



Log # 2025-0005204

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On October 16, 2025, the Civilian Office of Police Accountability (COPA) received a Notification from Lieutenant (Lt.) Richard B. DeFelice of the Chicago Police Department, Tactical Review and Evaluation Division (TRED). Lt. DeFelice reported Officer Kevin Lopez used a Level 3 non-fatal use of force technique² during the arrest of [REDACTED] on June 10, 2025.³ In his Tactical Response Report (TRR), Officer Lopez self-reported conducting an *inverted choke hold* on [REDACTED] to maintain control of him as he attempted to defeat arrest.⁴ Body Worn Camera (BWC) of both officers captured this encounter, in part.⁵ However, the reported act was not captured.

[REDACTED] was subsequently charged with narcotics related offenses, aggravated battery against peace officers, and resisting arrest. Per records of The Clerk of the Circuit Court of Cook County in the matter of People v. [REDACTED] Case No. 25-CR-07785-01, the criminal charges are still pending at the conclusion of COPA's investigation.⁶ COPA served Officer Lopez with the allegation⁷ that he used a prohibited tactic on [REDACTED] without justification⁸ but reached a finding of **Not Sustained**.

II. SUMMARY OF EVIDENCE⁹

On June 10, 2025, at approximately 12:46pm, Officers Lopez and Garcia observed [REDACTED] in proximity to 506 W. 78th Street, Chicago, IL. driving a black jeep with expired and suspended Wisconsin license plates. Upon curbing the vehicle, Officer Garcia advised him of such and requested his driver's license and insurance. At some point, [REDACTED] was asked to exit the

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 Att. 2

⁴ Att. 6

⁵ Att. 10 (BWC of PO Garcia), Att. 11 (BWC of PO Lopez)

⁶ Att. 19

⁷ 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.

⁸ While both officers used language that included profanities during their struggle with [REDACTED] it appeared to have been used to convey stern direction rather than to demean while trying to gain his control. Accordingly, this matter was not presented to either officer as a formal allegation.

⁹ 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 reports, evidence technician photos, medical records, and statements to COPA by Officer Lopez and Garcia.

vehicle to which he complied. However, once out of the vehicle, ██████ made an immediate attempt to flee but was quickly apprehended by Officer Garcia by way of an emergency takedown. Despite being handcuffed on one wrist, BWC revealed ██████ engaged in a struggle with Officers Garcia and Lopez on the ground as they issued multiple verbal commands to include ordering ██████ to stop reaching for his waistband.¹⁰ Both officers reported the use of force against ██████ to effectuate the arrest which included escort holds, wristlocks, closed hand punches/strikes, push/physical redirection, and grappling as reported on their TRR's.¹¹ After ██████ was taken into custody, officers conducted a search of the area where the struggle occurred. Officer Garcia found suspected heroin in a blue latex glove found under a vehicle near where the struggle occurred.¹² All parties suffered injuries¹³ to include Officer Lopez being bitten on his forearm by ██████¹⁴ ██████ was taken to ██████ Medical Center and diagnosed with a contusion on right shoulder and abrasion(s) on the knee.¹⁵

During their interviews with COPA, Officers Lopez¹⁶ and Garcia¹⁷ essentially reported the same account of this event. While on patrol in the vicinity of 78th and Normal, Chicago, IL they observed ██████ operating a vehicle with expired and suspended Wisconsin license plates at which time they conducted a traffic stop. Upon curbing the vehicle PO Garcia approached the driver's side while Garcia positioned himself to the passenger side. Although initially compliant, ██████ exhibited signs of distress, i.e. heavy breathing, sweating, nervousness. Both relayed these acts are consistent with an individual who is concealing contraband¹⁸ which prompted them to ask ██████ out of the vehicle. Although he exited without issue, within seconds ██████ shifted away from Officer Garcia and fled giving the officers no opportunity to conduct a pat down for contraband or weapons.¹⁹ Subsequently, Officer Garcia swiftly grabbed ██████ from behind and took him down to the ground where a struggle ensued.²⁰

Both officers reported to COPA that ██████ build and strength made it difficult to effectuate the arrest as ██████ actively attempted to defeat arrest on the ground. The officers explained ██████ had a distinct physical advantage, exceeding both officers in height and weight composed of muscle.²¹ Both officers also asserted that verbal commands and control tactics proved to be ineffective, affording them no additional de-escalation opportunities.²² Likewise, they identified ██████ as an active resister, turned assailant. Further explaining that ██████ actively resisted arrest using his body weight and legs, while pulling away from officers, and biting Officer

¹⁰ Att. 10, 11 @ 4:25-7:50

¹¹ Att. 6-7

¹² Att. 10 @ 12:00-12:40

¹³ Att. 21-45 (ET Photos of PO's Garcia, Lopez, and ██████)

¹⁴ Att. 30-32

¹⁵ Att. 14

¹⁶ Att. 16

¹⁷ Att. 18

¹⁸ Att. 16 @ 10:35-11:10 and Att. 18 @ 8:10-8:55

¹⁹ Att. 18 @ 19:18-19:30

²⁰ Id. @ 9:50-11:23

²¹ Id. @ 12:30- 13:23 and Att. 18 @ 11:23-13:00

²² Att. 16 @ 22:00-23:05 and Att. 18 @ 16:10-16:55

Lopez during the process. [REDACTED] also appeared to be reaching for his waistband and grabbing at the officer's BWC, duty belt, and other equipment.²³

As previously mentioned, Officer Lopez self-reported the use of an "inverted choke hold." When asked about this during his statement to COPA, he replied at the time that he believed it to be the best way to describe the occurrence.²⁴ Subsequently he demonstrated and explained that while holding [REDACTED] down by his torso, trying to maintain control [REDACTED] was able to shift his upper body out of Officer Lopez's grip to defeat arrest. When he began to lose grip of [REDACTED] who had begun to slide his head through the officer's (bent) forearm, he attempted to block [REDACTED] briefly contacting his inner forearm across [REDACTED] face. However, clarifying that he did not make contact to [REDACTED] neck.²⁵

III. ALLEGATIONS

Officer Lopez:

It is alleged that on or about June 10, 2025, at approximately 12:46 pm the accused:

1. Used a prohibited tactic against [REDACTED] by using an inverted choke hold, 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.

COPA interviewed Officers Lopez and Garcia. COPA assessed the credibility of the two officers utilizing truthfulness and reliability criteria. This investigation did not reveal any evidence that caused COPA to doubt the truthfulness of either officer. Both provided statements approximately eleven months after the incident and their statements appeared consistent with their BWC footage and police reports. Of greater significance was the officer's detailed account of [REDACTED] aggressive behavior. The officers informed COPA that [REDACTED] disregarded all verbal directions and actively resisted their efforts to secure his hands during the physical altercation.

²³ Att. 16 @ 7:25-8:23 and Att. 18 @ 15:08-16:10

²⁴ Att. 16 @ 19:25-19:35

²⁵ Id. @ @ 16:55-21:23

Overall, both officers' statements aligned with their BWC footage and TRR narratives. Officer Lopez enhanced his credibility by self-reporting the incident, and his interview provided a detailed, plausible sequence of events. Meanwhile, Officer Garcia stated he could not closely observe Officer Lopez's actions because he was actively struggling to arrest [REDACTED] COPA found Officer Garcia's interview transparent and found no evidence to contradict his account."

V. ANALYSIS²⁶

COPA finds by a preponderance of the evidence that the allegations against Officer Lopez in that he used a prohibited tactic against [REDACTED] by using an inverted choke hold, without justification is **Not Sustained**. CPD expects that its members will act with the foremost regard for the preservation of human life and the safety of all persons involved. CPD policy prohibits members from using force that is not "objectively reasonable, necessary, and proportional, under the totality of the circumstances, in order to provide for the safety of any person or CPD member, stop an attack, make an arrest, bring a person or situation safely under control, or prevent escape." 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.²⁷

As previously mentioned, COPA received notification of a non-fatal Level 3- Use of Force incident²⁸ committed by Officer Lopez during the arrest of [REDACTED] after reporting he placed [REDACTED] in an "in an inverted chokehold momentarily to maintain control as he was attempting to get up." in his TRR.²⁹ Per CPD policy, a chokehold is considered Deadly Force and is defined as applying any direct pressure to the throat, windpipe, or airway of another. Also, the application of other restraints above the shoulders with risk of positional asphyxiation.³⁰ Evidence *did not* support the officer conducted any variation of a chokehold during his interactions with [REDACTED]. Additionally, Lopez denied doing so and offered his personal definition or interpretation of the term. Although the officers' interaction with [REDACTED] was captured on BWC, it did not offer a clear depiction of the events.

COPA would be remiss to not acknowledge that some use of force was necessary in this case to effectuate [REDACTED] arrest. Evidence suggests the officers' responses was objectively reasonable, necessary, and proportional to the circumstances he faced. BWC supports the officer's assessment when they reported to COPA finding no other opportunity to de-escalate other than their continued communication for [REDACTED] to comply. An individual who attempts to create distance between themselves and a member's reach with the intent to avoid physical control or defeat arrest is an *active resistor*. Again, BWC reflects that within seconds upon exiting the vehicle, [REDACTED] began to create distance between himself and Officer Garcia by shuffling his feet away

²⁶ For a definition of COPA's findings and standards of proof, see Appendix B.

²⁷ Att. 48, G03-02-01 (IV)(B)(2) and (IV)(C), Response to Resistance and Force Options (effective 28 June 2023)

²⁸ Att. 1

²⁹ Att. 6

³⁰ Att. 47, G03-02(IV)(A) (4 and 6), De-Escalation, Response, to Resistance, and Use of Force (effective 28 June 2023)

from the officer and then fleeing to defeat arrest.³¹ Assaultants are further subdivided into two categories: (1) a person whose actions are aggressively offensive with or without weapons and (2) a person whose actions constitute an imminent threat of death or great bodily harm to a department member or to another person. Per policy, CPD may respond to active resisters with stunning, OC Spray, a takedown, use of a canine, and a Taser³² and when encountering an *assailant*³³ they are additionally allowed to use direct mechanical techniques, impact weapons and munitions.³⁴ In this instance, COPA had no reason to believe the officers were non-compliant with CPD policy.

Based on the totality of the circumstances, COPA finds there is insufficient evidence to prove the allegation by a preponderance of the evidence. Therefore, the allegation is **Not Sustained**.

Approved:



9 July 2026

Date

Joshua T. Hunt
1st Deputy Chief Administrator

³¹ Att. 10, 11 @ 4:25

³² Att. 48, G03-02-01 (IV)(B)(2), Response to Resistance and Force Options (effective 28 June 2023)

³³ id. G03-02-01 (IV) (C) (1)

³⁴ Impact munitions are “less-lethal blunt force projectiles to include bean bags, rubber bullets, plastic batons

Appendix A**Case Details**

Date/Time/Location of Incident:	June 10, 2025 / 12:46 pm / 506 W. 78 th Street, Chicago, IL 60620.
Date/Time of COPA Notification:	October 16, 2025 / 12:44 pm.
Involved Officer #1:	Officer Kevin Lopez / Star #18070 / Employee ID # [REDACTED] / DOA: January 31, 2022 / Unit: 006 / Male / White Hispanic.
Involved Officer #2:	Officer Aaron Garcia / Star #7688 / Employee ID # [REDACTED] / DOA: August 16, 2021 / Unit: 006 / Male / White Hispanic
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 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.

Applicable Policies and Laws

- General Order 03-02, De-Escalation, Response to Resistance, and Use of Force (effective 28 June 2023)
- General Order 03-02-01, Response to Resistance and Force Options (effective 28 June 2023)

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.³⁵ 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.”³⁶

³⁵ 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).

³⁶ *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: