mischaracterizing or omitting details that indicate he committed misconduct.

By contrast, ██████ and the other members of the Dimo’s staff provided statements that are generally consistent with one another, as well as the video evidence and independent witness accounts. As a result, COPA finds the Dimo’s employees’ statements regarding the incident are generally credible, and the accounts provided by Officers Perez and Diaz are not.

B. Analysis of the Allegations against Officer Moises Diaz

i. Allegation 1

COPA finds Officer Diaz struck ██████ on or about the face with his fist without justification. Officer Diaz told COPA he did not remember whether he struck ██████ however, multiple witnesses corroborated ██████ statement that Officer Diaz punched him in the face. Additionally, security camera video recorded during the incident captures Dimo’s staff member ██████ stating that Officer Diaz “punched ██████ in the face. He punched our manager in the face.”²⁷ Based on the preponderance of the evidence standard, COPA finds Officer Diaz struck

²⁴ See, e.g., *People v. Coan*, 2016 Ill. App. 2d 151036 (2016).

²⁵ *Id.*, ¶ 28.

²⁶ Attachment 11, pg. 2.

²⁷ Attachment 13(b) at 3:08 minutes.

██████ in the face with his fist, and he did so without justification. At the time Officer Diaz punched ██████ ██████ was exercising his lawful authority to eject the officers from Dimo's Pizza. The videos show ██████ repeatedly attempting to deescalate the situation, including physically restraining his own staff from engaging with Officer Diaz, and there is no evidence ██████ was one of the aggressors during the incident. Therefore, Allegation 1 is **sustained** in violation 8 and 9.

ii. Allegation 2

COPA finds the allegation that Officer Diaz struck ██████ on or about the face with his fist without justification is not sustained. ██████ and ██████ told COPA they believed Officer Diaz punched ██████ in the face, but ██████ herself did not allege that Officer Diaz punched her, and Officer Diaz could not recall whether he struck ██████. No independent witnesses or video evidence confirm whether Officer Diaz struck ██████. COPA finds there is insufficient evidence to prove the misconduct occurred by a preponderance of the evidence; therefore, Allegation 2 is **not sustained**.

iii. Allegation 3

COPA finds that Officer Diaz was intoxicated while off duty, with a BrAC of .184. Officers Diaz and Perez admitted they drank alcohol for several hours at or near Wrigley Field, then continued drinking alcohol at two separate bars prior to entering Dimo's Pizza. Multiple witnesses confirmed Officer Diaz appeared intoxicated, and a BrAC of .184 reflects significant alcohol intoxication.²⁸ COPA also notes that Officer Diaz was not breathalyzed until 12:16 am on May 24, 2019, approximately five hours after the incident, and his BrAC was likely substantially higher when the incident occurred. Therefore, based on the preponderance of the evidence, COPA finds Allegation 3 **sustained** in violation of Department rules 1, 2, 3, and 15.

iv. Allegation 4

COPA finds that Officer Diaz violated Chicago Municipal Code Section 8-4-010 by fighting in a public place in such an unreasonable manner as to provoke, make, or aid in making a breach of the peace. Multiple witness accounts document that Officer Diaz urinated with the door open in the Dimo's Pizza restroom, and he refused to close the door when staff members directed him to do so. These accounts are supported by security camera videos showing a sudden commotion near the restroom area, followed by Dimo's staff members attempting to eject Officer Diaz from the premises and repeatedly telling both officers to leave. Additionally, both the security camera videos and a bystander's cell phone video capture Officer Diaz fighting with and struggling against the staff members inside the restaurant, in the vestibule area, and in the street in front of Dimo's. Officer Diaz's actions effectively halted the restaurant's operation, created a serious disruption to numerous customers and bystanders, and resulted in multiple police officers responding to the scene. His insistence on urinating with the restroom door open was a patently unreasonable reason to fight with and struggle against the Dimo's employees, who—as staff of a privately owned business establishment upholding food safety, sanitary, and other legal

²⁸ For context, in the state of Illinois it is illegal for a person to operate a motor vehicle with a BrAC of .08 or more. See 625 ILCS 5/11-501(a)(1).

requirements and house rules of conduct—were clearly justified in ejecting Officer Diaz from the premises. Based on the preponderance of the evidence standard, COPA finds Officer Diaz’s actions made and aided in making a serious breach of the peace, violating Chicago Municipal Code Section 8-4-010. Therefore, Allegation 4 is **sustained in** violation of 1, 2, 3, 8, and 9.

C. Analysis of the Allegations against Officer Salvador Perez

i. Allegation 1

COPA finds the allegation that Officer Perez struck ██████ in the face without justification is not sustained. Officer Perez denied striking or punching ██████ in the face. Although multiple witnesses observed seeing one of the officers punch ██████ none of the witnesses definitively confirmed it was Officer Perez rather than Officer Diaz. Additionally, none of the available video evidence captures the alleged strike. COPA finds there is insufficient evidence to prove the misconduct occurred by a preponderance of the evidence; therefore, Allegation 1 is **not sustained**.

ii. Allegation 2

COPA finds Officer Perez struck ██████ on or about the face with his arm without justification. ██████ told COPA that Officer Perez struck her in the face with his arm after Officer Diaz was rendered unconscious. Although Officer Perez denied the allegation, ██████ corroborated ██████ account, stating he personally witnessed Officer Perez strike ██████ in the face. Additionally, an independent witness told responding officers he saw Officer Perez use his forearm to strike ██████ and push her into the vestibule wall.²⁹ Moreover, Dimo’s security camera footage captures Officer Perez struggling with staff members inside the vestibule after Officer Diaz is rendered unconscious. Three Dimo’s staff members inside the restaurant observe the struggle and rush over to the vestibule, and a male individual is captured repeatedly shouting, “You don’t touch her! You don’t touch her!”³⁰ The video then shows ██████ emerge from the vestibule holding her chin/mouth area, evidencing a strike. Despite Officer Perez’s denials, COPA finds the video and eyewitness accounts provide compelling evidence that the strike occurred, and that it constituted misconduct. The allegation is supported by a preponderance of the evidence; therefore, it is **sustained** in violation of Department rule 1, 2, 3, 8, and 9.

iii. Allegation 3

COPA finds that Officer Perez was intoxicated while off duty, with a BrAC of .146. Officers Diaz and Perez admitted they drank alcohol for several hours at or near Wrigley Field, then continued drinking alcohol at two separate bars prior to entering Dimo’s Pizza. Multiple witnesses confirmed Officer Perez appeared intoxicated, and a BrAC of .146 reflects significant alcohol intoxication. COPA also notes that Officer Perez was not breathalyzed until 11:42 pm, approximately 4.5 hours after the incident, and his BrAC was likely substantially higher when the incident occurred. Therefore, based on the preponderance of the evidence, COPA finds Allegation 3 is **sustained** in violation of Department rules 1, 2, 3, and 15.

²⁹ See Attachment 16, witness statement of Luis Roman, at 19:03 minutes.

³⁰ Attachment 13(b) at 4:07-4:13 minutes.

iv. Allegation 4

COPA finds that Officer Perez pushed an unknown bystander without justification. Cell phone video captures the bystander attempting to break up the fight after it spills out onto the street. The video reveals the bystander—a male Caucasian with a reddish beard, dressed in blue jeans, a black t-shirt, and a blue baseball cap—is standing on the sidewalk outside Dimo’s Pizza and is not involved in the initial altercation inside the restaurant. The bystander intervenes only when the fight escalates on the street, restraining ██████████ from repeatedly punching Officer Diaz. After Officer Diaz is rendered unconscious, the video shows the bystander take hold of the officer’s wrist in an apparent attempt to assess his condition. Officer Perez then forcefully pushes the bystander with both hands, throwing him several feet down the street. Officer Perez’s indiscriminate, forceful push to the bystander who was attempting to aid Officer Diaz was not justified. Therefore, based on the preponderance of the evidence, Allegation 4 is **sustained** as a violation of Department rules 1, 2, 3, 8, and 9.

v. Allegation 5

COPA finds Officer Perez grabbed ██████████ by the throat without justification. Cell phone video captures ██████████ step onto the street and look at Officer Diaz unconscious on the ground with what appears to be concern. At that moment, Officer Perez—without pausing to assess ██████████ actions or intent—suddenly lunges at ██████████ and forcefully grabs her by the throat, pushing her by the throat several feet down the street. Officer Perez’s indiscriminate, forceful grabbing and pushing of ██████████ who was attempting to break up the fight and was not engaged in any aggressive behavior, was not justified. Therefore, based on the preponderance of the evidence, Allegation 5 is **sustained** as a violation of Department rules 1, 2, 3, 8, and 9.

vi. Allegation 6

COPA finds the allegation that Officer Perez grabbed ██████████ by the throat without justification is not sustained. Officer Perez denied he grabbed ██████████ by the throat at any point during the incident; however, video evidence captures one of the officers grab ██████████ by the throat during the first altercation in the vestibule. In contrast, ██████████ told COPA he saw Officer Perez grab ██████████ by the throat during the second altercation in the vestibule. The video footage captures both altercations, however, the angle of the camera, the chaos of the incident, and number of people in the vestibule do not allow for the positive identification of the officer who grabbed ██████████. During the first altercation, the video shows an arm wearing a blue jersey sleeve grab ██████████ by the throat and push him back against the rear vestibule window. Both officers were inside the vestibule at that time, and both wore virtually identical blue, short sleeve Cub’s jerseys. Based on the video footage, it is unclear which officer grabbed ██████████. Even considering ██████████ statement, COPA lacks sufficient evidence to determine which officer grabbed ██████████ and Allegation 6 is **not sustained**.

vii. Allegation 7

COPA finds that Officer Perez used his official position to gain reentry to a private establishment after being ejected from the premises. Dimo’s security camera footage captures

Officer Perez displaying his badge as he struggles against staff members and attempts to charge back into the restaurant, even after the staff have repeatedly ordered him to leave. Multiple witnesses stated Officer Perez also verbally declared his office as a Chicago Police Officer several times as he tried to push his way inside. Officer Perez acknowledged he displayed his badge but claimed he did so in an attempt to gain reentry into Dimo's so that he could apprehend Officer Diaz's assailant. Officer Perez, however, was significantly intoxicated, off duty, fighting with Dimo's staff members, and had been lawfully ejected from the premises and denied reentry. Additionally, multiple witnesses stated that throughout the altercation, Officer Perez repeatedly demanded the pizza he had ordered, including during his attempts to force his way back into the restaurant. At the conclusion of the incident, Officer Plekavic's BWC video captures Officer Perez holding his badge in hand as he explains that he tried to reenter the restaurant because, "I just wanted my pizza, bro."³¹ [REDACTED] subsequently provided Officer Perez with his pizza outside the restaurant.

Dimo's Pizza—a private business establishment—has a clear legal right to eject customers from the premises and bar their reentry for indecent or unruly conduct. Officer Perez was lawfully ejected from and barred reentry to the establishment for fighting with Dimo's employees following Officer Diaz's indecent conduct. The video and testimonial evidence indicate Officer Perez was not engaged in bona fide law-enforcement activities at the time he announced his office and displayed his badge. Indeed, Officer Perez's insistence that Dimo's staff immediately fulfill his pizza order, even after they had lawfully ejected him from the premises for drunken, unruly, and violent behavior, was not a legitimate use of his official position as a Chicago Police Officer. COPA find sufficient evidence that Officer Perez displayed his badge and declared his office for personal gain rather than a lawful or altruistic purpose. Therefore, Allegation 7 is **sustained** as a violation of department rules 2 and 3.

V. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

A. Officer Moises Diaz

i. Complimentary and Disciplinary History

In considering disciplinary recommendations for sustained findings, COPA reviewed Officer Diaz's complimentary and disciplinary histories. He has no sustained CR numbers and one SPAR, which he received in November 2019 for a preventable traffic accident. Officer Diaz received a reprimand as a result of that incident.

ii. Recommended Discipline

COPA has found that Officer Diaz engaged in physical violence against the employees of a restaurant from which he was being ejected due to his patently unreasonable, inebriated behavior. Officer Diaz's actions fall far below the standards of conduct expected of a Chicago Police Officer. His behavior was badly damaging to the reputation of the Chicago Police Department as well as the relationship between the City and its citizens. Considering Officer Diaz's record of service and

³¹ Attachment 16 at 1:06 minutes.

the serious nature of this misconduct, COPA finds separation from the Chicago Police Department is the appropriate penalty to impose for these sustained allegations.

B. Officer Salvador Perez

i. Complimentary and Disciplinary History

In considering disciplinary recommendations for sustained findings, COPA reviewed Officer Perez’s complimentary and disciplinary histories. He has no sustained CR numbers and three SPARs. Officer Perez received a reprimand in November 2018 and a one-day suspension in April 2019 for preventable traffic accidents, as well as a reprimand in October 2019 for a court appearance violation.

ii. Recommended Discipline

COPA has found that Officer Perez was intoxicated beyond his ability to make sound decisions. As such, he engaged in physical acts of violence toward several individuals whose intentions were simply to deescalate the situation. Moreover, during his acts of violence and drunkenness, Officer Perez displayed his badge and asserted his official status as a Chicago Police Officer. Not only did Officer Perez’s actions fall far below the standards of conduct expected of officers, they damaged the reputation of the Chicago Police Department and the relationship between the City and its citizens. Considering Officer Perez’s record of service and the serious nature of this misconduct, COPA finds separation from the Chicago Police Department is the appropriate penalty to impose for these sustained allegations.

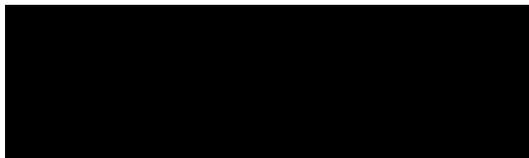
Approved:



6/7/2021

Matthew Haynam
Deputy Chief Administrator

Date



6/7/2021

Andrea Kersten
Interim Chief Administrator

Date

Appendix A

Assigned Investigative Staff

| | |
|------------------------------------|-----------------|
| Squad#: | Six |
| Investigator: | Daniel Thetford |
| Supervising Investigator: | Steffany Hreno |
| Deputy Chief Administrator: | Matthew Haynam |