



Log # 2023-0001279

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On March 26, 2023, the Civilian Office of Police Accountability (COPA) received an Initiation Report from Chicago Police Department (CPD) Lieutenant (Lt.) Matthew Price reporting alleged misconduct by a CPD member.² Lt. Price reported that earlier that day, Officer Alfredo Aranda placed his hand at the throat of a handcuffed arrestee for approximately two seconds.³ Upon review of the evidence, COPA served an additional allegation that Officer Aranda failed to properly document his use of force in his Tactical Response Report (TRR). Following its investigation, COPA reached not sustained findings for both allegations.⁴

II. SUMMARY OF EVIDENCE⁵

On March 26, 2023, at approximately 2:35 am, Officer Aranda, his partner Officer Daniel Wytrzyaszczewski, and other officers responded to a call of a person pointing a gun at 2247 N. Lincoln Ave.⁶ Upon arrival, the officers observed a vehicle double parked with multiple occupants inside, including [REDACTED]. Officer Khari Davis instructed the occupants to exit the vehicle, and they complied.⁷ After the occupants exited the vehicle, Officer Wytrzyaszczewski observed a firearm on the rear passenger seat under a cushion where [REDACTED] had been seated.⁸ At the same time, [REDACTED] reentered the vehicle, sat in the driver's seat, and attempted to drive away, but officers immediately removed him from the vehicle.⁹

After [REDACTED] was removed from the vehicle, the officers attempted to handcuff him. [REDACTED] who was visibly intoxicated, resisted the officers' attempts to handcuff him and demanded that the officers release him.¹⁰ Once the officers placed [REDACTED] in handcuffs, they attempted to place him in

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. 1, p. 2.

⁴ 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.

⁵ 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, event queries, police reports and officer interviews.

⁶ Att. 15, p. 1.

⁷ Att. 2 at 2:34 – 3:10.

⁸ Att. 6 at 2:51 – 3:42 and Att. 8 at 2:41 – 3:22.

⁹ Att. 2 at 3:16 – 3:39, Att. 4 at 3:08 – 3:25, Att. 6 at 3:13 – 3:19, Att. 8 at 2:56 – 3:13, and Att. 10 at 2:24 – 2:59.

¹⁰ Att. 2 at 3:40 – 4:25, Att. 6 at 3:45 – 4:04, and Att. 10 at 3:12 – 3:37.

their vehicle. However, █████ resisted, and the officers were unable to place him into the CPD SUV. When most of █████ body was inside of the CPD SUV, he got out, then sat on the ground.¹¹ Officer Davis assisted █████ to his feet. Officer Aranda then pushed █████ against the CPD SUV, placing his hand at the base of █████ throat for approximately two seconds.¹² As soon as Officer Aranda moved his hand away from █████ throat, █████ continued to demand that the officers release him, then he threatened to spit on Officer Aranda.¹³ After another brief struggle, the officers successfully placed █████ in the CPD SUV and Officers Aranda and Wytrzyaszczewski transported him to the 18th District.¹⁴

During his statement to COPA, Officer Aranda reported that, once on scene, he and other officers were attempting to place █████ into the CPD SUV when █████ threatened to spit on him and then came at him.¹⁵ Officer Aranda explained that after █████ made the threat, he (Officer Aranda) put his arm up to redirect █████ face.¹⁶ In doing so, his hand came into contact with █████ face and neck area.¹⁷ Officer Aranda acknowledged that █████ did not spit on him; further, Officer Aranda explained that he was not attempting to restrict █████ airflow during this incident.¹⁸

During his statement, Officer Aranda was shown video of the incident which was recorded by body-worn cameras (BWC) assigned to him and Officer Wytrzyaszczewski. After reviewing the videos, Officer Aranda reiterated that he had put his hand on █████ upper chest area, but not his throat, in order to gain control over █████¹⁹ Although he conceded to making contact with █████ upper chest area, Officer Aranda added that he did not see his hand on █████ throat in the video.²⁰

Officer Aranda stated that he documented pushing and redirecting █████ when completing the TRR. Officer Aranda also explained that not documenting that his hand was at or near █████ throat was an oversight.²¹ Officer Aranda explained that due to the chaotic nature at the scene, he did not realize that he made contact with █████ neck during the incident.²² He further explained that he did check off the box on the TRR form that indicates “push/physical redirection” because

¹¹ Att. 2 at 4:52 – 5:58, Att. 4 at 4:58 – 6:59, Att. 6 at 6:07 – 6:38, and Att. 8 at 6:00 – 6:28.

¹² Att. 6 at 7:30 – 7:32, Att. 8 at 7:20 – 7:23, Att. 10 at 6:58 – 7:01, and Att. 11 at 4:33 – 4:36.

¹³ Att. 2 at 8:55-9:03, Att. 4 at 8:55-9:03, Att. 6 at 8:35-8:43, Att. 11 at 5:42 – 5:46.

¹⁴ During his transport to the 18th District, █████ was alone in the backseat of the CPD vehicle and screamed loudly that he could not breathe. He continued screaming and raised his voice progressively louder. Once in the sallyport at the 18th District, █████ feigned to be asleep until the officers mentioned that he had been driving the vehicle. He immediately spoke up and said, “Nope, I was in the backseat. Nope, I’m not that drunk.” He then claimed to be suicidal. CFD Ambulance 43 arrived, but █████ declined medical attention. CFD then transported █████ to the hospital due to his claims of being suicidal. See Att. 6 from 11:38 – 12:40, from 19:35 – 20:36 and from 27:00 – 27:20.

¹⁵ Att. 26, p. 8, lns. 23-24.

¹⁶ Att. 26, p. 16, lns. 6-10.

¹⁷ Att. 26 p. 8, ln. 24 to p.9, lns. 1 – 4.

¹⁸ Att. 26, p. 18, lns. 19-22.

¹⁹ Att. 26, pg. 28, lns. 14 – 18.

²⁰ Att. 26, pg. 30, ln. 24 to pg. 30, lns. 1 – 3.

²¹ Att. 26, p. 22, lns. 1 – 6.

²² Att. 26, p. 23, lns. 9 – 13.

that described what he did.²³ He again added that he did not constrict [REDACTED] airway nor did he place [REDACTED] in a chokehold.²⁴

Lt. Matthew Price reviewed Officer Aranda's BWC video and TRR and marked the TRR as not in compliance with CPD policy.²⁵ However, Lt. Price also noted that, upon review of BWC video capturing the incident, it did not appear that Officer Aranda's hand clenched [REDACTED] neck.²⁶ He also noted that [REDACTED] never gasped for air or made mention of being choked.²⁷ Lt. Price stated that he did not believe that Officer Aranda's action rose to a Level 3 use of force, but he initiated this log number to ensure that COPA conducted further investigation.²⁸ Finally, he added that he was unable to determine whether Officer Aranda had been in compliance with CPD policy.²⁹

Due to a pending felony indictment related to this incident, COPA sought permission from [REDACTED] attorney to speak with him; however, COPA did not receive a response.³⁰

III. ALLEGATIONS

Officer Alfredo Aranda:

1. Placing your hand at the throat of [REDACTED] in violation of General Order 03-02.
 - Not Sustained.
2. Failing to properly document your use of force in a Tactical Response Report (TRR).
 - 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.

During his statement to COPA, Officer Aranda acknowledged placing his hand on [REDACTED] upper chest area. Officer Aranda explained that he acted in response to [REDACTED] threat to spit on him. While BWC videos support Officer Aranda's claim that [REDACTED] threatened to spit on him, the video

²³ Att. 26, p. 24, lns. 15 – 17.

²⁴ Att. 26, p. 24, lns. 17 – 18.

²⁵ Att. 7, p. 3.

²⁶ Att. 7, p. 7.

²⁷ Att. 7, p. 7.

²⁸ Att. 7, p. 7.

²⁹ Att. 7, p. 7. Note: the TRR form required Lt. Price to pick one of the following three options: 1) In Compliance with Department Policy and Directives, 2) Not in Compliance with Department Policy and Directive, or 3) A Deadly Force or Officer-Involved Death Incident.

³⁰ [REDACTED] was indicted on two counts of Aggravated Unlawful Use of a Weapon and one count of Unlawful Use or Possession of a Weapon by a Felon in *The People of the State of Illinois v. [REDACTED]* Case No. 23CR0445501. See Atts. 27 and 28.

evidence also established that ██████ made the threat approximately one minute after Officer Aranda placed his hand on at the base of ██████ throat for approximately two seconds.³¹ COPA understands that due to the chaotic nature of the incident, Officer Aranda may have misremembered the chronological order of events. However, Officer Aranda acknowledged his conduct and was forthcoming in his account of events. In addition, Officer Aranda's overall account of the incident is otherwise consistent with both his written reports and his statement to COPA; therefore, COPA does not question Officer Aranda's credibility as it relates to this incident.

V. ANALYSIS³²

a. Use of Force

COPA finds that allegation #1 against Officer Aranda, that he placed his hand on ██████ throat without justification, is **not sustained**. CPD policy prohibits the application of a chokehold, carotid artery restraint, or other maneuvers for applying direct pressure on a windpipe or airway, with the sole exception being as an act of last resort or when necessary to protect against an imminent threat to life.³³

Here, Officer Aranda acknowledged that he made contact with ██████ face and neck. BWC video established that Officer Aranda placed his hand at the base of ██████ throat for approximately two seconds.³⁴ However, Officer Aranda explained that he did not attempt to restrict ██████ airflow during this incident.³⁵ Despite Officer Aranda making contact with the base of ██████ throat, there is no evidence to prove that Officer Aranda applied direct pressure on ██████ windpipe or airway, or restricted ██████ ability to breathe. BWC video showed that Officer Aranda never appeared to clench ██████ neck. In addition, ██████ did not claim to be choked and did not make any vocalizations that would suggest that he had been.³⁶ COPA attempted to speak with ██████ however, COPA's attempts were unsuccessful. Without additional evidence to demonstrate that Officer Aranda applied direct pressure to ██████ airway or restrained his carotid artery, COPA is unable to prove or disprove this allegation by a preponderance of the evidence; therefore, this allegation is not sustained.

b. Failure to Properly Document Use of Force in TRR.

COPA finds allegation #2, that Officer Aranda failed to properly document his use of force in a TRR, is **not sustained**. CPD policy requires that members must report the facts and

³¹ Att. 6 at 7:30 and 8:35.

³² For a definition of COPA's findings and standards of proof, *see* Appendix B.

³³ Att. 21, General Order G03-02(IV)(D)(2) and (3) De-escalation, response to Resistance, and Use of Force (effective April 15, 2021-June 28, 2023).

³⁴ Att. 6 at 7:30 – 7:32.

³⁵ Att. 20 at 8:30 – 8:46.

³⁶ ██████ claim of being unable to breath during transport in a CPD vehicle happened approximately four minutes after Officer Aranda made contact with the base of his neck. COPA finds that these two incidents were likely unrelated.

circumstances involving their use of force.³⁷ In this instance, Officer Aranda completed a TRR that documented that he pushed █████ but made no mention of touching his neck or throat. The question then is whether touching █████ neck is a fact or circumstance involving Officer Aranda's use of force that must be reported. As discussed above, there is insufficient evidence to prove or disprove whether Officer Aranda applied direct pressure to █████ windpipe or restricted █████ ability to breathe. Had such evidence existed, then Officer Aranda would have likely been required to include the circumstances, such as making contact with █████ neck, in his TRR. However, since it is unclear whether Officer Aranda used that level of force, is also unclear whether he was required to include that information in his TRR. As such, COPA finds that allegation #2 is not sustained by a preponderance of the evidence.

Approved:

█████

Steffany Hreno
Director of Investigations

9/19/2024

Date

³⁷ Att. 22, General Order GO3-02-02(II)(B)(2) Incidents Requiring the Completion of a Tactical Response Report (effective April 15, 2021 – June 28, 2023).

Appendix ACase Details

Date/Time/Location of Incident:	March 26, 2023 / 2:41 am / 2247 N. Lincoln Ave
Date/Time of COPA Notification:	March 26, 2023 / 10:57 am
Involved Member #1:	Alfredo Aranda / Star #6317 / Employee ID# [REDACTED] / Date of Appointment: October 16, 2017 / Unit of Assignment: 018 / 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 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.

Applicable Policies and Laws

- General Order G03-02 De-escalation, Response to Resistance, and Use of Force (effective April 15, 2021-June 28, 2023).
- General Order 03-02-02 Incidents Requiring the Completion of a Tactical Response Report (effective April 15, 2021 – June 28, 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.³⁸ 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.”³⁹

³⁸ 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).

³⁹ *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