



Log # 2024-7201

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On September 14, 2024, the Civilian Office of Police Accountability (COPA) received a Chicago Police Department (CPD) Initiation Report from Lieutenant (Lt.) Jermaine Young alleging misconduct by Officer Enzo Cabrera during an arrest that occurred earlier that day.² After reviewing Officer Cabrera's body worn camera (BWC) footage and his Tactical Response Report (TRR) documenting the arrest of ██████████³ Lt. Young alleged that Officer Cabrera improperly used direct mechanical strikes on ██████████ during the arrest.⁴ Following its investigation, COPA reached a Not Sustained finding regarding the allegation.

II. SUMMARY OF EVIDENCE⁵

On September 14, 2024, while effectuating the arrest of ██████████⁶ Officer Cabrera and Officer Miguel Bermudez Valles encountered ██████████ and several unknown males who were attempting to interfere with ██████████ arrest. BWC footage showed ██████████ and the unknown men aggressively approaching Officer Cabrera, who initially appeared alone, while Officer Cabrera was trying to take ██████████ into custody.⁷ Officer Bermudez-Valles arrived, and the group of men began to close the distance between themselves and the officers. The group, including ██████████ surrounded, taunted, shouted obscenities, and challenged the officers to fight. ██████████ was closest to Officer Cabrera, and he positioned himself in a fighting stance with closed fists. Reacting to this threat, Officer Cabrera handcuffed ██████████ to an iron fence and turned to face ██████████. However, additional officers then arrived, and ██████████ fled on foot.⁸ Subsequently, ██████████ and another fleeing man collided, and both fell to the ground landing in between a parked vehicle and a garage. Almost instantaneously, Officers Cabrera and Bermudez-Valles also went to ground to detain ██████████. The officers gave multiple commands for ██████████ to stop resisting and to show his hands while laying on his front/side body on the ground.⁹ Ultimately, ██████████ was

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. 1.

³ Atts. 2, 13, and 48.

⁴ Att. 48, pgs. 3 and 8. Lt. Young marked Officer Cabrera's TRR "not in compliance" and noted that Officer Cabrera did not use appropriate force "by not de-escalating his force and/or using open hand strikes vs direct mechanical strikes."

⁵ 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 observation device (POD) footage, CPD reports, crime scene photographs, and CPD member interviews.

⁶ Att. 3. ██████████ was arrested for Unlawful Use of a Weapon and Resisting/Obstructing a Peace Officer.

⁷ Atts. 13 and 14.

⁸ Att. 14 at 2:00 to 4:15.

⁹ Att. 13 at 3:47 to 4:15; Att. 14 at 4:10 to 4:47.

taken into custody and charged with two counts of resisting a peace officer, two counts of assault, and mob action; he later pled guilty to one count of resisting a peace officer and was sentenced to one year probation, with the other counts stricken off.¹⁰ COPA attempted to interview ██████████ but was not successful.¹¹ Photographs taken by a CPD evidence technician show some swelling to ██████████ face, but no serious injury was documented.¹²

When interviewed by COPA, Officer Cabrera gave an account that was materially consistent with what was shown on BWC footage and what he documented on his TRR. Officer Cabrera explained that he considered ██████████ to be an assailant even after ██████████ had fallen to the ground. Officer Cabrera explained that he used mechanical strikes after ██████████ ignored verbal commands to show his hands, but he only did so to gain control of ██████████ hands at a moment when one of ██████████ hands had not been secured and ██████████ appeared to be reaching towards his waistband.¹³ At that time, Officer Cabrera was concerned that ██████████ may have been in possession of a weapon because Officer Cabrera had observed a weighted item on ██████████ person during the initial confrontation.¹⁴ Although he later discovered that the item was a cell phone, that was not clear at the time.¹⁵ Officer Cabrera did not know how many of his strikes landed on ██████████ but he remembered that some of his strikes landed faintly while others missed ██████████ when he struck the ground.¹⁶

Officer Bermudez-Valles explained to COPA that he was initially unable to offer much assistance to Officer Cabrera when the group of men confronted them because he was in possession of the firearm that ██████████ had tossed before being detained by Officer Cabrera.¹⁷ As a result, Officer Bermudez-Valles was holding a loaded firearm in hand and was unable to clear or make it safe when the crowd surrounded them. Subsequently, additional officers arrived and ██████████ fled on foot before colliding with another man and falling to the ground. Officer Bermudez-Valles explained that he reached ██████████ first, but he was only able to gain control of one of ██████████ hands and required Officer Cabrera's assistance with handcuffing. Although he was aware Officer Cabrera used mechanical strikes against ██████████ he was unsure where the strikes landed.¹⁸ Officer Bermudez-Valles characterized ██████████ as an assailant, explaining that ██████████ was kicking and swaying his body after falling to the ground, as well as his previous verbal and physical threats against the officers.¹⁹

¹⁰ Att. 58.

¹¹ Atts. 19 to 23.

¹² Atts. 9 and 52. COPA attempted to obtain ██████████ medical records but was not successful. Atts. 57 and 65.

¹³ Att. 61, pg. 11, ln. 4, to pg. 12, ln. 3; pg. 21, ln. 3, to pg. 22, ln. 11; pg. 23, ln. 22, to pg. 25, ln. 2.

¹⁴ Att. 61, pg. 10, ln. 14, to pg. 11, ln. 21.

¹⁵ Att. 61, pg. 25, lines 3 to 12.

¹⁶ Att. 61, pg. 22, ln. 14, to pg. 23, ln. 4.

¹⁷ Att. 64, pg. 14, ln. 6, to pg. 15, ln. 3.

¹⁸ Att. 64, pg. 23, lns. 6 to 21.

¹⁹ Att. 64, pg. 24, ln. 9, to pg. 25, ln. 5.

III. ALLEGATIONS

Officer Enzo Cabrera:

1. Striking ██████████ using direct mechanical strikes, without justification.
 - **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 to accurately recall the event from memory.

This investigation did not reveal any reason to question either Officer Cabrera or Bermudez Valles's credibility based upon the evidence and their statements. COPA was unable to obtain the cooperation of ██████████ to evaluate any differences between his account and that of Officer Cabrera. Further, Officer Cabrera's and Officer Bermudez-Valles's accounts were consistent with BWC and CPD reports. The lieutenant who initiated this investigation did so based on his review of the relevant BWC footage, which COPA was also able to view and evaluate.

V. ANALYSIS²⁰

COPA finds Allegation #1 against Officer Cabrera, that he struck ██████████ using direct mechanical strikes, without justification, is **Not Sustained**.

CPD's stated highest priority is the sanctity of human life. In all aspects of their conduct, CPD expects that its members act with the foremost regard for the preservation of human life and the safety of all persons involved.²¹ 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 person, or prevent escape.²² 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.²³

CPD policy requires officers to "use de-escalation techniques to prevent or reduce the need for force, unless doing so would place a person or a Department member in immediate risk of harm, or de-escalation techniques would be clearly ineffective under the circumstances at the

²⁰ For a definition of COPA's findings and standards of proof, *see* Appendix B.

²¹ Att. 67, G03-02(II)(A), De-escalation, Response to Resistance, and Uses of Force (effective June 28, 2023, to present).

²² Att. 67, G03-02(III)(B)

²³ Att. 67, G03-02(III)(B)(3).

time”.²⁴ General Order G03-02 provides a non-exhaustive list of examples of de-escalation techniques officers must consider. These include (a) issuing warnings and attempting to persuade subjects prior to using force; (b) stabilizing the situation through the use of time, distance, or positioning to isolate and contain a subject; and (c) requesting additional officers or “specialized units or equipment including Crisis Intervention Team (CIT) trained officers”.²⁵ CPD policy also requires officers to “modify the use of force as circumstances change and in ways that are consistent with officer safety, including stopping the use of force when it is no longer necessary.”²⁶

An assailant is defined as a person who is using or threatening the use of force against another person or against himself/herself which is likely to cause physical injury.²⁷ CPD policy further subdivides assailants into two categories, the first being persons whose actions are aggressively offensive with or without weapons, and the second category being persons whose actions constitute an imminent threat of death or great bodily harm.²⁸ An assailant of the first category (i.e. a person whose aggressive actions do not present an imminent lethal threat) may be met with the following force options: 1) direct mechanical techniques such as punches, kicks, or focused pressure strikes and pressures; 2) impact weapons such as batons; and 3) impact munitions deploying less-than-lethal rounds such as Capsaicin II agent projectiles.²⁹

Here, officers were attempting to effectuate the arrest of a person with a firearm when ██████████ and at least five other unknown men began circling the Officers Cabrera and Bermudez-Valles in a threatening manner.³⁰ Both officers explained that they were outnumbered and feared for their safety while also observing a weighted object on ██████████ person. ██████████ exhibited behavior had a direct impact on Cabrera’s determining him as an assailant. Specifically, ██████████ was physically and verbally aggressive in a manner that led both officers to believe they were in an imminent threat of great body harm when ██████████ and the group challenged them to fight. Also, while they tried to take ██████████ into custody, he ignored verbal commands, stiffened his body, and neither officer had sight of both hands nor was able to maintain control of both hands.

A CPD member may use direct mechanical strikes against an assailant who is aggressively offensive with or without weapons. In this case, ██████████ was an assailant, and Officer Cabrera reasonably believed that ██████████ may have been armed. However, it is also possible that a lower level of force, such as open hand strikes instead of direct mechanical strikes – as noted by Lt. Young – could have been effective, and the available BWC recordings do not show which strikes landed and which strikes missed. Based on this evidence, COPA cannot find by clear and convincing evidence that all of Officer Cabrera’s strikes were proper. There is also insufficient evidence to prove by a preponderance of evidence that Officer Cabrera’s use of force was improper. Therefore, COPA finds Allegation #1 against Officer Cabrera, that he struck ██████████ using direct mechanical strikes, without justification, is **Not Sustained**.

²⁴ Att. 56, G03-02-01(II)(D).

²⁵ Att. 67, G03-02(II)(D)(2).

²⁶ Att. 67, G03-02(II)(D)(2).

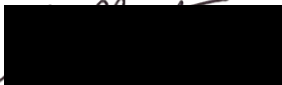
²⁷ Att. 56, G03-02-01(IV)(C), Response to Resistance and Force Options (effective June 28, 2023, to present).

²⁸ Att. 56, G03-02-01(IV)(C).

²⁹ Att. 56, G03-02-01(IV)(C)(1).

³⁰ Att. 14 at 3:00 to 4:15.

Approved:



Greg Masters
Acting Director of Investigations

12/31/2025

Date

Appendix ACase Details

Date/Time/Location of Incident:	September 14, 2024 / 6:45 pm / 3053 W 23 rd St., Chicago, IL 60623
Date/Time of COPA Notification:	September 15, 2024 / 11:42 pm
Involved Member:	Police Officer Enzo Cabrera / Star #7539 / Employee ID # [REDACTED] / DOA: August 16, 2017 / Unit: 009/214 / Male / White Hispanic
Involved Individual:	[REDACTED] / Male / Hispanic

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 15:** Intoxicated on or off duty.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.

Applicable Policies and Laws

- 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.³¹ 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.”³²

³¹ 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.”).

³² *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