

Log # 2022-0000098

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

#### I. EXECUTIVE SUMMARY

On January 10, 2022, the Civilian Office of Police Accountability (COPA) received an Initiation Report from Sgt. Martin Gibson reporting alleged misconduct by a member of the Chicago Police Department (CPD). Sgt. Gibson alleged that on January 10, 2022, Officer Armando Chagoya was intoxicated while off-duty and he kicked in apartment door.<sup>2</sup> Upon review of the evidence, COPA served an additional allegation that responding Officer Alredo Aranda failed to notify OEMC after pointing his firearm at a subject.

On February 1, 2022, COPA received an Initiation Report from Sgt. Armando Rosas reporting additional alleged misconduct by Officer Chagoya.<sup>3</sup> Sgt. Rosas alleged that on February 1, 2022, Officer Chagoya was intoxicated while off-duty and threw **Sector** to the floor several times. Upon review of the evidence, COPA served additional allegations that Officer Chagoya grabbed **Sector** by the shoulders, forcefully grabbed her arm, contorted her fingers, took her phone, and damaged her phone. Following its investigation, COPA reached sustained findings regarding all the allegations against Officer Chagoya.

#### II. SUMMARY OF EVIDENCE<sup>4</sup>

In the early hours of January 10, 2022, Officer Chagoya and his **sector** at the time, **sector** were out at Dublin's Bar and Grill drinking together. Both **sector** and Officer Chagoya admitted to being intoxicated.<sup>5</sup> **sector** related that Officer Chagoya took her phone at the bar, and her friend, **sector** had to reason with him to get it back. Officer Chagoya related that he and **sector** had an argument at the bar, but he could not recall what it was about. He stated that he was in possession of her apartment keys, and she demanded the keys and left the bar. He

<sup>&</sup>lt;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>&</sup>lt;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>&</sup>lt;sup>3</sup> The Initiation Report that documents the incident from February 1, 2022, was generated for Log 2022-0000365. That Log was consolidated into this Log, due to the incidents occurring within a short time period and the same parties being involved.

<sup>&</sup>lt;sup>4</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 police reports, civilian interviews, officer interviews, BWC footage, third-party video, and 911 call recordings.

footage, third-party video, and 911 call recordings. <sup>5</sup> Att. 5, pgs. 15 to 17 and att. 91, pgs. 13 to 14. Officer Chagoya related in his statement that he normally either drinks Old-Fashioned cocktails or beer, and he could not recall what he drank that night, or how many drinks he consumed.

related he followed her as they walked the few blocks back to her apartment building, and she was walking in front of him.<sup>6</sup> She then entered her apartment building and closed the door, so Officer Chagoya was unable to enter. Officer Chagoya related that he "blacked out" due to being intoxicated, and he does not recall what took place after that.<sup>7</sup> told responding officers that he gave her the key ring back, but her apartment key was not on it. She further related that she had to go back to Dublin's Bar and Grill and retrieved her apartment key from him. She stated that once back in her apartment, she locked her door. She then heard banging on her door and looked through the peep hole to see Officer Chagoya kicking at her door. She stated that he successfully kicked her door in, entered her apartment and sat on the couch, stating he wanted to lay down.<sup>8</sup>

Video footage obtained from **Security** apartment building captures the fourth-floor hallway leading to her apartment.<sup>9</sup> **Security** is first captured on the camera at 2:09 am, where it appears she is unsuccessful in her attempt to enter her apartment, and then goes through the door that leads to the stairs, across from her apartment door.<sup>10</sup> At. 2:15 am, she is captured coming from the stairwell, and walking down the hallway, looking at her cell phone.<sup>11</sup> Then at 2:54 am, **Security** is seen walking down the hallway, swaying side to side and leaning on the wall. He appears to lean on her apartment door, punch it, and kick the bottom of it repeatedly.<sup>13</sup> The video does not capture him successfully entering the apartment.

At 3:11 am, **and a** called 911 stating that her **and a** broke all her locks on her door, he was now sitting on her couch, and he would not go away.<sup>14</sup> Responding officers arrived, and **and a** related that she did not want Officer Chagoya to be arrested, she simply wanted him out of her apartment. After searching her apartment for him, responding officers searched the stairwell of the building. BWC video captured responding Officer Alfredo Aranda with his weapon drawn, and he was the first officer to encounter Officer Chagoya in the stairwell.<sup>15</sup> Officer Aranda explained in his statement that he had his weapon in a low ready position, because **and a** informed them that Officer Chagoya was a CPD SWAT officer, and they were not sure if he was armed or not. He further explained that he was on the third-floor stairwell, while Officer Chagoya was on

<sup>&</sup>lt;sup>6</sup> Att. 91, pg. 9.

<sup>&</sup>lt;sup>7</sup> Att. 91, pgs. 9, 13, and 39. When asked if **Example** ver shared with him what took place that night, Officer Chagoya related that she told him he was banging on the door and he broke her door. He further related that conversation took place sometime in April 2022.

<sup>&</sup>lt;sup>8</sup> Att. 17 at 18:30-19:55.

<sup>&</sup>lt;sup>9</sup> After comparing the third-party video to the responding officers BWC video and 911 call recording, it appears the time stamp on the third-party video is one hour ahead of the true time it was recorded. The cameras are motion activated.

<sup>&</sup>lt;sup>10</sup> Atts. 50, 63, 67. The cameras essentially captured the same information from different angles in the hallway.

<sup>&</sup>lt;sup>11</sup> Atts. 53, 59, 62.

<sup>&</sup>lt;sup>12</sup> Atts. 49 and 68.

<sup>&</sup>lt;sup>13</sup> Atts. 47-48, 55, 64-65.

<sup>&</sup>lt;sup>14</sup> Att. 10.

<sup>&</sup>lt;sup>15</sup> Att. 13 at 11:10-11:40 and att. 15 at 11:20-11:40.

the second-floor stairwell, and his weapon was pointed in the general area for safety, not directly at Officer Chagoya.<sup>16</sup>

BWC video then captured Sgt. Gibson asking Officer Chagoya why he kicked door in, to which he responded, "anger."<sup>17</sup> Officer Chagoya was taken to the 018 district station for a breath test regarding the allegation of being intoxicated off-duty. The breath test was conducted at 6:05 am and returned with results of .220.<sup>18</sup>

On January 31, 2022, was working at , and she asked Officer Chagoya to enter a raffle at Tavern on Rush for her while she was at work. Officer Chagoya related that while he was at Tavern on Rush for the raffle, he was drinking at the bar. He texted around 9:00 pm, because he thought that was the time she would be getting done with work. did not respond to his messages, so he stayed at the bar and continued drinking.<sup>19</sup> Officer Chagoya keys, so he eventually went to her apartment and laid down.<sup>20</sup> called Officer had Chagoya and stated she got held up at work, she was going to go to a club and asked if he wanted to go with her. He informed her he did not want to go, he wanted her to come home so they could be together. Officer Chagoya related he fell back asleep, and arrived home and asked again if he wanted to go to the club.<sup>21</sup> They got into an argument regarding going to the club or not. Officer Chagoya related that due to his level of intoxication, he did not recall what took place after that.<sup>22</sup>

related that as she was walking home from working at , she and her made a three-way call to Officer Chagoya to discuss going out to a club.<sup>23</sup> friend. She related that Officer Chagoya was acting mean on the phone call, and she began to think he was intoxicated. She told **that she would go to her apartment**, clear up the misunderstanding with Officer Chagoya, and they would meet him at the Starbucks next to her apartment building shortly.<sup>24</sup> then related that as soon as she opened her apartment door, Officer Chagoya pulled her into the apartment, and began throwing her to the ground multiple times.<sup>25</sup> She related he grabbed her by her shoulders and forcefully slammed her onto the ground.

<sup>&</sup>lt;sup>16</sup> Att. 86, pgs. 10 to 15.

<sup>&</sup>lt;sup>17</sup> Att. 17, at 13:22 to 13:40.

<sup>&</sup>lt;sup>18</sup> Atts. 11-12.

<sup>&</sup>lt;sup>19</sup> Att. 91, pgs. 23 to 24. Officer Chagoya related in his statement that he was drinking Old-Fashioned cocktails, and he had one shot of tequila. He could not recall how many Old-Fashioned cocktails he consumed.

<sup>&</sup>lt;sup>20</sup> Att. 91, pg. 25. Officer Chagoya could not recall how long he was at Tavern on Rush, but stated it had to be more than an hour.

<sup>&</sup>lt;sup>21</sup> Att. 91, pg. 28. Officer Chagoya related he was unaware of how entered the apartment, and he could not recall if he had locked the apartment door or not.

<sup>&</sup>lt;sup>22</sup> Att. 91, pgs. 21-22, 39. When asked if ever shared with him what took place that night, Officer Chagoya related that she told him he grabbed her, pulled her down to the ground, and would not let her leave. He further related that conversation took place sometime in April 2022.

<sup>&</sup>lt;sup>23</sup> Att. 5, pg. 36. related that she was not intoxicated, but she had a couple drinks at work. She attributed her lack of memory for some details and exact order of events of the altercation to that.

<sup>&</sup>lt;sup>24</sup> Att. 5, pg. 22. Trelated in her statement that she believed Officer Chagoya was mad because she worked late. <sup>25</sup> Att. 73, The camera in the hallway of apartment building captured her entering the apartment at 1:16 am.

She further related that she hit her head on the wood floor.<sup>26</sup> She stated that during the argument, she recalled he stated, "You don't want to answer your fucking phone?"<sup>27</sup> She related that she attempted to explain to him that she came upstairs to ask if he wanted to go out with them, and she was not going to go out without him.<sup>28</sup>

described that Officer Chagoya grabbed her arm and contorted her fingers, twisting them back towards her wrist so hard that she thought her hand, wrist, or fingers were going to break.<sup>29</sup> She further related that at some point during the altercation, Officer Chagoya took her phone and put it in his back pocket. He also got water on her phone and damaged it.<sup>30</sup> called called comphone, and Officer Chagoya answered it. Comprehended that she was on the floor and yelling for compared to not leave.<sup>31</sup> She related to responding officers that she tried to get her phone and Officer Chagoya threw it.<sup>32</sup> Eventually, she was able to get her phone, and she locked herself in the bathroom and called police.<sup>33</sup> called that compared at her apartment and "deescalated the situation," and she was able to grab her dog and leave the apartment.<sup>34</sup>

At 1:33 am, called 911 stating that she came home from work, and he put his hands on her, was beating her and he kept throwing her to the ground. She appeared to be in distress and crying.<sup>35</sup> Responding officers arrived, and created to responding officers essentially the same information she provided in her statement to COPA. Correct related to responding officers that he did not witness the domestic battery, and he arrived on scene after the incident.<sup>36</sup> Officer

<sup>&</sup>lt;sup>26</sup> Att. 91, pgs. 24, 30 to 31. **The second second** 

<sup>&</sup>lt;sup>27</sup> Att. 5, pg. 36.

<sup>&</sup>lt;sup>28</sup> Att. 5, pg. 25.

<sup>&</sup>lt;sup>29</sup> Att. 5, pgs. 32 to 33. During her interview, **sector** related that she may seek medical treatment for an injury to her right index finger. The investigators conducting her interview observed her finger to be swollen.

<sup>&</sup>lt;sup>30</sup> Att. 5, pgs. 36, 38. **Constant** related that after this incident, she had to get a new phone to replace her phone because it no longer worked. She did not know if it was caused by water damage or from it being thrown around while she was also being thrown around. Att. 46, **Constant** corroborated this, stating that **Constant** told him her cell phone was damaged during the incident and she ultimately had to get a new phone.

<sup>&</sup>lt;sup>31</sup> Att. 5, pg. 25 and 35. **Constant** related that **Constant** was at the Starbucks next to her apartment building waiting for them, and he was able to follow someone in the building to enter inside.

<sup>&</sup>lt;sup>32</sup> Att. 33 at 6:00 to 6:30.

<sup>&</sup>lt;sup>33</sup> Att. 91, pg. 25.

<sup>&</sup>lt;sup>34</sup> Att. 5, pgs. 25-26. Att. 20.

<sup>&</sup>lt;sup>35</sup> Atts. 25 and 26. **Constitution** called 911 again at 1:43 am, appearing upset that police were not there yet and reiterating that Officer Chagoya was physical with her. She added that he stole her phone and she saw she had two unknown missed calls. Att. 5, pgs. 26 to 27. **Constitution** related in her statement that the police were already downstairs, but unable to get inside the apartment building.

<sup>&</sup>lt;sup>36</sup> Atts. 20 and 46. COPA called **Country** 14, 2022. He related that during a phone call with **Country** and Officer Chagoya that night, **Country** told him not to leave, and it sounded like they were arguing in the background. He eventually went upstairs to **Country** apartment because he thought they were not ready to go out yet. **Country** apartment door was closed, and he knocked on the door. Officer Chagoya opened the door, and **Country** asked if they were ready, because they were planning on going out that night. **Country** related that he felt tension when the door was opened, and he felt like an argument, or something had occurred. He related he did not see any of the argument, and **Country** walked out of the apartment, and police arrived relatively quickly. He also confirmed that he

Chagoya was arrested and taken to the 018 district.<sup>37</sup> A breath test was conducted at 6:10 am and returned with results of .143.<sup>38</sup> **Constitution** obtained an order of order of protection on February 8, 2022.<sup>39</sup>

Officer Chagoya appeared remorseful during his statement to COPA. He related that he checked himself into inpatient rehabilitation for alcohol in February 2022, for a 30-day program.<sup>40</sup> He also related that he has been seeing a therapist ever since the incidents, and he has learned a lot and has grown as a person.<sup>41</sup> He further related that he gave **\_\_\_\_\_**a sincere apology for his behavior and his intoxication.<sup>42</sup>

# III. ALLEGATIONS

#### **Officer Armando Chagoya:**

On or about January 10, 2022, at approximately 3:00 am, at or near Officer Armando Chagoya:

- 1. Was intoxicated while off-duty.
  - Sustained, Violation of Rules 2 and 15.
- 2. Kicked apartment door and/or caused damage to her door.
  - Sustained, Violation of Rules 1, 2 and 8.

On or about February 1, 2022, at approximately 1:15 am, at or near Officer Armando Chagoya:

- 3. Was intoxicated while off-duty.
  - Sustained, Violation of Rules 2 and 15.
- 4. Grabbed **by** her shoulders without justification.
  - Sustained, Violation of Rules 2, 8 and 9.
- 5. Forcefully slammed **to the ground multiple times without justification**.
  - Sustained, Violation of Rules 2, 8 and 9.
- 6. Forcefully grabbed arm without justification.

<sup>39</sup> Att. 44.

<sup>41</sup> Att. 91, pg. 42.

<sup>42</sup> Att. 91, pg. 33.

also goes by **Sectors** as that is his middle name, and that is how **Sector** referred to him in her statement. COPA attempted to contact **Sectors** again multiple times for a formal interview but was unable to contact him. <sup>37</sup> Att. 22. BWC video captured that while in lockup, Officer Chagoya called **Sectors** and stated, "What happened is we both got drunk and we both got fucking physical with each other, that's what happened." Att. 35 at 17:43-17:50. <sup>38</sup> Att. 21.

<sup>40</sup> 

- Sustained, Violation of Rules 2, 8 and 9.
- 7. Contorted fingers, causing pain without justification.
  - Sustained, Violation of Rules 2, 8 and 9.
- 8. Took cell phone without permission.
  - Sustained, Violation of Rules 2 and 8.
- 9. Threw cell phone and/or put water on her cell phone, causing damage.
  - Sustained, Violation of Rules 1, 2 and 8.

# Officer Alfredo Aranda

1. On or about January 10, 2022, at approximately 3:28 am, at or near

, Officer Alfredo Aranda failed to notify OEMC after pointing his firearm at a subject.

– Exonerated

# 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. In this case, not only does **memory** have a clear recollection of events, but she is also able to provide an account of events during her interview that relates to what was on the responding officer's body worn camera.

This investigation did not reveal any evidence that caused COPA to question the credibility of any of the individuals (sworn or unsworn) who provided statements.

# V. ANALYSIS<sup>43</sup>

# **Officer Armando Chagoya:**

COPA finds Allegation #1 against Officer Chagoya, that he was intoxicated while off-duty is **Sustained**. Officer Chagoya admitted that he was intoxicated during this incident, and the result of his breath test was .220.

COPA finds Allegation #2 against Officer Chagoya, that he kicked apartment door and/or caused damage to her door, is **Sustained**. During his statement, Officer Chagoya did not deny causing damage to **Sustained** door, but rather he related that he "blacked out" due to being intoxicated and could not recall what took place after he was locked out of her apartment building. Video from the building captured Officer Chagoya leaning against, punching, and kicking her

<sup>&</sup>lt;sup>43</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

apartment door. The related that she had locked her door, not wanting Officer Chagoya to enter her apartment. She observed Officer Chagoya kicking at her door through the peep hole, and he eventually successfully kicked it in. Additionally, responding officers documented in the Original Case Incident Report (RD# JF108178) that they observed the locks and door to be broken. Furthermore, when asked by Sgt. Gibson why he kicked the door in, he responded, "anger." Based on a preponderance of the evidence, COPA finds that it is more likely than not that Officer Chagoya caused the damage to the door, and the allegation is sustained.

COPA finds Allegation #3 against Officer Chagoya, that he was intoxicated while off-duty, is **Sustained**. Again, Officer Chagoya admitted that he was intoxicated during this incident, and the result of his breath test was .143.

COPA finds Allegations #4-9 against Officer Chagoya, that he grabbed by her shoulders, forcefully slammed **to the ground multiple times**, forcefully grabbed fingers, took cell phone without permission, and threw arm, contorted cell phone and/or put water on her cell phone are **Sustained**. essentially the same account of the night, up until the argument turned physical. There is no account regarding the physical allegations, and Officer Chagoya evidence to discredit related that he could not recall what took place after the verbal argument. He stated that he could not confirm or deny Allegations #4-9, due to his recollection.<sup>44</sup> When asked if the argument ever got physical, he related he could not recall. Additionally, while in lockup, Officer Chagoya called and stated, "What happened is we both got drunk and we both got fucking physical with each other, that's what happened." Furthermore, the 911 call recordings depict appearing to be in distress and in fear of Officer Chagoya. **Example 1** related to responding officers essentially the same information she provided in her statement to COPA. Moreover, corroborated told him her cell phone was damaged during the incident and she ultimately had to get that a new phone. For all the reasons stated above, COPA finds the allegations are sustained.

## **Officer Alfredo Aranda:**

COPA finds the allegation against Officer Alfredo Aranda, that he failed to notify OEMC after pointing his firearm at a subject, is **Exonerated**. Officer Aranda explained in his statement that he had his weapon in a low ready position, because **Mathematical Second Sec** 

<sup>44</sup> Att. 91, pgs. 46 to 48.

#### VI. DISCIPLINARY RECOMMENDATION

#### a. Armando Chagoya

#### i. Complimentary and Disciplinary History<sup>45</sup>

Officer Chagoya has received a total of eighty-two awards including fifty-seven honorable mentions, two department commendations, seven complimentary letters and two crime reduction awards. He has no recent disciplinary history.

## ii. Recommended Discipline

COPA has considered Officer Chagoya's complimentary history and lack of disciplinary history. COPA has also considered the totality of the of the circumstances in this case. Domestic violence is a serious violation of Department policy. Officers are charged with protecting and serving the community as well as upholding the law. Here, Officer Chagoya engaged in conduct that he is responsible for protecting the public against. His conduct brings discredit to the Department. COPA has also considered that Officer Chagoya seems remorseful and did not minimize his conduct. Officer Chagoya has taken some accountability for his actions and has completed in patient rehab and is seeing a therapist. COPA recommends a suspension of 25 to 90 days, and although Officer Chagoya admits to receiving Alcohol Treatment, it is recommended that he receives on going monitoring for Alcohol use.

Approved:

Sharday Jackson [ Deputy Chief Administrator – Chief Investigator February 23, 2024

Date

<sup>&</sup>lt;sup>45</sup> Attachment \_\_\_.

# Appendix A

Case Details
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Case Details	
Date/Time/Location of Incident:	January 10, 2022 / 3:00 am / February 1, 2022 / 1:15 am /
Date/Time of COPA Notification:	January 10, 2022 / 4:12 am
Involved Member #1:	Armando Chagoya, Star #19938, Employee ID#
	Date of Appointment: October 31, 2005, Unit of
	Assignment: 353/376, Male, White Hispanic
Involved Member #2:	Alfredo Aranda, Star #6317, Employee ID#
	of Appointment: October 16, 2017, Unit of Assignment:
	018, male, White Hispanic
Involved Individual #1:	Female, Black
	1

#### Applicable Rules

<b>Rule 2:</b> 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 1: Violation of any law or ordinance.
Rule 15: Intoxication on or off duty.

# Applicable Policies and Laws

• D19-01: Firearm Pointing Incidents (effective November 1, 2019 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. <u>Sustained</u> where it is determined the allegation is supported by a preponderance of the evidence;
- 2. <u>Not Sustained</u> where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
- 3. <u>Unfounded</u> where it is determined by clear and convincing evidence that an allegation is false or not factual; or
- 4. <u>Exonerated</u> 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>46</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>47</sup>

<sup>&</sup>lt;sup>46</sup> 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).

<sup>&</sup>lt;sup>47</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  $\square$ **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  $\square$ Unnecessary Display of a Weapon Use of Deadly Force – other Verbal Abuse  $\square$ Other Investigation