



Log # 2023-4207

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On September 11, 2023, the Civilian Office of Police Accountability (COPA) received a phone complaint from ██████████ ██████████ alleging misconduct by three members of the Chicago Police Department (CPD). ██████████ alleged that on September 11, 2023, CPD Officers Jesus Saavedra, David De La O, and Ashton Smiley unlawfully detained, searched, failed to provide an investigatory stop receipt, and failed to correctly identify themselves when requested.² Upon review of the evidence, COPA served additional allegations that CPD Officers provided a false, misleading, inaccurate, and or incomplete statement in a Investigatory Stop Report, and failed to timely activate and/or prematurely deactivating of body worn cameras. Following its investigation, COPA reached sustained findings regarding the allegations of failing to provide ██████████ with an Investigatory Stop Receipt. COPA also sustained allegations of failing to correctly identify themselves by giving their name, rank, and/or star number when so requested by a private citizen. COPA also sustained allegations for failing to timely activate and/or premature deactivating body worn camera. Finally, COPA sustained an allegation against Officer De La O for providing a false, misleading, inaccurate, and/or incomplete statement in an investigatory stop report by stating that the reporting officers were unable to provide an Investigatory Stop Receipt.

II. SUMMARY OF EVIDENCE³

On September 11, 2023, Officers Saavedra, De La O and Smiley were on patrol when they observed ██████████ walking with what appeared to be an imprint on his coat which officers believed to be consistent with a firearm.⁴ Officers stated that Mr. ██████████ saw them and quickened his pace.⁵ Officers stopped at the mouth of the alley, where Mr. ██████████ stopped, turned and walked in the opposite direction of Officers.⁶ Officer's Saavedra and Smiley exited the car and walked towards Mr. ██████████⁷ Mr. ██████████ walked into the front lawn of 1605 S. Komensky Ave, and closed the front gate preventing the officers from entering. Officer Saavedra attempted to open the gate,

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, third-party video, police reports, civilian interviews, officer interviews.

⁴Att. 2, Investigatory Stop Report.

⁵Att. 2.

⁶Att. 2.

⁷Att. 5, Officer Smiley BWC at 1:44.

which Mr. ██████ held closed for a few seconds.⁸ Officer Saavedra then entered by pushing the gate open, and Mr. ██████ then threw a plastic bottle at Officer Saavedra's chest area.⁹ Officers Saavedra and Smiley attempted to conduct a pat down on Mr. ██████. Mr. ██████ dropped his weight towards the floor.¹⁰ Officer De La O exited the vehicle and approached Mr. ██████. The officers continued to struggle with Mr. ██████. Officers confirm there was no weapon, and released Mr. ██████.¹¹

The officers began to walk towards their car as Mr. ██████ was voicing that he was upset. Mr. ██████ asked the officers for their names and badge numbers.¹² All officers asked Mr. ██████ for his name and ID which he refused to provide.¹³ Officers were simultaneously entering the car as Mr. ██████ continued to ask for the officers' information and what he referred to as a "search ticket." As Mr. ██████ repeated his request, officers responded with "[y]ou refused it," and drove away from Mr. ██████.¹⁴ Mr. ██████ contacted the Chicago Police Department and requested a Sergeant to the scene.¹⁵ Sergeant Daniel Ludwig met Mr. ██████ and registered his complaint.¹⁶

III. ALLEGATIONS

Police Officer Jesus Saavedra:

1. Detaining ██████ without justification.
 - Exonerated.
2. Searching ██████ without justification.
 - Exonerated.
3. Failing to provide ██████ with an Investigatory Stop Receipt.
 - Sustained, violation of Rules 2, 3, 5, 6, and 10.
4. Failing to correctly identify himself by giving his name, rank, and/or star number when so requested by a private citizen.
 - Sustained, violation of Rules 2, 3, 5, 6, and 37.
5. Untimely activating his body worn camera, without justification.
 - Sustained, violation of Rules 2, 3, 5, 6, and 10.

⁸ Att. 5, Officer Smiley BWC at 1:55.

⁹ Att. 5, at 1:58.

¹⁰ Att. 5, at 2:13.

¹¹ Att. 4, Officer DeLaO BWC at 2:17.

¹² Att. 4, at 2:25.

¹³ Att. 4, at 2:30.

¹⁴ Att. 5, at 3:02 & Att. 28 and 29, videos provided by ██████

¹⁵ Att. 1, Initiation Report.

¹⁶ Att. 1.

6. Providing a false, misleading, inaccurate, and/or incomplete statement in an investigatory stop report by stating that the reporting officers were unable to provide an Investigatory Stop Receipt.
 - Not Sustained.

Police Officer Daniel De La O:

1. Detaining [REDACTED] without justification.
 - Exonerated.
2. Searching [REDACTED] without justification.
 - Exonerated.
3. Failing to provide [REDACTED] with an Investigatory Stop Receipt.
 - Sustained, violation of Rules 2, 3, 5, 6, and 10.
4. Failing to correctly identify himself by giving his name, rank, and/or star number when so requested by a private citizen.
 - Exonerated.
5. Prematurely deactivating his body worn camera, without justification.
 - Sustained, violation of Rules 2, 3, 5, 6, and 10.
6. Providing a false, misleading, inaccurate, and/or incomplete statement in an investigatory stop report by stating that the reporting officers were unable to provide an Investigatory Stop Receipt.
 - Sustained, violation of Rules 2, 3, 5, 6, and 10.

Police Officer Ashton Smiley:

1. Detaining [REDACTED] without justification.
 - Exonerated.
2. Searching [REDACTED] without justification.
 - Exonerated.
3. Failing to provide [REDACTED] with an Investigatory Stop Receipt.
 - Sustained, violation of Rules 2, 3, 5, 6, and 10.
4. Failing to correctly identify himself by giving his name, rank, and/or star number when so requested by a private citizen.
 - Sustained, violation of Rules 2, 3, 5, 6, 37.

5. Untimely activating his body worn camera, without justification.
 - Sustained, 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 reveal any evidence that caused COPA to question the credibility of any of the individuals who provided statements.

V. ANALYSIS¹⁷

a. Detaining and Searching ██████████

COPA finds the allegations against Officers Saavedra, De La O, and Smiley for detaining and searching Mr. ██████████ without justification, are **Exonerated**. Chicago Police Department Members are authorized to conduct an Investigatory Stop "based on Reasonable Articulable Suspicion that a person is committing, is about to commit, or has committed a criminal offense."¹⁸ The order further states that person may be detained for the length of time necessary to confirm or dispel the suspicion of criminal activity.¹⁹ Finally, during an investigatory stop, officers are permitted to conduct a limited search, in the form of a protective pat down, of the outer layers of clothing.²⁰ In this case, the officers stopped Mr. ██████████ because they observed a bulge consistent with a firearm as well as actions that aroused suspicion he was attempting to evade the police.²¹ Officers also reported having prior knowledge of the area being one of high crime and high gang violence.²² As a result, officers possessed the required reasonable articulable suspicion to execute an investigatory stop of Mr. ██████████ and conduct a limited search for a weapons pat down of a subject's outer clothing.²³ Following a search with negative results, officers released Mr. ██████████ and he was free to go. COPA finds by clear and convincing evidence that this search was allowed under the Fourth Amendment and justified by CPD policy.

Therefore, based on the available evidence, COPA finds both allegations against the officers are **Exonerated**.

b. Failing to provide ██████████ with an Investigatory Stop Receipt

¹⁷ For a definition of COPA's findings and standards of proof, *see* Appendix B.

¹⁸ Att. 42, Special Order 04-13-09 Investigatory Stop System- II (A), (effective July 10, 2017-Present).

¹⁹ Att. 42.

²⁰ Att. 42.

²¹ Att. 34, Officer DeLaO COPA statement (Pg. 53, Lns 15-22).

²² Att. 2.

²³ Special Order 04-13-09 Investigatory Stop System- II (A) (B), (effective July 10, 2017-Present).

COPA finds the allegation against Officers Saavedra, De La O, and Smiley for failing to provide Mr. [REDACTED] with a Investigatory Stop Receipt, is **Sustained**. The Department's Investigatory Stop Special Order states in part, "[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 ... include[ing] the event number, the reason for the stop, and the sworn member's name and star number."²⁴ In this case, Officers Saavedra, De La O, and Smiley failed to provide an Investigatory Stop Receipt in violation of Special Order S04-13-09. The record is clear that no Investigatory Stop Receipt was issued. Each officer bears the responsibility to ensure that an Investigatory Stop Receipt was issued but failed to do so.

Therefore, COPA finds the allegation against officers is **Sustained**.

c. Failing to correctly identify themselves when requested

COPA finds the allegation against Officers Smiley and Saavedra for failing to correctly identify themselves by giving their name, rank, and/or star number when so requested by a private citizen, is **Sustained**. COPA similarly finds the allegation against Officer De La O for failing to identify himself, is **Exonerated**. Chicago Police Department Rule 37 requires "a member, whether on or off duty, to correctly identify themselves by giving their name, rank, and star number when so requested by other members of the Department or by a private citizen."²⁶ In this case, Officer Smiley and Saavedra failed to properly identify themselves upon Mr. [REDACTED] request which was clearly evident on the BWC videos.²⁷ In his statement to COPA, Officer Smiley stated that he heard Officer De La O provide his star number and thought that it was enough.²⁸ In his statement to COPA Officer Saavedra stated that he did not hear Mr. [REDACTED] ask for his name and badge number.²⁹ COPA finds neither of those explanations compelling. Alternatively, Officer De La O responded to Mr. [REDACTED] request, providing his star number #9329.³⁰

Therefore, based on the available evidence, COPA finds the allegation against Officers Smiley and Saavedra, is **Sustained** in violation of Chicago Police Department Rules 2, 3, 5, 6, 37. While the allegation against Officer De La O, is **Sustained**, as although he provided his Star number, he failed to provide his name when Mr. [REDACTED] requested it.

d. Failure to timely activate

COPA finds the allegation against Officer De La O prematurely deactivating his body worn camera, is **Sustained**. Similarly, COPA finds the allegation against Officers Smiley and Saavedra for failing to timely activate their body worn camera, is **Sustained**.

²⁴ Special Order 04-13-09 Investigatory Stop System, (VIII)(A)(3).

²⁶ Rules of Conduct - Rule 37.

²⁷ Att. 5, at 2:30 to 3:00.

²⁸ Att. 35, Officer Smiley COPA statement at Pg. 22, Lns 22-24 and Pg.23, Lns 1-4.

²⁹ Att. 36, Officer Saavedra COPA statement at Pg. 33, Lns 19-21.

³⁰ Att. 5, at 2:52.

The Department requires officers to activate their camera at the beginning of an incident and to record the entire incident for all “law enforcement related activities.”³¹ In this case, Officer De La O deactivated his BWC while Mr. ██████ was still interacting with the officers.³⁴ Officer De La O told COPA he deactivated his camera as he was entering the squad car but admitted he was still at the scene of the incident interacting with ██████³⁵ Therefore, COPA finds the allegation, is **Sustained**.

Likewise, COPA finds the allegation that Officers Saavedra and Smiley failed to timely activate their Body Worn Cameras, is **Sustained**. Here, Officer Saavedra’s untimely activation was evident in capturing video of the beginning of the incident but no audio. This is a result of Officer Saavedra failing to activate the camera’s event mode. Officer Saavedra told COPA that he believed he turned on his BWC but appeared to have not.³⁸ Meanwhile, Officer Smiley did not activate his BWC until he had already reached the gate where the interaction with ██████ had initiated.³⁹ Officer Smiley stated to COPA that he forgot to turn the BWC on and once he realized it, he activated it.⁴⁰

COPA understands that mistakes may occur. However, CPD policy clearly says members will activate their BWC at the beginning of an incident, for investigatory stops.⁴¹ Moreover, when members fail to timely activate or deactivate their cameras, they fail to capture evidence that improves the quality and reliability of investigations and increase transparency.⁴² Therefore, COPA finds the allegation for both Officer Saavedra and Smiley is **Sustained**.

e. False, misleading, inaccurate, and/or incomplete statement in an ISR

COPA finds the allegation against Officer De La O for providing a false, misleading, inaccurate, and/or incomplete statement in an Investigatory Stop Report (ISR) by stating that the reporting officers were unable to provide an Investigatory Stop Receipt, is **Sustained**. Alternatively, COPA finds the same allegation against Officer Saavedra, is **Not Sustained**. The Department requires members to provide an Investigatory Stop Receipt following the stop of an individual that involves a Protective Pat Down or any other search.⁴⁴ In this case, officers stated they were “unable to provide an ISR receipt due to ██████ being irate and uncooperative”.⁴⁵ However, officers told COPA that they chose to deescalate the situation by leaving the area even

³¹ Att. 43, Special Order S03-14 III.A.1 (effective April 2018 to December 2023).

³⁴ Att. 5, at 2:49.

³⁵ Att. 34, at Pg. 34, Lns 12-21.

³⁸ Att. 36, at Pg. 17, Lns. 8-13.

³⁹ Att. 5.

⁴⁰ Att. 35, at Pg. 19, Lns 19-22).

⁴¹ Att. 43, III.A.2.b.

⁴² Att. 43, II.A.

⁴⁴ Att. 42, VIII.A.3.

⁴⁵ Att. 2.

though ██████ was continuously requesting an ISR receipt.⁴⁶ Officer De La O told COPA that the ISR could have been better written to provide more information on why they chose to disengage with ██████⁴⁷ COPA understands mistakes are made – however this one left out material information and mischaracterized why officers failed to follow the ISR directive.

When Officer Saavedra was asked who completed the ISR, he said his partner, Officer De La O, wrote the narrative and submitted it for approval.⁴⁹ This is consistent with the signature lines on the ISR showing De La O as the undersigned officer.⁵⁰ For those reasons, COPA finds the allegation for Officer De La O is, **Sustained**, and the allegation for Officer Saavedra is, **Not Sustained**.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Jesus E. Saavedra

i. Complimentary and Disciplinary History⁵¹

Officer Saavedra received a total of 114 awards, including 101 honorable mentions, two Department commendations, and two unit meritorious performance awards. Officer Saavedra has received five SPARs, all for incidents that occurred in 2024. Officer Saavedra received four reprimands, two for failure to timely activate his BWC, one for a court appearance violation, and one for a preventable accident. He also received a one-day suspension for a preventable accident. Officer Saavedra does not have a record of sustained complaints against him.

ii. Recommended Discipline

COPA has found Officer Saavedra violated Rules 2, 3, 5, 6, 10, and 37 when he failed to properly identify himself, failed to timely activate his BWC, and failed to provide an ISR receipt. In mitigation, COPA has considered Officer Saavedra's numerous awards and honors. However, the relevant General Orders and Department rules are clear in this case. Therefore, COPA recommends Officer Saavedra received a one (1) day suspension and retraining on ISRs, BWC activation, and properly identifying yourself as a police officer upon request.

b. Officer David De La O

i. Complimentary and Disciplinary History⁵²

⁴⁶ Att. 34, at Pg. 35, Lns 16-21.

⁴⁷ Att. 34, at Pg. 39, Lns 17-24.

⁴⁹ Att. 36, at Pg. 32, Lns 15-19.

⁵⁰ Att. 2.

⁵¹ Att. 39.

⁵² Att. 40.

Officer De La O has received a total of 149 awards, including 126 honorable mentions, four Department commendations, and two complimentary letters. Officer De La O does not have a record of sustained complaints nor any SPARs.

ii. Recommended Discipline

COPA has found Officer De La O violated Rules 2, 3, 5, 6, and 10 when he failed to provide an ISR receipt, failed to timely activate his BWC, and provided a false, misleading, inaccurate, and/or incomplete statement in an Investigatory Stop Report. In mitigation, COPA has considered Officer De La O’s numerous awards and honors. However, the relevant General Orders and Department rules are clear in this case. Therefore, COPA recommends Officer Smiley received a one (5) day suspension and retraining on ISRs and BWC activation.

c. Officer Ashton S. Smiley

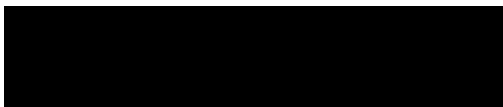
i. Complimentary and Disciplinary History⁵³

Officer Smiley has received a total of 178 total awards, including 164 honorable mentions, four Department commendations, and three-unit meritorious performance awards. Officer Smiley has received four reprimands for SPARs from incidents that occurred in 2024 and 2024. Officer Smiley received reprimands for: a BWC violation; a court appearance violation; a uniform violation; and a preventable accident. Officer Smiley does not have a record of sustained complaints against him.

ii. Recommended Discipline

COPA has found Officer Smiley violated Rules 2, 3, 5, 6, 10, and 37 when he failed to properly identify himself, failed to timely activate his BWC, and failed to provide an ISR receipt. In mitigation, COPA has considered Officer Smiley’s numerous awards and honors. However, the relevant General Orders and Department rules are clear in this case. Therefore, COPA recommends Officer Smiley received a one (1) day suspension and retraining on ISR, BWC, and properly identifying yourself as a police officer upon request.

Approved:



5-29-2025

Angela Hearts-Glass
Deputy Chief Investigator-Chief Investigator

Date

⁵³ Att. 41.

Appendix A**Case Details**

Date/Time/Location of Incident:	September 11, 2023/ 6:30 pm/ 1621 S. Komensky. Ave.
Date/Time of COPA Notification:	September 11, 2023/ 8:57 pm.
Involved Member #1:	Jesus Saavedra, Star# 12727, Employee# [REDACTED] DOA: Oct 16, 2017, Unit: 010, Male, White Hispanic.
Involved Member #2:	David De La O, Star#9329, Employee# [REDACTED] DOA: June 27, 2016, Unit: 010, Male, White Hispanic.
Involved Member #3:	Ashton Smiley, Star# 9488, Employee# [REDACTED] DOA: June 27, 2016, Unit, 014, Male, White Hispanic.
Involved Individual #1:	[REDACTED] Male, Black.

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 37:** Failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank and star number when so requested by other members of the Department or by a private citizen.

Applicable Policies and Laws

- SO03-14: Body worn camera (effective April 30, 2018 to December 29, 2023)
- S04-13-09: Investigatory Stop System (effective July 10, 2017 to Present)
- Rules of Conduct- Rule 37

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.⁵⁴ 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.”⁵⁵

⁵⁴ 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).

⁵⁵ *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