



Brandon Johnson
Larry Snelling
Mayor

Department of Police · City of Chicago

3510 S. Michigan Avenue · Chicago, Illinois 60653

Superintendent of Police

June 24, 2024

Andrea Kersten
Chief Administrator
Civilian Office of Police Accountability (COPA)
1615 W. Chicago Ave., 4th Floor

Re: Superintendent's Partial Concurrence and Partial Non-Concurrence with COPA's findings
Log# 20210000130
Officer Victor Guebara #17417
Officer Jeffrey Shafer #17177
Officer Joseph Valdez #8118

Dear Chief Administrator Kersten:

Based on a review of the above-referenced complaint register (CR), in which COPA sustained 4 of 5 allegations lodged against Officer Victor Guebara, 7 of 8 allegations lodged against Officer Jeffrey Shafer, and 1 of 3 allegations lodged against Officer Joseph Valdez. The Chicago Police Department (CPD) concurs with the sustained findings against Officer Guebara and recommends a 365-day suspension. CPD concurs with COPA as to 6 of the 7 sustained findings as well as the recommended penalty of separation against Officer Jeffrey Shafer. CPD concurs with the sustained finding against Officer Joseph and recommends a penalty of a 2-day suspension.

By way of review, below is a brief synopsis of the incident that gave rise to the allegations:

On 10 January 2021, at approximately 1152 hours, Officers Guebara and Shafer, were on duty and working in an unmarked Ford Taurus, assigned to beat 361E. Guebara was driving with Shafer as the passenger. While on patrol, they observed a white Chevy Camaro in traffic. A check of the license plate via LEADS revealed the vehicle to have been reported as stolen. The officers got behind the Camaro to perform a traffic stop. While behind the Camaro with their lights and siren activated, the Officers observed the Camaro pull over, briefly stop, and then continue in traffic. Eventually, the Camaro turned to travel northbound on Kimbark Ave, which is a one-lane, one-way street that allows for traffic to flow southbound. The Camaro, continuing the wrong the way down the one-way street, jumped the curb and continued northbound on the sidewalk. The Officers continued to follow the Camaro, at which point the Camaro veered toward the unmarked Taurus, striking it on the passenger side. [REDACTED] then pointed a firearm in the direction of Shafer and Guebara, before fleeing in the Camaro. The Officers declared an emergency over their police radio, and broadcast their location as they followed the Camaro. The pursuit was eventually terminated. The driver of the Camaro, [REDACTED] crashed into a garage and fled on foot. Officer Valdez caught up to [REDACTED] at 6450 S. Cottage Grove, after [REDACTED] fell to the ground. [REDACTED] laid stomach down on the concrete as Valdez attempted to handcuff him. Guebara and Shafer arrived on scene, and both Officers struck [REDACTED] in

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the face with closed fists. Shafer forced [REDACTED] face into sidewalk and rubbed it back forth against the sidewalk. Shafer then got a handcuffed [REDACTED] up off the ground and pushed him face first into a black metal fence. Other Officers recovered a 9 mm ruger, which was loaded with a round in the chamber and an extended magazine¹, from the glove box of the Camaro.

CPD concurs with COPA'S sustained findings related to the below allegations against Officer Victor Guebara

It is alleged that on January 10, 2021, at approximately 11:49 a.m., at or near 6450 S. Cottage Grove Avenue, the accused, Officer Victor Guebara:

1. Struck [REDACTED] about his head and/or face with a closed hand, without justification in violation of G03-02.
2. Failed to activate his BWC, in violation of S03-14.
3. Engaged in a motor vehicle pursuit, in violation of G03-03-01(V).
4. Initiated a motor vehicle pursuit in violation of G03-03-01(VII).

COPA recommended a penalty range of 365 days up to separation. After review, the CPD recommends a 365-day suspension for Officer Guebara.

CPD concurs with COPA'S sustained findings related to the below allegations against Officer Jeffrey Shafer and concurs with the recommended penalty of separation.

It is alleged that on January 10, 2021, at approximately 11:49 a.m., at or near 6450 S. Cottage Grove Avenue, the accused, Officer Jeffrey Shafer:

1. Struck [REDACTED] about the head and/or face one or more times, in violation of G03-02.
2. Pushed [REDACTED] head into a metal fence, causing [REDACTED] to strike his head on said fence, in violation of G03-02.
3. Failed to activate his BWC, in violation of S03-14.
4. Engaged in a motor vehicle pursuit, in violation of G03-03-01(V).
5. Pushed [REDACTED] head into the cement sidewalk in violation of G03-02.
6. Stated words to the effect of, "That's that bitch. Get your butch ass in the car" in the direction of Lakaira Buchanan as officers escorted her to the police vehicle.

CPD does not concur with COPA'S sustained finding related to the below allegation against Officer Shafer.

1. Initiated a motor vehicle pursuit, in violation of G03-03-01 (VIII).

COPA has not proven by a preponderance of the evidence that Shafer initiated a motor vehicle pursuit in violation of General Order 03-03-01. In their SRI, COPA quotes a section of General Order 03-03-01 to justify their finding.² Unfortunately, the quoted language is nowhere to be found in the cited section. However, G03-03-01 defines a motor vehicle pursuit as "an active attempt by a sworn member operating an authorized emergency vehicle to apprehend any driver or operator of a motor vehicle who, having been given a visual and audible signal by the officer directing such driver or operator to bring his or her vehicle to a stop, fails or refuses to obey such direction, increases or maintains his or speed, extinguishes his or her lights, or otherwise flees or attempts to elude the

¹ Att. 51

² COPA SRI 2021-0130 @ Pg. 19

officer."³ (emphasis added)

This definition makes it clear that the decision to initiate a pursuit rests solely with the member **operating** the emergency vehicle. As passenger, Shafer cannot be held to account for Guebara's decision to initiate a motor vehicle pursuit. Assigning the same amount of blame and responsibility for the initiation of a vehicle pursuit to the passenger as to the operator of the vehicle is clearly unfair.

CPD concurs with COPA'S sustained findings related to the below allegations against Officer Joseph Valdez.

It is alleged that on January 10, 2021, at approximately 11:49 a.m., at or near 6450 S. Cottage Grove Avenue, the accused, Officer Joseph Valdez:

1. Failed to intervene in the use of force on [REDACTED] by Officers Guebara and/or Shafer in violation of G03-02(V).

COPA recommended a penalty of up to 30 days' suspension. After review, CPD recommends a 2-day suspension.

CPD looks forward to discussing this matter with you pursuant to MCC 2-78-130(a)(iii). If COPA and the CPD find themselves at an impasse on the resolution of this matter, the CPD asks that COPA include all attachments from the log investigation to the member of the Police Board selected to conduct the review.

Sincerely,

[REDACTED]
Larry Shelling
Superintendent of Police
Chicago Police Department

³ General Order 03-03-01, Glossary Terms, #3