



Log # 2023-4327

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

### I. EXECUTIVE SUMMARY

On September 17, 2023, the Civilian Office of Police Accountability (COPA) received a complaint alleging misconduct by Chicago Police Department (CPD) members during a confrontation between police officers and celebrants in the aftermath of Mexican Independence Day celebrations near 5100 S Pulaski Rd. An attendee of the celebration, ██████████ ██████████ was seated inside her Jeep with two other people when the Jeep was surrounded by multiple CPD members carrying shields and wielding batons. Two police officers struck ██████████ Jeep with their batons, allegedly causing damage, and an officer shoved ██████████ back into her Jeep when she questioned the officers' actions. Two police officers shoved other attendees with their shields into moving vehicles in an effort to disperse the crowd, and two officers directed profanities at members of the crowd. COPA also brought allegations against a CPD commander who was present during these events for failing to report misconduct committed by police officers. Following its investigation, COPA reached Sustained findings for most allegations against the police officers and Not Sustained findings for allegations against the Commander.

### II. SUMMARY OF EVIDENCE<sup>2</sup>

On September 16, 2023, a large unsanctioned gathering of celebrants commemorating the anniversary of Mexican Independence Day were gathered in the shared parking lot of several businesses in the vicinity of 5139 S Pulaski Rd.<sup>3</sup> In response to the gathering, CPD implemented its Mexican Independence Day detail and assembled officers from the Seventh, Eighth, and Ninth Districts to disperse the gathering.<sup>4</sup> Some celebrants threw bottles and fireworks towards CPD members who were standing in the median area of Pulaski Rd., facing the gathering.<sup>5</sup> At about 10:19 pm, multiple officers entered the parking lot to arrest a person who had launched fireworks towards the officers and then to clear the parking lot of revelers and vehicles.<sup>6</sup> The officers entered the parking lot and advanced on foot towards a parked black Jeep with several attendees standing

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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> 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, CPD reports, civilian interviews, and CPD member interviews.

<sup>3</sup> Att. 64.

<sup>4</sup> Att. 14, pg. 5.

<sup>5</sup> Att. 29 at 1:24; Att. 32 at 8:49; Att. 30 at 00:14.

<sup>6</sup> Att. 30 at 4:59.

outside of it.<sup>7</sup> Officers wielding shields and batons advanced on several attendees and pushed them with the shields while yelling, “Move! Get Back!”<sup>8</sup> Other officers yelled “let’s go!” and struck their shields with their batons, urging the gathering attendees to leave the premises.

Multiple officers approached [REDACTED] Jeep and surrounded it.<sup>9</sup> Among these officers was Commander Bryan Spreyne, who instructed the officers to “take it easy” as the officers pulled an individual now known as [REDACTED] to the ground and shoved him using their shields. Officer Michael Botica yelled at [REDACTED] to “get the fuck out” while he struck her vehicle at least three times with his baton.<sup>10</sup> Officer Juan Moreno approached the rear passenger side of the Jeep and shoved an individual now known as [REDACTED] with his shield.<sup>11</sup> While shoving [REDACTED] Officer Moreno said, “Get the fuck on the ground! Get the fuck on the ground, motherfucker!”<sup>12</sup> Officer Moreno then walked around to the front of [REDACTED] Jeep and struck the hood of the Jeep twice with his baton before turning his attention to several unknown male bystanders in the vicinity of Officer Botica.<sup>13</sup> Officer Botica then approached one of the unknown male bystanders wearing a brown jacket who was recording the events with his cellphone, and Officer Botica shoved the bystander against a slow-moving passing vehicle.<sup>14</sup> Officer Moreno then shoved the same individual into the same vehicle.<sup>15</sup> Officer Botica then had a brief conversation with another unknown man clad in a blue shirt who appeared to be recording the incident. When the unknown man told Officer Botica that he was recording, Officer Botica responded, “I’m recording too, fucker!”<sup>16</sup>

### III. ALLEGATIONS

#### **Officer Michael Botica:**

1. striking [REDACTED] vehicle with a baton, without justification, damaging her driver-side mirror  
--SUSTAINED: Violation of Rules 2, 3, 6, 8, and 38
2. stating words to effect of “fuck you” to [REDACTED]  
--SUSTAINED: Violation of Rules 2, 3, 6, 8, and 9
3. forcefully pushing an unknown male subject into a moving car, without justification  
--SUSTAINED: Violation of Rules 2, 3, 6, 8, and 9

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<sup>7</sup> Att. 30 at 5:07.

<sup>8</sup> Att. 29 at 5:00.

<sup>9</sup> Att. 29 at 5:05.

<sup>10</sup> Att. 29 at 5:08.

<sup>11</sup> Att. 23 at 2:10.

<sup>12</sup> Att. 23 at 2:12.

<sup>13</sup> Att. 23 at 2:15.

<sup>14</sup> Att. 23 at 2:21.

<sup>15</sup> Att. 23 at 2:23 to 2:25.

<sup>16</sup> Att. 30 at 5:30.

4. referring to an unknown member of the public as a “fucker” or words of similar effect  
--SUSTAINED: Violation of Rules 2, 3, 6, 8, and 9

**Officer Juan Moreno:**

1. striking [REDACTED] vehicle with a baton, without justification, causing damage  
--SUSTAINED: Violation of Rules 2, 3, 6, 8, and 38
2. referring to [REDACTED] as a “motherfucker” or words of similar effect<sup>17</sup>  
--SUSTAINED: Violation of Rules 2, 3, 6, 8, and 9
3. forcefully pushing an unknown male subject into a moving car, without justification  
--SUSTAINED: Violation of Rules 2, 3, 6, 8, and 9

**Officer Daniel Calzada:**

1. forcefully pushing [REDACTED] into her vehicle, without justification  
--SUSTAINED: Violation of Rules 2, 3, 6, 8, and 9
2. poking [REDACTED] with a baton, without justification  
--NOT SUSTAINED
3. untimely activating his body worn camera, without justification  
--SUSTAINED: Violation of Rules 2, 3, 5, 6, and 10

**Commander Bryan Spreyne:**

1. failing to report misconduct after observing Police Officer Michael Botica push a male subject into a moving vehicle  
--NOT SUSTAINED
2. failing to report misconduct after observing Police Officer Juan Moreno push a male subject into a moving vehicle  
--NOT SUSTAINED
3. failing to report misconduct after observing Police Officer Michael Botica strike [REDACTED] vehicle with a baton  
--NOT SUSTAINED
4. failing to report misconduct after observing Police Officer Juan Moreno strike [REDACTED] vehicle with a baton

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<sup>17</sup> The person who Officer Moreno allegedly referred to as a “motherfucker” was later identified as [REDACTED]. The allegation served against Officer Moreno identified this individual as [REDACTED]. The individual’s name was unknown to Officer Moreno at the time of the incident, and COPA showed Officer Moreno a video recording of the incident where the individual was identified by his clothing and physical appearance. *See* Att. 51, pg. 18, ln. 21, to pg. 21, ln. 4.

--NOT SUSTAINED

- 5 failing to report that Police Officer Michael Botica directed words to the effect of “Fuck you” towards ██████████

--NOT SUSTAINED

#### 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.

The events in this case were largely captured by BWC and third-party video footage, and there is little dispute as to what occurred. As a whole, COPA determined that the statements given by the officers were credible with little to no divergence from the contemporaneous video evidence already in COPA’s possession.

Regarding the credibility of ██████████ COPA finds that her statements captured on BWC, the cellphone video she shot herself, and the interview that she gave to COPA to all be consistent and largely aligned with the known facts.

#### V. ANALYSIS<sup>18</sup>

##### a. Allegations against Officer Botica

Officer Botica was accused of striking ██████████ vehicle with a baton, causing damage. COPA finds this allegation to be **SUSTAINED**. CPD members are required to act, speak, and conduct themselves in a courteous, respectful and professional manner, recognizing their obligation to safeguard life and property, and maintain a courteous, professional attitude.<sup>19</sup> Multiple BWC recordings, including Officer Botica’s own,<sup>20</sup> depict Officer Botica delivering three baton strikes to ██████████ vehicle, causing the driver-side mirror to become dislodged. Officer Botica was not instructed to strike ██████████ vehicle by any supervisor and admits to taking this course of action of his own volition.<sup>21</sup> Officer Botica told COPA that he struck ██████████ vehicle with the baton in order to discourage her from placing the vehicle in drive and running over his fellow officers who were trying to disperse the crowd.<sup>22</sup> COPA found no evidence that ██████████ had made any attempt to place the vehicle in gear or posed an immediate threat to the officers in the

<sup>18</sup> For a definition of COPA’s findings and standards of proof, *see* Appendix B.

<sup>19</sup> Att. 62, G02-01(III)(B)(3), Protection of Human Rights (effective June 30, 2022, to present).

<sup>20</sup> Att. 30 at 5:09.

<sup>21</sup> Att. 52, pg. 57, lns. 10 to 23.

<sup>22</sup> Att. 52, pg. 17, lns. 16 to 19.

parking lot. At no point did Officer Botica give orders or instructions to [REDACTED] to not drive off or to place the vehicle in park;<sup>23</sup> consequently, COPA does not find compelling Officer Botica's reasoning that he had to strike [REDACTED] vehicle in order to stop her from recklessly fleeing the parking lot. COPA also recognizes that baton strikes would be unlikely to disable a vehicle, and the baton strikes could have resulted in [REDACTED] reacting in surprise or fear by driving away and striking a CPD member or a bystander – the exact opposite of Officer Botica's stated goal. Officer Botica expressed regret that he damaged [REDACTED] Jeep and explained that it was not his intention to cause damage.<sup>24</sup> Based on these facts and circumstances, COPA finds by a preponderance of evidence that Officer Botica struck [REDACTED] vehicle with a baton, without justification, damaging her driver-side mirror, in violation of Rules 2, 3, 6, 8, and 38, and this allegation is **SUSTAINED**.

Officer Botica was accused of stating words to effect of "fuck you" to [REDACTED] after she engaged in a dialogue with him regarding the damage he inflicted upon her vehicle. COPA finds this allegation to be **SUSTAINED**. Multiple BWC recordings, including Officer Botica's own,<sup>25</sup> depict Officer Botica directing the expletive to [REDACTED] as she stood on the running board of her vehicle, asking why the officers struck her vehicle with their batons. As noted previously, CPD members are required to act, speak, and conduct themselves in a courteous, respectful, and professional manner, recognizing their obligation to safeguard life and property, and maintain a courteous, professional attitude.<sup>26</sup> Even considering the stressful situation Officer Botica found himself in, he was nonetheless expected to adhere to these requirements. Officer Botica admitted to using the expletive and admitted that it was not justified, attributing to his use of the phrase to the chaos of the situation and adrenaline.<sup>27</sup> Accordingly, COPA finds by a preponderance of evidence that Officer Botica stated words to the effect of "fuck you" to [REDACTED] in violation of Rules 2, 3, 6, 8, and 9, and this allegation is **SUSTAINED**.

Officer Botica was accused of forcefully pushing an unknown male subject into a moving car without justification. COPA finds this allegation to be **SUSTAINED**. CPD members are only authorized to use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, to ensure the safety of a member or a third person, stop an attack, make an arrest, control a subject, or prevent escape.<sup>28</sup> This means that CPD members may use only the amount of force necessary to serve a lawful purpose. The amount and type of force used must be proportional to the threat, actions, and level of resistance a person offers.<sup>29</sup> CPD policy authorizes specific types of force a member may use in response to a subject's actions.<sup>30</sup> When a CPD member encounters a passive resister – a person who fails to comply with verbal or other

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<sup>23</sup> Att. 52, pg. 37, ln. 22, to pg. 38, ln. 1.

<sup>24</sup> Att. 52, pg. 39, lns. 11 to 16.

<sup>25</sup> Att. 30 at 5:17.

<sup>26</sup> Att. 62, G02-01(III)(B)(3).

<sup>27</sup> Att. 52, pg. 20, lns. 1 to 9.

<sup>28</sup> Att. 65, G03-02(III)(B), De-Escalation, Response to Resistance, and Use of Force (effective June 28, 2023, to present).

<sup>29</sup> Att. 65, G03-02(III)(B)(3).

<sup>30</sup> Att. 66, G03-02-01(IV), Response to Resistance and Force Options (effective June 28, 2023, to present).

direction – holding techniques, compliance techniques, control instruments, and oleoresin capsicum spray may be authorized,<sup>31</sup> but stunning techniques, takedowns, direct mechanical strikes and pressures, impact weapons, and deadly force are not authorized.<sup>32</sup>

Multiple BWC recordings, including Officer Botica's own,<sup>33</sup> capture Officer Botica using his shield to push an approaching unknown male subject holding a cellphone into a slow-moving vehicle. The unknown subject did not pose any apparent threat to Officer Botica nor to any of the other CPD members present. Based on the position of his cellphone in his hand, the unknown male subject appeared to be recording the officers as they surrounded [REDACTED] Jeep. Officer Botica acknowledged that the unknown male subject had a right to record the officers' actions, but he deemed the male's encroachment a threat to the officers who had their backs turned towards him. However, the available evidence does not show that the unknown male subject posed a threat to Officer Botica or his fellow officers that necessitated Officer Botica's use of force. Officer Botica yelled, "Get back!"<sup>34</sup> once before shoving the unknown subject multiple times backwards into the moving car while yelling, "Move! Move! Get the fuck back!"<sup>35</sup> Even if Officer Botica's reasoning is credited, the subject was a passive resister who failed to comply with verbal commands. Given the lack of an immediate threat and given that Officer Botica used force without allowing a reasonable amount of time for the unknown male subject to comply with his order to get back, COPA finds by a preponderance of evidence that Officer Botica forcefully pushed the subject into a moving car without justification. Accordingly, COPA finds that Officer Botica violated Rules 2, 3, 6, 8, and 9, and this allegation is **SUSTAINED**.

Officer Botica was also accused of referring to an unknown member of the public as a "fucker" or words of similar effect. COPA finds this allegation to be **SUSTAINED**. Officer Botica's own BWC footage captured the verbal interaction between Officer Botica and an unknown male subject that occurred immediately after the above-described encounter.<sup>36</sup> Like the other unknown male subject that Officer Botica shoved with his shield, this unknown male subject appeared to be recording the officers' efforts to disperse the crowd and to make arrests when Officer Botica turned his focus towards him. In response to this unknown male telling Officer Botica he was recording, Officer Botica replied, "I'm recording too, fucker!"<sup>37</sup> CPD members are required to act, speak, and conduct themselves in a courteous, respectful, and professional manner, recognizing their obligation to safeguard life and property, and maintain a courteous, professional attitude.<sup>38</sup> Once again, Officer Botica was expected to meet this standard, even under difficult circumstances. Responding to a person lawfully recording police activity with vulgarity fell short of CPD standards, and Officer Botica admitted to again losing his composure and being under

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<sup>31</sup> Att. 66, G03-02-01((IV)(B)(1).

<sup>32</sup> Att. 66, G03-02-01((IV)(B)-(C).

<sup>33</sup> Att. 30 at 5:19.

<sup>34</sup> Att. 30 at 5:20.

<sup>35</sup> Att. 30 at 5:21.

<sup>36</sup> Att. 30 at 5:30.

<sup>37</sup> Att. 30 at 5:30.

<sup>38</sup> Att. 62 G02-01(III)(B)(3).

stress when explaining why he directed the vulgarity towards the unknown member of the public.<sup>39</sup> Officer Botica was adamant that he was not trying to stop any of the unknown individuals he encountered from recording the police actions,<sup>40</sup> and nothing that Officer Botica did impeded the ability of the unknown male subject to continuously record the interaction. However, Officer Botica's conduct was detrimental to CPD's goals and counter-productive to de-escalating the situation. Accordingly, COPA finds by a preponderance of evidence that Officer Botica referred to an unknown member of the public as a "fucker" or words of similar effect, in violation of Rules 2, 3, 6, 8, and 9, and this allegation is **SUSTAINED**.

#### **b. Allegations against Officer Moreno**

Officer Moreno was accused of striking [REDACTED] vehicle with a baton, without justification, causing damage. COPA finds this allegation to be **SUSTAINED**. CPD members are required to act, speak, and conduct themselves in a courteous, respectful and professional manner, recognizing their obligation to safeguard life and property, and maintain a courteous, professional attitude.<sup>41</sup> In addition to his own BWC footage,<sup>42</sup> third-party footage captured Officer Moreno striking [REDACTED] vehicle twice for an unknown reason.<sup>43</sup> Officer Moreno does not dispute that he struck [REDACTED] vehicle twice with his baton,<sup>44</sup> and he told COPA that he was trying to make the Jeep move out of the way.<sup>45</sup> Officer Moreno denied being taught in training to strike a subject's vehicle in an effort to get them to disperse or leave a scene.<sup>46</sup> Officer Moreno later explained that he was trying to get the attention of [REDACTED] so she would know it was time to leave,<sup>47</sup> and that he may have struck her vehicle harder than he had intended.<sup>48</sup> It was not reasonable for Officer Moreno to strike [REDACTED] vehicle hard enough to cause damage just to get her attention, and this action was not authorized by CPD policy. COPA finds by a preponderance of evidence that Officer Moreno struck [REDACTED] vehicle with a baton, without justification, causing damage, in violation of Rules 2, 3, 6, 8, and 38, and this allegation is **SUSTAINED**.

Officer Moreno was accused of referring to [REDACTED] as a "motherfucker" or words of similar effect, while attempting to detain him. COPA finds this allegation to be **SUSTAINED**. Officer Moreno's BWC footage captures this verbal interaction, and the subject did not say anything to provoke Officer Moreno's verbal abuse. Once again, CPD members must act, speak, and conduct themselves in a courteous, respectful, and professional manner, recognizing their obligation to safeguard life and property, and maintain a courteous, professional attitude.<sup>49</sup> While

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<sup>39</sup> Att. 52, pg. 25, lns. 2 to 6.

<sup>40</sup> Att. 52, pg. 26, lns. 9 to 16.

<sup>41</sup> Att. 62, G02-01(III)(B)(3).

<sup>42</sup> Att. 23 at 2:16.

<sup>43</sup> Att. 11 at 0:02.

<sup>44</sup> Att. 51, pg. 21, lns. 13 to 22.

<sup>45</sup> Att. 51, pg. 21, lns. 13-22.

<sup>46</sup> Att. 51, pg. 22, ln. 22, to pg. 23, ln. 1.

<sup>47</sup> Att. 51, pg. 24, lns. 3 to 5.

<sup>48</sup> Att. 51, pg. 24, lns. 6 to 12.

<sup>49</sup> Att. 62, G02-01(III)(B)(3).

the subject was suspected to have committed an assault against a police officer, Officer Moreno was still responsible for comporting himself appropriately. Officer Moreno admitted to COPA that his word choice was not appropriate and that he lost his composure, which he characterized as unusual.<sup>50</sup> COPA finds by a preponderance of evidence that Officer Moreno referred to this subject as a “motherfucker,” in violation of Rules 2, 3, 6, 8, and 9, and this allegation is **SUSTAINED**.

Officer Moreno was also accused of forcefully pushing an unknown male subject into a moving car, without justification. COPA finds this allegation to be **SUSTAINED**. CPD members are only authorized to use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, to ensure the safety of a member or a third person, stop an attack, make an arrest, control a subject, or prevent escape.<sup>51</sup> This means that CPD members may use only the amount of force necessary to serve a lawful purpose. The amount and type of force used must be proportional to the threat, actions, and level of resistance a person offers.<sup>52</sup> CPD policy authorizes specific types of force a member may use in response to a subject’s actions.<sup>53</sup> When a CPD member encounters a passive resister – a person who fails to comply with verbal or other direction – holding techniques, compliance techniques, control instruments, and oleoresin capsicum spray may be authorized,<sup>54</sup> but stunning techniques, takedowns, direct mechanical strikes and pressures, impact weapons, and deadly force are not authorized.<sup>55</sup>

Multiple BWC recordings, including Officer Moreno’s,<sup>56</sup> show Officer Moreno shoving an unknown male bystander into a moving vehicle moments after Officer Botica did the same.<sup>57</sup> Officer Moreno’s justification for his actions was that he was trying to gain control of the situation and only trying to push the individual back. Officer Moreno also explained that he did not intend for the subject to come in contact with the moving car.<sup>58</sup> Officer Moreno never specified what crime, if any, the unknown male subject was committing, and Officer Moreno agreed that the individual appeared to be recording the interaction between the crowd and CPD members. Officer Moreno did not give any verbal commands aside from “get the fuck back” as he pushed the unknown male subject into a slow-moving car.<sup>59</sup> The actions of the unknown male subject were not those of an active resister or assailant, and Officer Moreno was not justified in pushing the subject into the moving car. COPA finds by a preponderance of evidence that Officer Moreno forcefully pushed the unknown male subject into a moving car, without justification, in violation of Rules 2, 3, 6, 8, and 9, and the allegation is **SUSTAINED**.

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<sup>50</sup> Att. 51, pg. 20, lns. 10 to 12.

<sup>51</sup> Att. 65, G03-02(III)(B).

<sup>52</sup> Att. 65, G03-02(III)(B)(3).

<sup>53</sup> Att. 66, G03-02-01(IV).

<sup>54</sup> Att. 66, G03-02-01((IV)(B)(1).

<sup>55</sup> Att. 66, G03-02-01((IV)(B)-(C). These force options may be appropriate when responding to an active resister or an assailant.

<sup>56</sup> Att. 23 at 2:24.

<sup>57</sup> Att. 23 at 2:24.

<sup>58</sup> Att. 51, pg. 26, lns. 1 to 24.

<sup>59</sup> Att. 23 at 2:24.

### c. Allegations against Officer Calzada

Officer Calzada was accused of forcefully pushing ██████████ into her vehicle, without justification. COPA finds this allegation to be **SUSTAINED**. CPD members are only authorized to use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, to ensure the safety of a member or a third person, stop an attack, make an arrest, control a subject, or prevent escape.<sup>60</sup> This means that CPD members may use only the amount of force necessary to serve a lawful purpose. The amount and type of force used must be proportional to the threat, actions, and level of resistance a person offers.<sup>61</sup> CPD policy authorizes specific types of force a member may use in response to a subject's actions.<sup>62</sup> When a CPD member encounters a passive resister – a person who fails to comply with verbal or other direction – holding techniques, compliance techniques, control instruments, and oleoresin capsicum spray may be authorized,<sup>63</sup> but stunning techniques, takedowns, direct mechanical strikes and pressures, impact weapons, and deadly force are not authorized.<sup>64</sup>

██████████ was a bystander who had not been issued an order to disperse and did not defy any lawful police orders. Simply standing on the running boards of her Jeep, demanding to know why CPD officers were striking her vehicle with batons, did not create a justification for Officer Calzada to use force against her. She was not a passive resister, active resister, or assailant at any point during her interaction with the officers. While arresting a subject they initially believed was the source of at least one firework thrown at them, multiple officers surrounded ██████████ Jeep while ██████████ was standing on the running board outside of the Jeep's cabin. Officer Calzada used his hand to push ██████████ back inside her Jeep and then closed the door. Officer Calzada does not deny undertaking these actions,<sup>65</sup> but he asserted that ██████████ had become irate and was somehow obstructing the arrest of the subject.<sup>66</sup> When asked to explain the crime that ██████████ was committing by standing on the Jeep's running board and recording the incident with her cellphone, Officer Calzada suggested she could have been committing trespassing because all of the stores served by the parking lot were closed.<sup>67</sup> COPA asked Officer Calzada if he was attempting to prevent ██████████ from recording the incident and from expressing her concerns about police officers damaging her Jeep, but Officer Calzada denied doing either of these, maintaining that he acted to prevent ██████████ from obstructing the suspect's arrest.<sup>68</sup> However, none of ██████████ actions could be reasonably interpreted as an effort to obstruct the suspect's arrest, and ██████████ had not offered any level of resistance that justified Officer Calzada employing force against her. COPA therefore finds, by a

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<sup>60</sup> Att. 65, G03-02(III)(B), De-Escalation, Response to Resistance, and Use of Force (effective June 28, 2023, to present).

<sup>61</sup> Att. 65, G03-02(III)(B)(3).

<sup>62</sup> Att. 66, G03-02-01(IV), Response to Resistance and Force Options (effective June 28, 2023, to present).

<sup>63</sup> Att. 66, G03-02-01(IV)(B)(1).

<sup>64</sup> Att. 66, G03-02-01(IV)(B)-(C). These force options may be appropriate when responding to an active resister or an assailant.

<sup>65</sup> Att. 50, pg. 33, lns. 14 to 15.

<sup>66</sup> Att. 50, pg. 29, ln. 9, to pg. 30, ln. 11.

<sup>67</sup> Att. 50, pg. 31, lns. 22 to 24.

<sup>68</sup> Att. 50, pg. 29, ln. 9, to pg. 30, ln. 11.

preponderance of evidence, that Officer Calzada forcefully pushed ██████████ into her vehicle, without justification, in violation of Rules 2, 3, 6, 8, and 9, and this allegation is **SUSTAINED**.

Officer Calzada was also accused of poking ██████████ with a baton, without justification. COPA finds this allegation to be **NOT SUSTAINED**. COPA could not determine by a preponderance of evidence if Officer Calzada poked ██████████ with his baton when he pushed her back into the driver's seat of her vehicle. ██████████ did not specify that she was poked by an officer's baton when she was pushed, and the available video recordings are inconclusive. Accordingly, the allegation is **NOT SUSTAINED**.

Officer Calzada was accused of untimely activating his body worn camera, without justification. COPA finds this allegation to be **SUSTAINED**. Officer Calzada did not begin recording when he joined the line that CPD members had established immediately parallel to the mass gathering in the parking lot at 5139 S Pulaski Rd. When the officers entered the parking lot to arrest individuals suspected of throwing fireworks at officers, Officer Calzada's BWC remained in standby mode. When Officer Calzada activated his BWC, he only recorded for sixteen seconds before returning the BWC to standby mode, creating a total recording time of two minutes and sixteen seconds, including the silent two-minute buffering period. Officer Calzada created other BWC recordings capturing other portions of the incident, but did not capture all law-enforcement-related activity as required by Special Order S03-14.<sup>69</sup>

Officer Calzada told COPA that he did not believe law enforcement activity was occurring while he stood on the line with other officers.<sup>70</sup> Officer Calzada also told COPA that he was trying to conserve the battery life of the BWC.<sup>71</sup> When asked if he was instructed to conserve battery power by a supervisor, Officer Calzada indicated he could not recall.<sup>72</sup> Officer Calzada could also not recall if the BWC directive instructs officers to forego activating their BWC to conserve battery life.<sup>73</sup> After being shown the text of S03-14, Officer Calzada admitted the directive contained no such provision.<sup>74</sup> Based on a preponderance of evidence, COPA finds that Officer Calzada untimely activated his BWC, in violation of Rules 2, 3, 5, 6, and 10, and this allegation is **SUSTAINED**.

#### **d. Allegations against Commander Spreyne**

Commander Spreyne was twice accused of failing to report misconduct after observing Officer Botica and Officer Moreno push male subjects into a moving vehicle. COPA finds these allegations to be **NOT SUSTAINED**. While these acts by Officer Botica and Officer Moreno were

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<sup>69</sup> Att. 60, S03-14(II)(B)(1)(a), Body Worn Cameras (effective April 30, 2018, to December 29, 2023).

<sup>70</sup> Att. 50, pg. 22, lns. 11 to 16.

<sup>71</sup> Att. 50, pg. 19, lns. 4 to 9.

<sup>72</sup> Att. 50, pg. 19, lns. 10 to 13.

<sup>73</sup> Att. 50, pg. 20, lns. 1 to 5.

<sup>74</sup> Att. 50, pg. 22, lns. 1 to 7.

captured by Commander Spreyne's BWC,<sup>75</sup> the commander told COPA he did not see the bystanders contact moving vehicles when he was in the parking lot. Commander Spreyne affirmed that he saw bystanders being pushed back while officers were making an arrest,<sup>76</sup> but asserted that he did not see the bystanders coming into contact with the passing vehicle. Commander Spreyne explained there was a lot going on, that he had his head on a swivel, and that he was focused on taking the suspected assailant into custody.<sup>77</sup> Commander Spreyne's assertion that other activity in the parking lot diverted his full attention from Officer Botica and Officer Moreno is consistent with the BWC recordings and other evidence reviewed by COPA, which show a chaotic scene involving multiple CPD members, civilians, and vehicles. While there is not clear and convincing evidence to disprove these allegations, there is also not a preponderance of evidence showing that Commander Spreyne actually perceived the alleged misconduct by Officers Botica and Moreno, and accordingly, these allegations are **NOT SUSTAINED**.

Commander Spreyne was accused of failing to report misconduct after observing Officer Botica and Officer Moreno strike [REDACTED] vehicle with batons. COPA finds these allegations to be **NOT SUSTAINED**. The available BWC footage and third-party footage does not show Commander Spreyne clearly being in a position to observe Officer Botica nor Officer Moreno striking [REDACTED] vehicle with their batons. Commander Spreyne was situated at the rear of [REDACTED] Jeep at the moment Officer Botica first struck it, followed by Officer Moreno. As such, there is no definitive footage proving that Commander Spreyne viewed the baton strikes. Commander Spreyne denied seeing what happened to [REDACTED] vehicle contemporaneously in the recording created by [REDACTED] and also in his statement to COPA.<sup>78</sup> Accordingly, these allegations are **NOT SUSTAINED**.

Commander Spreyne was also accused of failing to report that Officer Botica directed words to the effect of "fuck you" towards [REDACTED]. COPA finds this allegation to be **NOT SUSTAINED**. Commander Spreyne denied hearing Officer Botica say "fuck you" to [REDACTED] despite the verbal interaction being recorded on his BWC.<sup>79</sup> Officer Botica's BWC recording shows that Commander Spreyne was near Officer Botica when Officer Botica used the vulgar phrase.<sup>80</sup> Commander Spreyne explained that his hearing was affected by the previous detonation of a firework, and he did not recall hearing Officer Botica contemporaneously on Sept. 16, 2023, saying "fuck you" to [REDACTED].<sup>81</sup> There is not sufficient evidence to prove or disprove that Commander Spreyne heard Officer Botica's vulgarity or to prove that Commander Spreyne realized that Officer Botica (among other civilians and CPD members present) was the person who uttered the vulgar phrase. Accordingly, this allegation is **NOT SUSTAINED**.

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<sup>75</sup> Att. 5 at 2:20.

<sup>76</sup> Att. 58 at 57:34.

<sup>77</sup> Att. 58 at 57:17 to 57:36.

<sup>78</sup> Att. 58 at 42:34; Att. 10 at 2:11.

<sup>79</sup> Att. 58 at 49:43; Att. 5 at 2:15.

<sup>80</sup> Att. 30 at 5:18.

<sup>81</sup> Att. 58 at 42:54.

## **VI. DISCIPLINARY RECOMMENDATIONS<sup>82</sup>**

### **a. Police Officer Michael Botica**

#### **i. Complimentary and Disciplinary History**

Officer Botica has received seven Department Commendations, two Superintendent's Honorable Mentions, eighty-three Honorable Mentions, the Traffic Stop of the Month Award, and at least five other awards and commendations. Officer Botica has no history of previous disciplinary action.

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

COPA has found that Officer Botica violated Rules 2, 3, 6, 8, and 38 by striking [REDACTED] vehicle with a baton and Rules 2, 3, 6, 8, and 9 by stating words to the effect of "fuck you" to [REDACTED] by forcefully pushing an unknown man into a moving car, and by referring to an unknown member of the public as a "fucker" or words of similar effect. Officer Botica had been a CPD member for more than six years at the time of this incident, and he should have been more cognizant of his words and his actions. Officer Botica's misconduct did not result in any known serious injury to any person, but did result in damage to [REDACTED] vehicle. COPA also recognizes that Officer Botica was responding to a chaotic situation in which projectiles and fireworks were thrown at CPD members. Officer Botica's words and actions were unnecessary and had the tendency to impede CPD's goal of promoting respect between law enforcement and the community. Considering these factors, along with Officer Botica's complimentary history and lack of disciplinary history, COPA recommends that Officer Botica be suspended for five days.

### **b. Police Officer Juan Moreno**

#### **i. Complimentary and Disciplinary History**

Officer Moreno has received the Life Saving Award, twenty-six Honorable Mentions, and the Democratic National Convention 2024 award. Officer Moreno has no sustained complaint registers in his disciplinary history, but he was reprimanded once through the summary punishment process for an October 2024 incident involving a uniform violation.

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

COPA has found that Officer Moreno violated Rules 2, 3, 6, 8, and 38 by striking [REDACTED] vehicle with a baton and Rules 2, 3, 6, 8, and 9 by referring to a member of the public as a "motherfucker" and by forcefully pushing an unknown man into a moving car. Officer Moreno had been a CPD Member for fewer than two years at the time of this incident, and he may have

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<sup>82</sup> See Atts. 68 to 71 for the full complimentary histories and sustained complaint histories of the accused CPD members.

been influenced by more experienced members who engaged in similar misconduct. Officer Moreno's misconduct did not result in any known serious injury to any person, but did result in damage to [REDACTED] vehicle. COPA also recognizes that Officer Moreno was responding to a chaotic situation in which projectiles and fireworks were thrown at CPD members. Officer Moreno's words and actions were unnecessary and had the tendency to impede CPD's goal of promoting respect between law enforcement and the community. Considering these factors, along with Officer Moreno's complimentary history and disciplinary history, COPA recommends that Officer Moreno be suspended for three days.

**c. Police Officer Daniel Calzada**

**i. Complimentary and Disciplinary History**

Officer Calzada has received the Life Saving Award, one Department Commendation, forty-nine Honorable Mentions, and the 2024 Democratic National Convention Award. Officer Calzada has no history of previous disciplinary action.

**ii. Recommended Discipline**

COPA has found that Officer Calzada violated Rules 2, 3, 6, 8, and 9 by forcefully pushing [REDACTED] into her vehicle and Rules 2, 3, 5, 6, and 10 by untimely activating his BWC. Officer Calzada had been a CPD member for fewer than two years at the time of this incident, and he may have been influenced by more experienced members who engaged in similar misconduct. Officer Calzada's misconduct did not result in any known injury to [REDACTED] and COPA also recognizes that Officer Calzada was responding to a chaotic situation in which projectiles and fireworks were thrown at CPD members. Officer Calzada's unnecessary use of force tended to undermine CPD's goal of promoting respect between law enforcement and the community. Also, BWC recordings are important tools used to document police interactions with members of the public, and failure to capture the entirety of an encounter, as required by CPD directives, tends to undermine public trust in CPD. Considering these factors, along with Officer Calzada's complimentary history and lack of disciplinary history, COPA recommends that Officer Calzada be suspended for two days.

Approved:

[REDACTED]

3-17-2025

\_\_\_\_\_  
Angela Hearts-Glass  
*Deputy Chief Administrator – Chief Investigator*

\_\_\_\_\_  
Date

Appendix A**Case Details**

Date/Time/Location of Incident:	September 16, 2023 / 10:19 pm / 5139 S Pulaski Rd.
Date/Time of COPA Notification:	September 17, 2023 / 7:48 am
Involved Member #1:	Police Officer Michael Botica, Star #8783, Employee ID # [REDACTED] DOA: August 16, 2017, Unit: 008, Male, White
Involved Member #2:	Police Officer Juan Moreno, Star #11143, Employee ID # [REDACTED] DOA: October 25, 2021, Unit: 007, Male, White Hispanic
Involved Member #3:	Police Officer Daniel Calzada, Star #11053, Employee ID # [REDACTED] DOA: October 25, 2021, Unit: 007, Male, White Hispanic
Involved Member #4:	Commander Bryan Spreyne, Star #455, Employee ID # [REDACTED] DOA: September 2, 1997, Unit: 008, Male, White
Involved Individual #1:	[REDACTED] Female, 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 38:** Unlawful or unnecessary use or display of a weapon.

**Applicable Policies and Laws**

- S03-14: Body Worn Cameras (effective April 30, 2018, to December 29, 2023)
- G03-02-07: Baton Use Incidents (effective June 28, 2023, to present)
- G02-01: Protection of Human Rights (effective June 30, 2022, to present)

- 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)

### **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>83</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>84</sup>

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<sup>83</sup> See *Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill. 2d 100, 191 (2005) (“A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.”).

<sup>84</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