



Log # 2024-0008333

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On November 6, 2024, the Civilian Office of Police Accountability (COPA) received a complaint from ██████ alleging misconduct by a member of the Chicago Police Department (CPD). ██████ alleged that on November 6, 2024, Officer Ivan Lopez choked her son ██████ during his arrest causing ██████ to lose consciousness. Upon review of the evidence, COPA served additional allegations that Officer Lopez failed to complete a Tactical Response Report (TRR). Following its investigation, COPA reached **Sustained** findings regarding the failure to complete a TRR and Lopez’s use of force around ██████ neck area without justification.

II. SUMMARY OF EVIDENCE²

On November 6, 2024, at approximately 2:30 pm, Officers Joshua Falk and Ivan Lopez responded to a person with a gun call wearing a black ski mask with a beige and white jacket.³ Upon arrival, Officers encountered ██████ who matched the description of the person with a gun.⁴ Officers attempted to make contact with ██████ but ██████ fled and tossed a firearm over a fence before trying to jump over it.⁵ Officers Falk and Lopez placed ██████ in handcuffs.⁶ Officer Lopez recovered the firearm, while Officer Falk struggled with ██████ who attempted to pull away using his body weight.⁷ Officer Falk redirected ██████ into the fence while he was handcuffed after several verbal commands to stop pulling away.⁸ Officer Lopez observed ██████ refusing to comply and approached to assist Officer Falk.⁹ He ordered ██████ to “stop it, do you understand me, stop, right now,” as he briefly placed his hand on ██████ neck until he

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 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, Officer Lopez interview and transcripts, etc./.

³ Att.17, OEMC Event Query.

⁴ Att. 1, Arrest Report

⁵ Att. 19, Officer Lopez COPA Statement, at Pg. 7, Lns. 1 to 4; and Att. 4, PO Falk BWC at 2:02 to 2:15

⁶ Att. 5, PO Lopez BWC, at 2:45 to 3:15; and Att. 4, PO Falk BWC at

⁷ Att.19, at Pg. 7, Lns. 16 to 23

⁸ Att. 4, at 3:00 to 3:25

⁹ Att. 5, at 3:52 to 4:00

complied.¹⁰ Notably, Officer Lopez had the recovered firearm in his other hand.¹¹ [REDACTED] quickly complied and was escorted to a patrol vehicle.¹²

In his statement to COPA, Officer Lopez said he attempted to place his hand on [REDACTED] collarbone and told him to stop.¹³ Officer Lopez added that [REDACTED] did not complain of any injuries and did not lose consciousness while on the scene.¹⁴ Officer Lopez told COPA he did not complete a TRR because the force he used did not require him to complete a TRR.¹⁵ Finally, Officer Lopez reiterated he tried to place his hand on [REDACTED] collarbone, not his neck, and his sole purpose was to stop [REDACTED] resistance.¹⁶

III. ALLEGATIONS

Officer Ivan Lopez:

1. Failed to complete a Tactical Response Report.
 - Sustained in the violation of Rules 2, 3, 5, 6, and 10.
2. Placed your hands at or near Terrell [REDACTED] neck area, without justification.
 - Sustained in the violation of Rules 2, 3, 5, 6, 8, 9 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 disclose any reason to doubt the fundamental credibility of anyone involved.

V. ANALYSIS¹⁷

a. Failure to Complete a TRR

COPA finds that Allegation # 1 against Officer Lopez, that he failed to complete a TRR, is **Sustained**. CPD members are required to complete a TRR detailing force used when the use of force involves a subject who is injured or alleges injury; is an active resister; actively obstructs a

¹⁰ Att. 4, at 3:58 to 4:03

¹¹ Att. 4, at 3:22.

¹² Att. 5, at 4:05 to 6:40

¹³ Att.19 at Pg. 7, Lns. 22 to 23.

¹⁴ Att.19 at Pg 9, Lns. 7 to 11.

¹⁵ Att.19 at Pg 8, Lns. 18 to 19.

¹⁶ Att.19 at Pg. 12, Lns. 22 to 24.

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

member by using a physical act directed at the member; physically attacks a member, to include murder, and aggravated battery or battery.¹⁸ Furthermore, Officers are required to complete a TRR for any level 1 use of force – which includes pressure point compliance, joint manipulation, firm grips, and any weaponless direct mechanical action or technique.¹⁹

In this case, ██████ actions clearly qualified him as an active resister. Moreover, Officer Lopez decision to go hands on above the shoulders created at least a Level 1 use of force scenario – which required a TRR be completed. Therefore, COPA finds this allegation is **Sustained**.

b. Use of Force Around Neck Area

COPA finds Allegation 2 that Officer Lopez placed his hands at or near ██████ neck without justification, is **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.²⁰ 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.²¹ 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.²² CPD members are permitted to use force to overcome resistance.²³ For example, when members encounter a citizen who attempts to create distance from a member with an intent to avoid physical control and/or defeat arrest, that citizen is an active resister.²⁴ Members are permitted to respond to active resistance with presence; verbal directions; holding and compliance techniques; control instruments; deployment of oleoresin capsicum; stunning; takedowns; canine use; and taser deployment.²⁵ However, CPD policy prohibits members from using chokeholds or other restraints above the shoulders, with the sole exception being as an act of last resort, when necessary to protect against an imminent threat to life.²⁶

In this case, it is clear ██████ actions qualified him as an active resister. However, it is also clear that ██████ was handcuffed and outnumbered. At no point, following his handcuffing and detention, did any of his actions qualify as an “imminent threat to life” that would have put Officer Lopez in a “last resort” scenario. Because Officer Lopez’s actions did not meet those

¹⁸ Att. 13, G03-02-02 III (A)(1)(a-e), Incidents Requiring the Completion of a Tactical Response Report (effective June 28, 2023 to current).

¹⁹ Att. 13, G03-02-02 (III)(A)(2)

²⁰ Att. 20, G03-02 (II)(A), De-escalation, Response to Resistance, and Uses of Force (effective June 28, 2023, to present).

²¹ Att. 20, G03-02 (III)(B)

²² Att. 20, G03-02 (III)(B)(3).

²³ Att. 14, *See* G03-02-01 generally.

²⁴ Att. 14, G03-02-01 IV(B)(2), Response to Resistance and Force Options (effective June 28, 2023 to current).

²⁵ Att. 14, G03-02-01 IV(B)(2)(c)

²⁶ Att. 20, G03-02, (IV)(D)(2)

Appendix A

Case Details

Date/Time/Location of Incident:	November 06, 2024 / 2:30 pm / 3117 W 61 st St Chicago, IL 60629
Date/Time of COPA Notification:	November 12, 2024/ 4:54 pm
Involved Member #1:	Ivan Lopez, Star #13516, Employee ID# [REDACTED] DOA: August 29, 2005, 008 District, Male, Spanish
Involved Member #2:	Joshua Falk, Star #13079, Employee ID# [REDACTED] DOA: Sept. 27, 2018, 8 th District, Male, U
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 __:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- G03-02: De-escalation, Response to Resistance, and Uses of Force (effective June 28, 2023, to present).
- G03-02-01: Response to Resistance and Force Options (effective June 28, 2023, to present).
- G03-02-02: Incidents Requiring the Completion of a Tactical Response Report (effective June 28, 2023to 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.²⁸ 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.”²⁹

²⁸ 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).

²⁹ *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