



Log # 2024-6553

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

### I. EXECUTIVE SUMMARY

On August 9, 2024, [REDACTED] and [REDACTED] telephoned the Civilian Office of Police Accountability (COPA) to report misconduct by members of the Chicago Police Department (CPD). They alleged that on June 16, 2024, Officer Gustavo Pagan forcefully pushed [REDACTED] to the ground, causing serious injury to her, and that Officer Sabrina Aquino-Bergman searched their vehicle without permission.<sup>2</sup> Upon review of the evidence, COPA served allegations that Officer Pagan forcefully pushed [REDACTED] to the ground and that Officer Aquino-Bergman searched [REDACTED] and [REDACTED] vehicle. Following its investigation, COPA found that the allegation against Officer Pagan was **Unfounded** and that the allegation against Officer Aquino-Bergman was **Exonerated**.

### II. SUMMARY OF EVIDENCE<sup>3</sup>

On the evening of June 16, 2024, [REDACTED] and [REDACTED] celebrated Father's Day by visiting multiple bars in Wrigleyville after watching a televised fight. [REDACTED] became intoxicated and described herself as "blacked out," and she admitted that she "kind of violently went off" on [REDACTED].<sup>4</sup> [REDACTED] explained that she walked away from [REDACTED] and other family members, returning to her car in the parking garage at 1025 W Addison St.<sup>5</sup> Surveillance recordings from the parking garage depicted [REDACTED] driving her car with [REDACTED] as the passenger; [REDACTED] stopped the car and exited, running away from [REDACTED] before they engaged in a verbal and physical altercation where [REDACTED] struck [REDACTED] on the front of her head, causing her to fall to the ground on her hands and knees.<sup>6</sup> [REDACTED] stood up and ran after [REDACTED] who then repeatedly struck her.<sup>7</sup>

A security guard at the garage called 911,<sup>8</sup> and Officers Pagan and Aquino-Bergman responded. The security guard identified [REDACTED] and [REDACTED] to the officers on the fourth level of the

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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> 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.

<sup>3</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 BWC footage, third-party video, police reports, civilian interviews, and officer interviews.

<sup>4</sup> Att. 11, pg. 8, lns. 2 to 3.

<sup>5</sup> Att. 11, pg. 19, lns. 8 to 13.

<sup>6</sup> Att. 5 at 00:10 to 00:40.

<sup>7</sup> Att. 5 at 00:41 to 00:58.

<sup>8</sup> Atts. 12 and 13.

garage, but ██████ drove away in ██████ vehicle before crashing into a pillar on a lower floor.<sup>9</sup> ██████ and both officers chased ██████ who fled the garage and was subsequently arrested by other officers on Clark St.<sup>10</sup> ██████ complained of difficulty breathing and was transported via ambulance to ██████ Hospital, where he was diagnosed in the emergency room with substance abuse and alcohol intoxication before discharge back into police custody.<sup>11</sup> It was noted that ██████ was uncooperative both in the ambulance and at the hospital.<sup>12</sup> ██████ later told COPA that he saw ██████ running but did not see her encounter Officer Pagan and fall.<sup>13</sup>

Surveillance video showed that ██████ ran to the lower level, ahead of Officers Pagan and Aquino-Bergman.<sup>14</sup> She initially followed ██████ as he ran away from the crashed vehicle, but then changed course and ran to her left, where she collided with Officer Pagan as he began to overtake her. After colliding with Officer Pagan, ██████ fell, striking her head on the garage floor.

██████ told COPA that she was running to her car when Officer Pagan yelled “Stop!” and pushed her down.<sup>15</sup> ██████ recalled that Officer Pagan pushed her on the front of her body with his hands.<sup>16</sup> ██████ next recalled waking up in the hospital, and she did not recall observing any actions taken by the police after she fell.<sup>17</sup> ██████ denied running into the path of Officer Pagan.<sup>18</sup> ██████ also denied that ██████ physically assault her.<sup>19</sup>

██████ was transported by ambulance to ██████ Hospital, where she was admitted and diagnosed with alcoholic intoxication without complication, subarachnoid hemorrhage that was identified as bifrontal on the left, and a subdural hematoma on the back of her scalp.<sup>20</sup> ██████ was discharged on June 18, 2024, with orders for follow-up medical treatment and therapies.<sup>21</sup> ██████ told COPA that she sustained short-term memory loss, vision problems, and dizziness because of hitting her head.<sup>22</sup>

Officer Pagan documented in an Original Case Incident Report that ██████ was trying to help ██████ evade arrest by running into Officer Pagan.<sup>23</sup> Officer Pagan told COPA that he began running when he heard the fleeing car crash because he needed to check if the driver had been injured. He described himself as running downhill at full speed when ██████ who was running

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<sup>9</sup> Att. 9 at 4:49 to 5:26.

<sup>10</sup> Atts. 2, 4, and 32.

<sup>11</sup> Att. 26, pg. 2.

<sup>12</sup> Att. 24, pg. 2; Att. 26, pg. 2.

<sup>13</sup> Att. 29, pg. 4, ln. 23, to pg. 5, ln. 3.

<sup>14</sup> Att. 7 at 00:20 to 00:28.

<sup>15</sup> Att. 11, pg. 12, ln. 11, to pg. 13, ln. 3.

<sup>16</sup> Att. 11, pg. 13, lns. 12 to 19.

<sup>17</sup> Att. 11, pg. 14, ln. 21, to pg. 15, ln. 3.

<sup>18</sup> Att. 11, pg. 20, lns. 16 to 24.

<sup>19</sup> Att. 11, pg. 21, lns. 5 to 6.

<sup>20</sup> Att. 30, pgs. 1, 9 to 11, 16, and 20 to 21.

<sup>21</sup> Atts. 23 and 27; Att. 30, pgs. 1 to 24.

<sup>22</sup> Att. 11, pg. 16, lns. 5 to 14.

<sup>23</sup> Att. 2, pg. 2.

ahead of him, cut him off.<sup>24</sup> He “braced for impact,” and she fell.<sup>25</sup> Officer Pagan described [REDACTED] as running toward him diagonally, and he explained that the only physical contact he had with [REDACTED] was when she ran into him as he was running at full speed. He stated that his arm went up at the last minute to brace for her impact, and his hands touched her chest when she ran into him, but he did not push her.<sup>26</sup> Officer Pagan denied pushing [REDACTED] and causing her to fall, stating that she caused herself to fall by running directly into him. He also explained that he believed [REDACTED] ran into him to prevent him from chasing [REDACTED].<sup>27</sup>

Officer Aquino-Bergman told COPA that [REDACTED] “deliberately slammed” into Officer Pagan.<sup>28</sup> She also stated that Officer Pagan did not push [REDACTED]<sup>29</sup> and she did not see him put his hands up.<sup>30</sup> Officer Aquino-Bergman also stated that, from her perspective, it appeared that Officer Pagan braced himself and that [REDACTED] fall was “purely accidental,” without intention or malice on Officer Pagan’s part.<sup>31</sup>

Officer Aquino-Bergman denied searching the crashed vehicle without justification. She told COPA that she searched the vehicle because [REDACTED] had crashed it and fled, leading her to believe that it could contain weapons or contraband.<sup>32</sup> Also, because the vehicle had crashed and been abandoned, she needed to check inside for identification and to be sure that there were not any additional occupants.<sup>33</sup> Officer Aquino-Bergman recounted that the vehicle was still running and airbags had been deployed when she approached it,<sup>34</sup> and she also knew that the vehicle would be towed away, leading her to conduct an inventory search.<sup>35</sup> During the inventory search, Officer Aquino-Bergman found a firearm, extra magazines for the firearm, ammunition, and a bag of suspect cannabis.<sup>36</sup> Officer Pagan told COPA that he did not recall any details of the vehicle search because he was focused on [REDACTED].<sup>37</sup>

[REDACTED] was charged with domestic battery, leaving the scene of an accident, and operating a vehicle without insurance. On July 24, 2024, the charges were stricken off with leave to reinstate.<sup>38</sup>

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<sup>24</sup> Att. 46, pg. 9, lns. 11 to 13.

<sup>25</sup> Att. 46, pg. 9, ln. 14.

<sup>26</sup> Att. 46., pg. 10, lns. 12 to 23.

<sup>27</sup> Att. 46, pg. 11, ln. 8, to pg. 12, ln. 1.

<sup>28</sup> Att. 37, pg. 8, lns. 22 to 23.

<sup>29</sup> Att. 37, pg. 14, lns. 16 to 19.

<sup>30</sup> Att., 37, pg. 15, lns. 1 to 16.

<sup>31</sup> Att. 37, pg. 34, lns. 6 to 15.

<sup>32</sup> Att. 37, pg. 18, lns. 12 to 20.

<sup>33</sup> Att. 37, pg. 18, lns. 22 to 24.

<sup>34</sup> Att. 37, pg. 28, lns. 8 to 16. Officer Aquino-Bergman’s BWC recording shows her entering the crashed vehicle, which had airbags deployed and windshield wipers activated, and turning off the ignition and removing the keys. Att. 31 at 15:17 to 15:32.

<sup>35</sup> Att. 37, pg. 19, ln. 23, to pg. 20, ln. 3.

<sup>36</sup> Att. 37, pg. 20, lns. 9 to 23; Atts. 33 to 35.

<sup>37</sup> Att. 46, pg. 15, lns. 1 to 4.

<sup>38</sup> Att. 1.

### III. ALLEGATIONS

#### Police Officer Gustavo Pagan:

1. Forcefully pushing ██████████ to the ground without justification.
  - Unfounded

#### Police Officer Sabrina Aquino-Bergman:

1. Searching the vehicle of ██████████ without justification.
  - Exonerated

### IV. CREDIBILITY ASSESSMENT

The credibility of an individual depends 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. Both ██████████ and ██████████ were intoxicated at the time of the incident and their intoxication, as well as ██████████ brain injury, impaired their recall of events. ██████████ admitted to having poor recall of the incident due to her intoxication and subsequent injury. ██████████ was not present in the garage when ██████████ encountered Officer Pagan, nor when the vehicle was searched. Both ██████████ fall and the vehicle search were documented on BWC and surveillance video recordings. Officers Pagan and Aquino-Bergman provided statements to COPA that were consistent with the available evidence and with their reports, and COPA finds both to be credible.

### V. ANALYSIS<sup>39</sup>

#### a. Pushing ██████████ without Justification

COPA finds by clear and convincing evidence that the allegation against Officer Pagan, that he forcefully pushed ██████████ without justification, is **Unfounded**. BWC and surveillance video recordings show that ██████████ ran into Officer Pagan, who put his hands up in reaction to her body advancing on his. Officer Pagan explained to COPA that he did not push ██████████ instead putting his hands up to brace himself for the impact of ██████████ colliding with him as she ran. ██████████ was intoxicated at the time of this incident and had been beaten about the head and body by ██████████. She told COPA that Officer Pagan yelled for her to stop and then pushed her down, but the BWC recordings do not reflect this. Officer Pagan, a much larger figure than ██████████ was running down the garage ramp after ██████████ when ██████████ ran into him. Also, while ██████████ injuries are unfortunate, COPA cannot determine if they were caused by ██████████ beating her, the fall after she collided with Officer Pagan, or a combination of both. By clear and convincing evidence,

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<sup>39</sup> For a definition of COPA's findings and standards of proof, see Appendix B.

COPA therefore finds that the allegation against Officer Pagan, that he forcefully pushed ██████████ without justification, is **Unfounded**.

**b. Searching the vehicle of ██████████ without justification**

COPA finds that the allegation against Officer Aquino-Bergman, that she searched the vehicle of ██████████ and ██████████ without justification, is **Exonerated**.

Police may do a post-impoundment search even if there is no probable cause for the vehicle itself so long as the police follow a routine practice of securing and inventorying the automobiles' contents. Inventories pursuant to such standard police procedures are reasonable.<sup>40</sup> The inventory search cannot be a pretext concealing an investigatory police motive.<sup>41</sup> Inventory searches serve to protect the vehicle owner's property, protect the police against claims or disputes regarding the loss or theft of property from an impounded vehicle, and protect the police from potential danger.<sup>42</sup> When police are going to tow an unattended vehicle following a wreck, the Supreme Court of Illinois has found that an officer's decision to open closed containers within the vehicle to search for identification and money was a reasonable exercise of the officer's judgement.<sup>43</sup> "The threshold issue in considering whether the police have conducted a valid inventory search incident to a tow is whether the impoundment of the vehicle was proper."<sup>44</sup> Pursuant to their community-caretaking function, police have the authority to seize and remove from the streets vehicles that impede traffic or threaten public safety and convenience.<sup>45</sup>

BWC and surveillance recordings show that ██████████ crashed the vehicle into a pillar inside the parking garage and then fled the scene on foot. Officer Aquino-Bergman denied searching the vehicle without justification, explaining that she had both (1) a belief that the vehicle could contain weapons or contraband, (2) a need to check inside the vehicle for identification and to be sure there were no additional occupants, and (3) a duty to inventory the contents because she knew the vehicle would be towed away.<sup>46</sup> CPD directives provide that, when appropriate, officers may inventory personal property found in vehicles.<sup>47</sup> Here, Officer Aquino-Bergman was present when ██████████ crashed the vehicle into a pillar and fled on foot. The vehicle was still running and it was severely damaged, so it was reasonable for Officer Aquino-Bergman to enter the vehicle for the purpose of turning it off and to check for any additional occupants. While ██████████ was still present, she was both intoxicated and seriously injured, so it was not reasonable to believe that ██████████ could drive

<sup>40</sup> *South Dakota v. Opperman*, 428 U.S. 364, 372 (1976); *see also Florida v. Wells*, 495 U.S. 1, 4 (1990).

<sup>41</sup> *Opperman*, 428 U.S. at 376 (holding that a police department's standard procedures of conducting warrantless, routine inventory searches did not violate the Fourth Amendment when (1) the "procedure was not a pretext concealing and investigatory police motive," and (2) the inventory search "was not unreasonable in scope.").

<sup>42</sup> *Opperman*, 428 U.S. at 369; *People v. Gipson*, 203 Ill. 2d 298, 304 (2003).

<sup>43</sup> *People v. Hundley*, 156 Ill. 2d 135, 139 (1993).

<sup>44</sup> *People v. Nash*, 409 Ill. App. 3d 342, 349 (2nd Dist. 2011) (citing *People v. Mason*, 403 Ill. App. 3d 1048, 1054 (3rd Dist. 2010)).

<sup>45</sup> *Nash*, 409 Ill. App. 3d at 349.

<sup>46</sup> Att. 37, pg. 18, Ins. 12 to 24, and pg. 28, Ins. 8 to 16.

<sup>47</sup> Att. 53, G07-01(II)(C)(2), Processing Property Under Department Control (effective April 14, 2015, to present).

the vehicle away or make her own towing arrangements, and it would also not be reasonable to leave the damaged vehicle in the driving lane of the parking garage. Knowing that the vehicle would be towed, it was reasonable for Officer Aquino-Bergman to inventory and secure certain personal property from the vehicle, including firearms and contraband, rather than allowing these items to pass into the possession of the tow operator. By clear and convincing evidence, COPA therefore finds that the allegation against Officer Aquino-Bergman, that she searched the vehicle of [REDACTED] and [REDACTED] without justification, is **Exonerated**.

Approved:

A large black rectangular redaction box covering the signature of Greg Masters.

Greg Masters  
*Acting Director of Investigations*

February 9, 2026  
Date

Appendix ACase Details

Date/Time/Location of Incident:	June 18, 2024, 2:00 am, 1025 W Addison St., Chicago, IL 60613
Date/Time of COPA Notification:	August 9, 2024, 10:58 am
Involved Member #1:	Police Officer Gustavo Pagan, <sup>48</sup> Star #18463, Emp. # [REDACTED] DOA: February 27, 2023, Unit: 10, Male, White Hispanic
Involved Member #2:	Police Officer Sabrina Aquino-Bergman, Star #19250, Emp. # [REDACTED] DOA: June 1, 2022, Unit: 019, Female, White Hispanic
Involved Individual #1:	[REDACTED] Female, Hispanic
Involved Individual #2:	[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.

Applicable Policies and Laws

- General Order G07-01, Processing Property Under Department Control (effective April 14, 2015, to present)

<sup>48</sup> At the time of the incident under investigation, Officer Pagan was a Probationary Police Officer, and he was assigned to Unit 044/019.

## 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>49</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>50</sup>

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<sup>49</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>50</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