



Log # 2024-0002688

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On March 1, 2024, Sergeant Vincent Vasquez provided the Civilian Office of Police Accountability (COPA) with a case initiation report alleging misconduct by members of the Chicago Police Department (CPD).² The report alleged that on March 1, 2024, at approximately 1:21 p.m., three unknown officers stopped and searched [REDACTED] 17-year-old son, [REDACTED] without justification.³ On March 26, 2024, [REDACTED] accompanied by [REDACTED]⁴ provided a statement to COPA.⁵

Upon review of the evidence, COPA identified the officers involved in this incident and served additional allegations for failing to complete an Investigative Stop Report (ISR) and failing to issue an ISR receipt.⁶ Following its investigation, COPA reached sustained findings regarding the allegations of detaining without justification, searching without justification, failing to complete an ISR, and failing to issue an ISR receipt.

II. SUMMARY OF EVIDENCE⁷

On March 1, 2024, 10th district Tactical Officers Saavedra, De La O, Temosihue, and Loza were on patrol at or near [REDACTED].⁸ The officers observed [REDACTED] walking home from school and exited their unmarked police vehicle after observing a bulge in [REDACTED] pocket.⁹ Officer Saavedra was driving and exited the police vehicle, followed by Officers De La O and Temosihue.¹⁰ Officer Loza did not exit the police vehicle.¹¹ Officer Saavedra asked [REDACTED] if he had any weapons as he searched [REDACTED] outer garments, grabbing the outside of the left pocket of [REDACTED] sweater and the right side of [REDACTED] pants pocket.¹² Officer

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. 21.

³ Att. 21, pg. 2.

⁴ Att. 15.

⁵ Att. 10.

⁶ CO-1382767.

⁷ 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, complainant interview, and officer statements to COPA.

⁸ Att. 9.

⁹ Att. 8, pg. 11, lns. 22 to 24.

¹⁰ Att. 17 at 1:49 to 2:06.

¹¹ Att. 6, pg. 11, lns. 13 to 14.

¹² Att. 17 at 1:52 to 1:59.

De La O searched [REDACTED] outer clothing, placing his hand on the right-side pocket of [REDACTED] pants.¹³ Officer Temosihue did not search [REDACTED].¹⁴

Officer Saavedra asked [REDACTED] for his name and date of birth to document the encounter, but [REDACTED] declined to provide it.¹⁵ This encounter lasted less than a minute as the officers returned to their vehicle, and [REDACTED] left.¹⁶ [REDACTED] was on the phone with [REDACTED] for the duration of the police encounter and verbally objected to the officers' actions toward her son.¹⁷

III. ALLEGATIONS

Police Officers Jesus Saavedra and David De La O:

1. Detaining [REDACTED] without justification.
 - *Sustained, Violation of Rules 2, 6, and 10.*
2. Searching [REDACTED] [REDACTED] without justification.
 - *Sustained, Violation of Rules 2, 6, and 10.*
3. Failing to complete an ISR.
 - *Sustained, Violation of Rules 6, 10, and S04-13-09.*
4. Failing to issue an ISR receipt.
 - *Sustained, Violation of Rules 6, 10, and S04-13-09.*

Police Officer Alberto Temosihue Jr.:

1. Detaining [REDACTED] [REDACTED] without justification.
 - *Sustained, Violation of Rules 2, 6, and 10.*
2. Failing to complete an ISR.
 - *Sustained, Violation of Rules 6, 10, and S04-13-09.*
3. Failing to issue an ISR receipt.
 - *Sustained, Violation of Rules 6, 10, and S04-13-09.*

Police Officer Michael Loza:

1. Failing to complete an ISR.
 - *Sustained, Violation of Rules 6, 10, and S04-13-09.*
2. Failing to issue an ISR receipt.
 - *Sustained, Violation of Rules 6, 10, and S04-13-09.*

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

¹³ Att. 17 at 2:00.

¹⁴ Att. 18.

¹⁵ Att. 17 at 2:03 to 2:13.

¹⁶ Att. 17 at 1:48 to 2:18.

¹⁷ Att. 16 at 2:01 1:59 to 2:02.

to accurately perceive the event at the time of the incident and then accurately recall the event from memory. In this case, COPA finds that ██████ provided a reliable account of the incident consistent with the digital evidence COPA obtained. On the contrast, the officers lacked documentary evidence of their encounter with ██████ and provided statements after having reviewed BWC footage. However, the officers did admit their failure to properly document their encounter with ██████

V. ANALYSIS¹⁸

a. Detention Allegations

COPA finds the allegation that Officers Saavedra, De La O, and Temosihue detained ██████ without justification is *Sustained*. The Fourth Amendment of the United States Constitution guarantees individuals' right to be free from unreasonable searches and seizures. CPD members are permitted to detain a person when there is reasonable articulable suspicion that a person is about to commit, is committing, or has committed a criminal offense.¹⁹ This detention is an investigative stop. Reasonable articulable suspicion depends on the totality of the circumstances and is defined as "an objective legal standard that is less than probable cause but more substantial than a hunch or general suspicion."²⁰

Officer Saavedra stated they followed ██████ less than half a block before conducting an investigatory stop after observing a bulge in ██████ left jacket pocket as they got close.²¹ Officer Saavedra indicated he observed ██████ phone in his hand, which led him to believe the bulge was a firearm.²² Officer De La O, who was the front seat passenger, stated he observed a bulge on ██████ waist area that he believed was consistent with the shape of a firearm.²³ Officer Temosihue did not observe a bulge and only exited the police vehicle to assist Officers Saavedra and De La O.²⁴

There is nothing to suggest based on the officers' statements and other evidence COPA gathered that ██████ was about to commit, in the process of committing, or committed a criminal offense as they followed him for approximately half a block. As a concealed carry state, it is not illegal to carry a firearm in Illinois as the law requires possessing a concealed carry license (CCL) to carry a loaded or unloaded firearm in a fully or partially concealed manner.²⁵ Other than the observance of a bulge, the officers failed to explain other factors that would have established reasonable articulable suspicion to support ██████ detention. As such, COPA finds the detention allegations against Officers Saavedra, De La O, and Temosihue *Sustained*.

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

¹⁹ S04-13-09 II(A), Investigatory Stop System (effective July 10, 2017 to current).

²⁰ S04-13-09 II(C).

²¹ Att. 8, pg. 11, lns. 7 to 19.

²² Att. 8, pg. 16, lns. 6 to 9.

²³ Att. 5, pg. 14, lns. 18 to 23.

²⁴ Att. 7, pg. 14, lns. 1 to 4.

²⁵ 430 ILCS 66/10(c)(1)

b. Searching Allegations

COPA finds the allegation that Officers Saavedra and De La O searched ██████████ without justification is *Sustained*. According to CPD policy, a protective pat down is a limited search during an investigative stop in which the sworn member conducts a pat down of the outer clothing of a person for weapons for the protection of the sworn member or others in the area.²⁶ It further notes that a protective pat down and investigatory stop are two distinct actions that require independent, Reasonable Articulate Suspicion. To stop a person and perform a Protective Pat Down of the person, there must be reasonable suspicion of criminal activity and reasonable suspicion that the person is armed and dangerous or presents a danger of attack.²⁷

In their interviews, Officers Saavedra and De La O suspected ██████████ possessed a firearm based on their observation of a bulge and both conducted protective pat downs of ██████████. However, the officers did not express ██████████ posed any threat or danger during their encounter. The officers described ██████████ as calm,²⁸ cooperative,²⁹ and not aggressive.³⁰

Based on the totality of ██████████ statement, the officers' statements and the available digital evidence, the officers lacked any reasonable suspicion that ██████████ was involved in criminal activity or posed a danger to their safety. The lack of suspicion renders the pat-down unjustified. Therefore, COPA finds the search allegations against Officers Saavedra and De La O *Sustained*.

c. Investigatory Stop Documentation Allegations

COPA finds the allegation that the officers failed to complete an ISR is *Sustained*. Department members who complete an investigatory stop are required to complete an Investigatory Stop Report that details “[a]ll of the factors that support” the subject's detention.³¹ The decision to complete an ISR is not discretionary but rather required³² to ensure “sworn members document the facts and circumstances of a protective pat down or other search including a statement of facts establishing Reasonable Articulate Suspicion to pat down an individual for potential weapons.”³³ COPA searched several CPD databases to locate an ISR documenting the officers' investigatory stop of ██████████ but there is no record.³⁴ In their respective officer

²⁶ S04-13-09 II (B).

²⁷ S04-13-09 II (B) Note.

²⁸ Att. 8, pg. 14, ln. 7.

²⁹ Att. 5, pg. 20, ln. 10.

³⁰ Att. 7, pg. 17, lns. 4 to 12.

³¹ S04-13-09 VIII (A)(1).

³² S04-13-09 III (C).

³³ S04-13-09 III (D)(1)(c).

³⁴ CO-1381434.

interviews, Officers Saavedra,³⁵ De La O,³⁶ Temosihue,³⁷ and Loza³⁸ acknowledged their responsibility to complete an ISR and their failure to do so.

Furthermore, COPA finds the allegation that Officers Saavedra, De La O, Temosihue, and Loza failed to issue an ISR receipt is ***Sustained***. The order provides that “[u]pon the completion of an Investigatory Stop that involves a Protective Pat Down or any other search, sworn members are required to provide the subject of the stop a completed Investigatory Stop Receipt. The Investigatory Stop Receipt will include the event number, the reason for the stop, and the sworn member's name and star number.”³⁹ Officers De La O⁴⁰ and Temosihue⁴¹ indicated an ISR receipt is issued when someone asks for it, which is inconsistent with the abovementioned requirement.

Officers De La O⁴² and Saavedra⁴³ stated [REDACTED] refused an ISR receipt when Officer De La O offered him paperwork for the stop. As he returned to the police vehicle, Officer De La O said, "Alright, man, no paperwork. You're good, alright.”⁴⁴ It is unclear to whom Officer De La O is speaking or if [REDACTED] understood what Officer De La O meant, but there is no explicit offer by any of the officers to issue an ISR receipt. Officers Temosihue⁴⁵ and Loza⁴⁶ acknowledged they failed to issue an ISR receipt.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Jesus Saavedra⁴⁷

i. Complimentary and Disciplinary History

Officer Saavedra has been with CPD since October 16, 2017. In that time, he received 71 various awards including one Department Commendation and two Unit Meritorious Performance Awards. He has five SPARs, all occurring in 2024: a one-day suspension for a preventable accident and four reprimands: two for BWC violations, one for an expired license plate/city sticker, and one for a preventable accident. Officer Saavedra has not received any sustained complaints in the past five years.

ii. Recommended Discipline

³⁵ Att. 8, pg. 27, lns. 4 to 8.

³⁶ Att. 5, pg. 30, lns. 10 to 13.

³⁷ Att. 7, pg. 27, lns. 2 to 4.

³⁸ Att. 6, pg. 18, lns. 1 to 4.

³⁹ S04-13-09 VIII(A)(3).

⁴⁰ Att. 5, pg. 22, lns. 10 to 12.

⁴¹ Att. 7, pg. 18, lns. 9 to 13.

⁴² Att. 5, pg. 21, ln. 22 to pg. 22, ln. 1.

⁴³ Att. 8, pg. 18, lns. 1 to 6.

⁴⁴ Att. 16 at 2:14 to 2:18.

⁴⁵ Att. 7, pg. 27, lns. 5 to 7.

⁴⁶ Att. 6, pg. 18, lns. 5 to 8.

⁴⁷ Att. 25

COPA has found that Officer Saavedra violated Rules 2, 6 and 10 when he detained and searched [REDACTED] without justification; and failed to complete and issue an ISR. COPA recommends a suspension of 1-29 days and retraining on CPD's investigatory stop procedures, including when to conduct such a stop and how to document them. In addition to the recommended penalty range, COPA recommends CPD to consider the presence of the aggravating and mitigating factors to determine how discipline should be applied consistently and fairly across all involved members. In mitigation for Officer Saavedra, COPA notes his complimentary history, his admission of misconduct regarding the documentation of this incident, and the fact that he did not exacerbate the situation. In aggravation, COPA notes Officer Saavedra had been with CPD for over six years at the time of this incident and did not fully acknowledge his responsibility. Officer Saavedra also has recent SPARs in his disciplinary record, though none of them are for the same conduct in this case.

b. Officer David De La O⁴⁸

i. Complimentary and Disciplinary History

Officer De La O has been with CPD since June 27, 2016. In that time, he received 133 various awards including four Department Commendations, one Honorable Mention Ribbon Award, two Police Officer of the Month Award, two Complimentary Letters, one Superintendent's Award of Tactical Excellence and two Unit Meritorious Performance Award. Officer De La O does not have any documented SPARs or sustained complaint history in the past five years.

ii. Recommended Discipline

COPA has found that Officer De La O violated Rules 2, 6 and 10 when he detained and searched [REDACTED] without justification; and failed to complete and issue an ISR. COPA recommends a suspension of 1-29 days and retraining on CPD's investigatory stop procedures, including when to conduct such a stop and how to document them. In addition to the recommended penalty range, COPA recommends CPD to consider the presence of the aggravating and mitigating factors to determine how discipline should be applied consistently and fairly across all involved members. In mitigation for Officer De La O, he has an extensive complimentary history and lack of recent disciplinary history. He also acknowledged his failure to properly document this incident, the extent of the stop was not exaggerated, and no egregious behavior was observed. Officer De La O's almost eight years as an officer is an aggravating factor as he should have been aware of the proper procedures he failed to follow.

c. Officer Alberto Temosihue Jr.⁴⁹

i. Complimentary and Disciplinary History

⁴⁸ Att. 22

⁴⁹ Att. 24

Officer Temosihue has been with CPD since May 16, 2017. In that time, he received 34 various awards including one Department Commendation and one Unit Meritorious Performance Award. He received two SPARs in 2024 (BWC violation and failure to perform assigned tasks, both resulting in reprimands) and one in 2023 for preventable accident, which yielded no disciplinary action. Officer Temosihue has not had any sustained complaints in the past five years.

ii. Recommended Discipline

COPA has found that Officer Temosihue violated Rules 2, 6 and 10 when he detained [REDACTED] failed to complete and issue an ISR regarding this incident. COPA recommends a suspension of 1-29 days and retraining on CPD's investigatory stop procedures, including when to conduct such a stop and how to document them. In addition to the recommended penalty range, COPA recommends CPD to consider the presence of the aggravating and mitigating factors to determine how discipline should be applied consistently and fairly across all involved members. In mitigation for Officer Temosihue, COPA notes he acknowledged his failure to properly document this incident, the extent of the stop was not exaggerated, no egregious behavior was observed, and Officer Temosihue had limited contact with [REDACTED]. In aggravation, Officer Temosihue had been with CPD for almost seven years at the time of this incident and should have had a better understanding of the procedures he failed to follow.

d. Officer Michael Loza⁵⁰

i. Complimentary and Disciplinary History

Officer Loza has been with CPD since December 14, 2012. In that time, he received 138 various awards including two Honorable Mention Ribbon Award, one Special Commendation and three Unit Meritorious Performance Award. Officer Loza does not have any documented SPAR's or sustained complaint history in the past five years.

ii. Recommended Discipline

COPA has found that Officer Loza violated Rules 2, 6 and 10 when he failed to complete and issue an ISR regarding this incident. COPA recommends a reprimand and retraining on CPD's investigatory stop procedures, including when to conduct such a stop and how to document them. In addition to the recommended penalty range, COPA recommends CPD to consider the presence of the aggravating and mitigating factors to determine how discipline should be applied consistently and fairly across all involved members. In mitigation for Officer Loza, COPA notes he did not have any contact with [REDACTED] he acknowledged that an ISR should have been completed to document the stop of [REDACTED] he has an extensive complimentary history, and no recent disciplinary history. On the other hand, Officer Loza was the most senior officer on the scene with more than a decade of service with CPD and could have advised his partners during this incident.

⁵⁰ Att. 25

Approved:



May 29, 2025

Shannon Hayes
Acting Deputy Chief Administrator

Date

Appendix A**Case Details**

Date/Time/Location of Incident:	March 1, 2024 / 1:21 pm / 2100 S. Homan Ave., Chicago, IL 60623.
Date/Time of COPA Notification:	March 1, 2024 / 5:54 pm.
Involved Officer #1:	Jesus Saaverda / Star #12727 / Employee ID [REDACTED] / DOA: October 16, 2017 / Unit: 010 / Male / Hispanic.
Involved Officer #2:	David De La O / Star #9229 / Employee ID [REDACTED] / DOA: June 27, 2016 / Unit: 010 / Male / Hispanic.
Involved Officer #3:	Alberto Temosihue Jr. / Star #10884 / Employee ID [REDACTED] / DOA: May 16, 2017 / Unit: 010 / Male / Hispanic.
Involved Officer #4:	Michael Loza / Star #10515 / Employee ID Star [REDACTED] / DOA: December 14, 2012 / Unit: 010 / Male / Hispanic.
Involved Individual #1:	[REDACTED] / Male / Black.

Applicable Rules

- Rule 1:** Violation of any law or ordinance.
- 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 11:** Incompetency or inefficiency in the performance of 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

- 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.⁵¹ 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.”⁵²

⁵¹ 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).

⁵² *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 Information

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