



Log # 2023-3088

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On July 14, 2023, the Civilian Office of Police Accountability (COPA) received an in-person complaint from [REDACTED] and [REDACTED] who alleged misconduct by a member of the Chicago Police Department (CPD). [REDACTED] and [REDACTED] alleged that, on an unknown date at an unknown time, between May 19 and July 14, 2023, Officer Leslie Padilla made unprofessional comments to individuals being sheltered in the 001st District Station and used excessive force on [REDACTED].² Following its investigation, COPA reached not sustained findings for all the allegations.

II. SUMMARY OF EVIDENCE³

On July 14, 2023, COPA investigators were conducting a canvass, for an unrelated investigation, when [REDACTED]⁴ and [REDACTED] requested to make a complaint against Officer Padilla for verbal abuse and excessive force that occurred between May 19 and July 14, 2023 while they were being housed in the 001st District Station.⁵

[REDACTED] and [REDACTED] alleged that Officer Padilla was generally rude and disrespectful, and more specifically, that Officer Padilla made references to her own family's immigrant experience, how her family did not require assistance during their immigration, how her father worked hard to succeed, and how the migrants being housed in the district station were invaders.⁶

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 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.

³ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including CPD records, and civilian and CPD member interviews. COPA also attempted to obtain Police Observation Device (POD) footage; however, the lobby of the 001st District Station is not equipped with POD cameras. *See* Notes CO-1349687 CO-1355398. Additionally, COPA completed English Summaries of the Spanish Statements obtained from the civilians in this case. Att. 48.

⁴ COPA was unable to obtain a statement from [REDACTED]. *See* Notes CO-1346598; CO-1348390; CO-1350071; CO-1350224; CO-1369602.

⁵ During this investigation the civilians' that provided statements could not identify and specific dates or times of the alleged misconduct.

⁶ [REDACTED] a volunteer assisting the migrants, informed COPA that he did not witness any of the alleged misconduct but that it was reported to him by migrants. Att. 6 at 08:39; Att. 7 at 08:45; Att. 8 at 06:45; Att. 11; and Att. 14 from 07:15 to 08:48.

██████████ alleged that Officer Padilla would wake the migrants early in the morning and on one occasion Officer Padilla grabbed ██████████ without justification.⁷ Additionally, ██████████ recounted that while he was being told to leave the district station, he observed Officer Padilla grab ██████████ by the shirt.⁸

Officer Padilla relayed to COPA that she is a fluent Spanish speaker⁹ and that she would occasionally¹⁰ be assigned to the district station desk where she would interact with the migrants staying in the station.¹¹ Officer Padilla explained, that while she is fluent in Spanish, she sometimes had difficulties communicating with the migrants because of differing dialects.¹² Further, Officer Padilla limited her contact with the migrants because she was concerned with becoming sick and transmitting any illness to her elderly parents whom she lived with.¹³ Officer Padilla denied grabbing any migrant, to include ██████████ by the collar.¹⁴ Officer Padilla did admit that she discussed her family’s immigration experience but that it was only in response to questions asked by migrants, in Spanish,¹⁵ or in response to citizen complaining and making racist comments while in the lobby, in English.¹⁶ Officer Padilla did recount observing illegally parked vehicles outside of the district station and that license plate checks revealed the owner was often a migrant housed in the station.¹⁷ Finally, Officer Padilla denied all of the allegations and insisted the alleged comments were not “even in [her] vocabulary.”¹⁸

COPA obtained a statement from Police Administrative Clerk (PAC) Yivs Vargas who was not aware that some migrants referred to her a “La Mexicana.”¹⁹ PAC Vargas relayed that at no time did she observe, nor does she have any knowledge of Officer Padilla or any other members using force on any migrant or making any of the alleged comments.

⁷ ██████████ and ██████████ also alleged seeing Officer Padilla grab ██████████ however, no one has been able to provide a date or time of the alleged incident. Att. 15.

⁸ ██████████ recounted the reports he received but did not witness the conduct himself. Att. 15; *also see* FN 7 above.
⁹ Att. 50, pg. 12, ln. 4 to pg. 13, ln. 13.

¹⁰ Officer Padilla was a relief officer at the time of this incident and would only occasionally be assigned to the station desk, usually when there was an unexpected absence of another member. Att. 50, pg. 7, lns. 11 to 17.

¹¹ Officer Padilla explained this interaction as assisting in obtaining identification numbers for migrants, providing them with a letter that detailed the rules and expectations, while also conducting daily headcounts as needed. Att. 50, pgs.

¹² Officer Padilla relayed that she did not fully understand the allegations written in Spanish, she did not know the Spanish word for “invade” until she was served with the allegations, and could not properly use the Spanish word for “competent” in a properly structured sentence. Att. 50, pg. 12, ln. 14 to pg. 13, ln. 12, pg. 29, lns. 22 to 24, pg. 30, lns. 4 to 13.

¹³ Att. 50, pg. 15, lns. 10 to 24.

¹⁴ Officer Padilla said that she does not grab anyone by the collar even when she has need for force. Att. 50, pg. 17, ln. 4 to pg. 18, ln. 11, pg. 29, lns. 1 to 14.

¹⁵ Att. 50, pg. 13, ln. 14 to pg. 14, ln. 10.

¹⁶ Att. 50, pg. 24, lns. 6 to 24.

¹⁷ Att. 50, pg. 22, ln. 16 to pg. 23, ln. 6.

¹⁸ Att. 50. Pg. 28, ln. 10 to pg. 30, ln. 16.

¹⁹ The migrants that provided COPA as statement referred to PAC Vargas as “La Mexicana” and provided her name. PAC Vargas does speak Spanish. Att. 49, pg. 11, lns. 3 to 19, pg. 16, ln. 15 to pg. 17 ln 8.

III. ALLEGATIONS²⁰

Officer Leslie Padilla

1. Grabbing [REDACTED] by the collar of the shirt without justification
 - Not Sustained.
2. Made statement to complainants to the effect of “sus padres llegaron ahi sin nada, nadie los ayudo, nadie los apoyo, que ellos hubieran hecho lo mismo, y que nosotros llegamos a invadir” (“her parents came her with nothing, nobody helped them, had no support, that they should have done same, and that they arrived to invade”)
 - Not Sustained.
3. Made statements to complainants to the effect of “nosotros los migranted estabamos ahi, su papa vina aca, que el tuvo que trabajar, y que tuvo que haverlo to competente” (“you the migrants are here, her dad came here, he had to work and had to do everything competently”)
 - 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 accurately recall the event from memory.

COPA questions [REDACTED] credibility based on his actions during his statement to COPA. Specifically, during [REDACTED] statement an unidentified female, possibly [REDACTED]²¹ responded in the background to questions COPA asked [REDACTED]. While COPA does not believe [REDACTED] was being untruthful, COPA does question if his recounting of events was based on his personal knowledge and recollection, or what was told to him by others, like the unidentified female.²²

COPA did not find any basis to question the credibility of any of the other parties, to include CPD members, who provided a statemen to COPA.

V. ANALYSIS

COPA finds Allegation #1 against Officer Padilla, that she improperly grabbed [REDACTED] by the collar of his shirt, is **not sustained**. CPD members are permitted to use force to overcome

²⁰ COPA served Officer Padilla the allegations in Spanish and English, but the alleged conduct occurred in Spanish.

²¹ [REDACTED] and [REDACTED] are paramours.

²² For a definition of COPA’s findings and standards of proof, *see* Appendix B.

resistance.²³ Here, COPA is unable determined what if anything occurred between Officer Padilla and [REDACTED] Further, as discussed above COPA questions [REDACTED] credibility, there by undermining the limited corroboration of the alleged interaction. Additionally, other than statements, COPA did not locate any evidence that supports or refutes the allegations.²⁴ It is for these reasons that this allegation must be **not sustained**.

COPA finds that Allegations #2 and #3 against Officer Padilla, that she made unprofessional and/or derogatory remarks to migrants housed in the district station, are **not sustained**. CPD policy mandates that all “members treat all persons with courtesy and dignity which is inherently due every person as a human being. Department members will act, speak, and conduct themselves in a professional manner ... and maintain a courteous attitude in all contacts with the public.”²⁵ Here, COPA is unable to determine what, if anything, Officer Padilla said to the migrants as they were housed at the district station. Additionally, during statements to COPA, it was unclear in what context Officer Padilla’s alleged remarks may have occurred and to whom those remarks were made.²⁶ Further, Officer Padilla credibly told COPA that when a migrant would ask about her own immigration experience, she would share that experience with them and would identify herself as an immigrant when responding to citizen complaints about the migrants housed in the station. Also, COPA was unable to locate any evidence, beyond statements, that corroborates or refutes the allegations. Therefore, these allegations must be **not sustained**.

Approved:

[REDACTED]

6-25-2024

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

²³ Atts. 37 and 38, G03-02-01: Response to Resistance and Force Options (effective April 15, 2021 to June 28, 2023 and June 28, 2023 to current respectively).

²⁴ COPA requested POD footage from the Lobby of the 001st District Station; however, the lobby is not equipped with cameras. COPA also searched for BWC footage; however, none was located. COPA obtained and reviewed the Supervisory Logs for the dates Officer Padilla was listed as working, and there were no indications of any physical interaction occurring on those dates. Atts. 38 to 47.

²⁵ Att. 35, G02-01 III (B), Protection of Human Rights (effective June 30, 2022 to current); Att. 36, G02-04 II (C), Prohibition Regarding Racial Profiling and Other Bias Based Policing (effective February 1, 2023 to current).

²⁶ The context of most of the alleged comments directly impacts if the alleged comments were in fact verbal abuse or just conversation, with the exclusion of the alleged “invader” comment.

Appendix A

Case Details

Date/Time/Location of Incident:	May 19, 2023, to July 14, 2023/ 05:00 AM to 01:00 PM/ 1718 S. State St, Chicago, IL, 60616
Date/Time of COPA Notification:	July 14, 2023/ 02:44 PM
Involved Member #1:	Leslie Padilla, Star #9212, Employee ID # [REDACTED], Date of Appointment October 29, 2001, Unit of Assignment 001, Female, Hispanic.
Involved Individual #1:	[REDACTED] Female, Hispanic.
Involved Individual #2:	[REDACTED] Female, Hispanic.
Involved Individual #3:	[REDACTED] Female, Hispanic.
Involved Individual #4:	[REDACTED] Male, Hispanic.
Involved Individual #5:	[REDACTED] Male, Hispanic.
Involved Individual #6:	[REDACTED] [REDACTED] Male, Hispanic.
Involved Individual #7:	[REDACTED] Male, Hispanic.
Involved Individual #8:	[REDACTED] Female, Hispanic.

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

- G02-01: Human Rights and Resources (effective June 30, 2022 to current).²⁷
- G02-04: Prohibition Regarding Racial Profiling and Other Bias Based Policing (effective February 1, 2023 to current).²⁸
- G03-02-01: Response to Resistance and Force Options (effective April 15, 2021 to June 28, 2023).²⁹
- G03-02-01: Response to Resistance and Force Options (effective June 28, 2023 to current).³⁰

²⁷ Att. 35.

²⁸ Att. 36.

²⁹ Att. 37.

³⁰ Att. 38.

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.³¹ 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.”³²

³¹ 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).

³² *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