



Log # 2023-0005549

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

### I. EXECUTIVE SUMMARY

On November 27, 2023, the Civilian Office of Police Accountability (COPA) received a phone complaint from ██████████ reporting alleged misconduct by a member of the Chicago Police Department (CPD).<sup>2</sup> ██████████ alleged that CPD Sergeant Daniel Goetz engaged in a verbal altercation with ██████████ put his fingers on ██████████ chest, grabbed him by the collar and pushed ██████████ out of the 016 District.<sup>3</sup> ██████████ stated he was not injured during the incident.<sup>4</sup> ██████████ further alleged that, after being removed from the 016 District, Sgt. Goetz threw his belongings in a garbage truck.<sup>5</sup>

Following its investigation, COPA determined there was insufficient evidence to sustain these allegations.

### II. SUMMARY OF EVIDENCE<sup>6</sup>

On the evening of November 26, 2024, Sgt. Goetz, Officer Corrie Bergadon, and Officer Eusebio Mederos were assigned to the 016 District desk. At the time of the incident, the 016 District housed approximately 70 migrants who recently arrived in Chicago. Sgt. Goetz stated that due to food and resources being offered at the 016 District, people from the local homeless community, such as ██████████ were also drawn to the 016 District station.<sup>7</sup> At the time of the incident, Sgt. Goetz described the conditions at the 016 District as “deplorable and overcrowded.”<sup>8</sup>

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<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>2</sup> Att. 1.

<sup>3</sup> ██████████ resided at the 016 District from time to time.

<sup>4</sup> Att. 10, pg. 18, Ins. 5 to 7.

<sup>5</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>6</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 the complainant’s interview, Sgt. Goetz’s statement, and two witness officer statements. No BWC or reports relevant to this incident were identified.

<sup>7</sup> Att. 20, pg.8, Ins. 16 to 21.

<sup>8</sup> Att. 20, pg. 9, Ins. 18 to 23.

According to ██████ a disagreement occurred at the 016 District desk between ██████ and an unknown desk officer. Officer Mederos stated that he was familiar with ██████ due to previous interactions with ██████ at the 016 District and described ██████ temperament as disruptive and transient. Officer Mederos further stated that ██████ was averse to receiving housing placement, and instead preferred to roam the area.<sup>9</sup> On the day of the incident, Officer Mederos stated that ██████ was angry, agitated and disgruntled. Officer Mederos observed ██████ pacing the lobby and mumbling under his breath,<sup>10</sup> and stated the original conflict occurred when ██████ got into an argument with a migrant in the lobby, regarding food distribution.<sup>11</sup>

Sgt. Goetz intervened and told ██████ to leave the 016 District, and stated, “Don’t talk to my officers like that.”<sup>12</sup> At this time, ██████ alleged that Sgt. Goetz “tried grabbing [him], putting his fingers into [his] chest, pushing [him] toward the door. And then he grabbed [him] by my collar...and pushed [him] out the door.”<sup>13</sup>

After being removed from the district, ██████ further alleged that some of his belongings were moved outside, but that Sgt. Goetz “grabbed the other bag and threw it in the back of a garbage truck.”<sup>14</sup> After being removed from the district, ██████ had no additional contact with Sgt. Goetz or the 016 District desk officers; at the time of his interview ██████ continued to reside at the 016 District.<sup>15</sup>

### III. ALLEGATIONS

#### A. Sergeant Daniel Goetz:

1. Putting his fingers on ██████ chest and grabbing him by the collar, without justification.
  - Not sustained.
2. Pushing ██████ out of the 16<sup>th</sup> District Station, without justification.
  - Not sustained.

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<sup>9</sup> Att. 18 at 8:20 to 10:00.

<sup>10</sup> Att. 18 at 5:40 to 8:15.

<sup>11</sup> Att. 18 at 10:20 to 10:50.

<sup>12</sup> Att. 10, pg. 17, lns. 12 to 13.

<sup>13</sup> Att. 10, pg. 15, lns. 6 to 13.

<sup>14</sup> Att. 10, pg. 16, lns. 11 to 17.

<sup>15</sup> Att. 10, pg. 19, lns. 9 to 15.

3. Throwing ██████████ belongings into a garbage truck, without justification.
  - Not sustained.
4. Engaging in a verbal altercation with ██████████ 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 accurately recall the event from memory.

COPA did not find any cause to question the credibility of Sgt. Goetz, Officer Bergadon, or Officer Mederos. Their narratives were generally consistent with each other's. In this case, the history of ██████████ interactions at 016 District led COPA to question the reliability of ██████████ account. Further, the incident as described by ██████████ (a battery in full view of a room crowded with people) is unlikely. In the absence of any third-party witnesses (which would have been in plentiful supply should the incident have transpired as ██████████ alleges), leads COPA to find the evidence of the CPD members who provided statements more credible than ██████████ evidence where there is a conflict. As a general matter, additional reports, video footage, and additional non-CPD witnesses were not identified, thus, there was insufficient evidence to confirm ██████████ allegations in light of the credible testimony and corroborated denial from the accused CPD member.

#### **V. ANALYSIS<sup>16</sup>**

##### **a. Physical Contact with ██████████**

COPA did not find evidence to support the allegations that Sgt. Goetz put his fingers on ██████████ chest, grabbed him by the collar, and pushed him out of the District Station; this allegation is not sustained.

Sgt. Goetz confirmed that he asked someone to leave the 016 District on November 26, 2023, but could not confirm the individual was ██████████. Sgt. Goetz denied that he made physical

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<sup>16</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

contact with ██████ Sgt. Goetz stated that, “There were officers engaging with the community, taking reports, and an African American man—might have been him, might not have been—was causing a scene, stating that somebody stole his food.”<sup>17</sup> He further stated that, “I step[ped] in so that my officers can conduct their business. I instruct every person that ever created a disturbance that if they don’t conduct themselves as an adult in a place of business, they’re going to be asked to leave.”<sup>18</sup>

Officer Bergadon and Officer Mederos confirmed they did not observe Sgt. Goetz make physical contact with ██████<sup>19</sup>

#### **b. Disposal of ██████ Belongings**

COPA found insufficient evidence to sustain the allegation that Sgt. Goetz disposed of ██████ belongings in a garbage truck. When asked about disposing of ██████ belongings in a garbage truck, Sgt. Goetz stated, “There’s been one time I can recall seeing a garbage truck in front of the station, and that’s when they did a mass cleanup after the migrants were moved. There’s just not a garbage truck sitting outside.”<sup>20</sup> Officer Bergadon and Officer Mederos<sup>21</sup> confirmed they did not observe ██████ belongings thrown into a garbage truck and stated they did not observe a garbage truck parked outside of the front door at the 016 District.<sup>22</sup>

#### **c. Verbal Altercation**

COPA found insufficient evidence to sustain the allegation that Sgt. Goetz engaged in a verbal altercation with ██████ COPA finds that Sgt. Goetz sought to maintain the ability of the 016 District to function as a place of business where migrants and members of the public could file reports and seek services. COPA finds that Sgt. Goetz required ██████ to leave the 016 District, due to ██████ disruptive behavior, but likely did not engage in a verbal altercation with ██████<sup>23</sup> Additionally, Officer Bergadon and Officer Mederos confirmed they did not observe Sgt. Goetz engage in a verbal altercation with ██████<sup>24</sup>

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<sup>17</sup> Att. 20, pg. 12, lns. 21 to 24. Pg. 13, lns. 1 to 2.

<sup>18</sup> Att. 20, pg. 12, lns. 3 to 8.

<sup>19</sup> Att. 19, pg. 12, lns. 5 to 11.

<sup>20</sup> Att. 20, pg. 14, lns. 10 to 15.

<sup>21</sup> Att. 18 at 10:57 to 11:18.

<sup>22</sup> Att. 19, pg 17, lns. 7 to 16.

<sup>23</sup> Att. 20, pg. 17, lns. 6 to 23.

<sup>24</sup> Att. 19, pg. 12, lns. 1 to 4.

Approved:



Sharday Jackson  
*Deputy Chief Administrator – Chief Investigator*

August 29, 2024

Date

Appendix ACase Details

Date/Time/Location of Incident:	November 26, 2023 / 5:00 pm / 5151 N Milwaukee Ave., Chicago, IL 60630.
Date/Time of COPA Notification:	November 27, 2023 / 11:05 am.
Accused Member #1:	Sergeant Daniel Goetz, Star #1281, Employee ID # [REDACTED], DOA: March 9, 2009, Unit: 016, Male, White.
Involved Member #2:	Officer Corrie Bergadon, Star #7739, Employee ID # [REDACTED], DOA: February 6, 1995, Unit: 016, Male, Hispanic.
Involved Member #3:	Officer Eusebio Mederos, Star #15197, Employee ID # [REDACTED], DOA: October 27, 2003, Unit: 016, Male, 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 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.

Applicable Policies and Laws

- GO3-02, De-escalation, Response to Resistance, and Use of Force (effective June 28, 2023, to present).
- GO2-01, Protection of Human Rights (effective June 30, 2022, to present).
- GO8-05, Prohibition of Retaliation (effective August 22, 2023, to present).
- GO2-01-04, Homeless Bill of Rights (effective November 26, 2013, 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. 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.<sup>25</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>26</sup>

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<sup>25</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>26</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
- 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