



Log # 2023-2541

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On June 12, 2023, the Civilian Office of Police Accountability (COPA) received a notification from Chicago Police Department (CPD) Lieutenant (Lt.) John Piechocki of a Taser deployment by a CPD member. On June 12, 2023, Officer Angelica Guerrero deployed her Taser, striking ██████████² After a review of the available evidence, COPA alleged that Officer Guerrero tased ██████████ without justification. Following its investigation, COPA reached a sustained finding regarding this allegation.

II. SUMMARY OF EVIDENCE³

On June 12, 2023, at approximately 1:29 pm, Officers Angelica Guerrero and Whitney Waller were on patrol when an employee of Leak & Sons Funeral Homes flagged them down and told them that a person, now known to be ██████████ had been fighting inside the funeral home and was now across the street. Officer Waller made a U-turn, and upon exiting their vehicle the officers observed ██████████ fighting with unknown people among a crowd.⁴ After members of the crowd separated ██████████ from one man he appeared to be attempting to strike, ██████████ began to walk into the street, heading towards another man who had previously been engaged in the confrontation and back towards the funeral home.⁵

Prior to exiting the vehicle, Officer Guerrero radioed for assistance. Upon exiting the vehicle, Officer Guerrero ordered ██████████ to stop and told members of the crowd to move out of her way because she was about to deploy her Taser against ██████████⁶ As ██████████ walked back into the street, Officer Guerrero deployed her Taser twice: the first set of probes struck ██████████ and caused him to fall to the ground, and Officer Guerrero deployed the second set of probes after ██████████ removed a probe from his arm while lying on his back. Officer Waller directed ██████████ to roll over onto his stomach and placed him into handcuffs. Once in handcuffs, the officers helped ██████████ to his feet as additional officers were arriving on scene. ██████████ was escorted to a vehicle and searched

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 BWC footage, police reports, and Officer Guerrero's statement.

⁴ Att. 7 at 02:31.

⁵ Att. 7 at 02:49.

⁶ Att. 7 at 02:39.

by a male officer. ██████ removed three of the four Taser probes himself and was assisted in removing the fourth by medics; ██████ refused further medical attention and declined transportation to a hospital.⁷ ██████ was then transported to the 6th District police station for processing.⁸

COPA contacted ██████ and requested his interview on multiple occasions between July 6, 2023, and October 2, 2024, but ██████ ultimately declined to provide a statement.⁹ ██████ was charged with disorderly conduct, obstruction of traffic, and reckless conduct; ultimately, the State declined to prosecute after ██████ agreed to perform twenty-five hours of community service.¹⁰

A CPD evidence technician photographed ██████ following his arrest.¹¹ The photographs depict apparently minor injuries to his right hand, wrist, and forearm; his left hand; and his right hip.¹² COPA attempted to obtain a copy of the Taser download report associated with Officer Guerrero's Taser deployment, but the report was not available.¹³

Officer Guerrero told Sergeant (Sgt.) Timothy Balasz, who responded after the Taser discharge, that when she arrived on the scene ██████ was "fighting and swinging" at people and would not listen to any verbal commands.¹⁴ Officer Guerrero explained that she believed ██████ was heading back into the funeral home to continue fighting, so she deployed her Taser. In her Tactical Response Report (TRR) narrative, Officer Guerrero documented that she used "police presence and verbal commands as force mitigation option[s] which the subject did not comply with . . . then approached in a tactical position, utilizing a zone of safety in an effort to safely intervene and cease the subjects actions" and then, after not being successful, Officer Guerrero reported that "the subject walked into oncoming traffic while displaying violent behavior directed at another individual who was attempting to leave the scene"¹⁵ Officer Guerrero further documented that ██████ violent and aggressive behavior caused her and her partner to stand in traffic and caused vehicles to stop abruptly, and that ██████ "was an imminent threat to other individuals and attempting to engage in another attack to the individual attempting to leave the scene and cross the street," leading her to deploy her Taser.¹⁶ After the first set of probes were deployed, Officer Guerrero documented that ██████ fell, but "remained in control of his upper body" and was attempting "to get back on his feet," so she deployed the Taser a second time, and ██████ rolled onto his stomach and was then handcuffed.¹⁷

⁷ Att. 2, pg. 2.

⁸ Att. 1.

⁹ Notes CO-1295494, CO-1303488, and CO-1410768.

¹⁰ Att. 23.

¹¹ Att. 24.

¹² Att. 25.

¹³ Att. 22; Notes CO-1386792, CO-1388078, CO-1388803, and CO-1391407.

¹⁴ Att. 7 at 12:50 to 13:50.

¹⁵ Att. 9, pg. 2.

¹⁶ Att. 9, pg. 5.

¹⁷ Att. 9, pg. 5.

In her statement to COPA on July 24, 2024,¹⁸ Officer Guerrero explained that after she was flagged down, she called for backup and then gave verbal commands when she exited her car. She recounted that ██████ “wasn’t registering anything that we were saying,” and that he kept fighting with people after she ordered him to stop.¹⁹ Officer Guerrero also noted that she said “Taser Taser Taser” before deploying the Taser against ██████. When asked if there were other de-escalation tactics she could have used, Officer Guerrero answered “no,” explaining, “He wasn’t registering anything that we were saying. . . . he didn’t even comprehend that we were there. . . . [H]e must have saw red and then just kept going.”²⁰ Officer Guerrero had also ruled out going “hand on” with ██████ prior to deploying her Taser because ██████ was much larger than both her and her partner, and the backup officers she requested had not yet arrived. Officer Guerrero justified her second deployment of the Taser: “He still had full control. He was still . . . moving around . . . and . . . I don’t think my partner would have safely been able to have put cuffs on him at that time.”²¹

Lt. Piechocki, who was not present during the incident, reviewed Officer Guerrero’s TRR and the available BWC footage.²² Lt. Piechocki concluded that Officer Guerrero reasonably and objectively believed that ██████ presented a threat to the public because of his violent and aggressive behavior. However, Lt. Piechocki also noted that Officer Guerrero “should have utilized more de-escalation techniques . . . includ[ing] using time as a tactic to permit de-escalation . . . and allow ██████ opportunity to comply with lawful verbal direction.”²³ Lt. Piechocki recommended additional training for Officer Guerrero and review of the relevant directives.²⁴

III. ALLEGATIONS

Officer Angelica Guerrero:

1. Tased ██████ without justification.
 - Sustained, Violation of Rules 2, 3, 5, 6, and 38.

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. The actions of Officer Guerrero were largely captured by BWC recordings, and there is little dispute as to what occurred. The statement provided by Officer Guerrero is corroborated by the video evidence and is therefore reliable, although it is apparent that Officer Guerrero may have

¹⁸ Atts. 14 and 15.

¹⁹ Att. 15, pg. 7, lns. 5 to 6.

²⁰ Att. 15, pg. 12, lns. 1 to 4.

²¹ Att. 15, pg. 14, lns. 2 to 5.

²² Att. 9.

²³ Att. 9, pg. 6.

²⁴ Att. 9, pg. 6.

conflated warning members of the crowd that she was going to deploy her Taser with warning ██████ that she was going to deploy the Taser, and her assessment that ██████ would not listen to verbal commands may have been premature. The main issue here is not the resolution of a factual dispute, but rather the propriety (or impropriety) of the undisputed actions taken by Officer Guerrero. While COPA credits Officer Guerrero's factual account, COPA does not credit some of the explanations she offered for her actions, as discussed further below.

V. ANALYSIS²⁵

COPA finds that **Allegation #1** against Officer Guerrero, that she tased ██████ without justification, is **Sustained**. Under CPD policy, a police officer may only use force that is objectively reasonable, necessary, and proportional to the threat, actions, and level of resistance offered by a person.²⁶ When an officer encounters a person who attempts to create distance from the officer with an intent to avoid physical control or defeat arrest, that person is classified as an active resister.²⁷ Officers may respond to active resistance with police presence, verbal directions, holding and compliance techniques, control instruments, stunning, takedowns, OC spray, and Tasers, among other options. However, the use of a Taser as a force option against an active resister is limited to when there is an objectively reasonable belief at the time that a subject is armed, violent, or exhibiting aggressive behavior, committing a felony, or committing a misdemeanor offense that is not property-related, a quality-of-life offense, or a petty municipal code or traffic offense.²⁸

At the time Officer Guerrero deployed her Taser, COPA finds that ██████ was an active resister who failed to comply with orders to stop fighting; thus, CPD policy generally allowed Officer Guerrero to tase ██████ to effectuate an arrest. However, Officer Guerrero failed to use de-escalation techniques to prevent or reduce the need for force. All CPD members "are required to use de-escalation techniques to prevent or reduce the need for force, unless doing so would place a person or a [CPD] member in immediate risk of harm, or de-escalation techniques would be clearly ineffective under the circumstances at the time."²⁹ Here, Officer Guerrero did not provide a warning to ██████ that she was going to tase him. In fact, she only warned members of the crowd to move out of the way so she could tase him, and she tased ██████ as he was walking away from the altercation while adjusting his pants.³⁰ Officer Guerrero did not use time as a tactic, nor did she attempt to establish a zone of safety between herself and ██████.³¹ Officer Guerrero did request additional personnel to respond, but she failed to use de-escalation techniques to prevent or reduce the need for using her Taser. Also, even if Officer Guerrero's first deployment of the Taser could

²⁵ For a definition of COPA's findings and standards of proof, see Appendix B.

²⁶ Att. 21, G03-02-01 (II)(C), Response to Resistance and Force Options (effective April 15, 2021, to June 28, 2023).

²⁷ Att. 21, G03-02-01 IV(B)(2).

²⁸ Att. 19, G03-02-04 II(C)(1), Taser Use Incidents (effective April 15, 2021 to June 28, 2023).

²⁹ Att. 20, G03-02 III(C), De-escalation, Response to Resistance, and Use of Force (effective April 15, 2021, to June 28, 2023).

³⁰ Att. 7 at 02:51; Att. 15, pg. 10, lns. 4 to 6.

³¹ Att. 21, G03-02-01 (III)(C).

be justified, her second deployment was clearly outside of policy: Even though [REDACTED] was on the ground, Officer Guerrero deployed the Taser again without issuing verbal commands or giving [REDACTED] an opportunity to comply. For these reasons, COPA finds that a preponderance of evidence shows that Officer Guerrero's actions violated CPD policy and Rules 2, 3, 5, 6, and 38.

VI. DISCIPLINARY RECOMMENDATION

a. PO Angelica Guerrero

i. Complimentary and Disciplinary History³²

Officer Guerrero has received one Department Commendation, eight Honorable Mentions, two complimentary letters, and at least five other awards and commendations. Officer Guerrero has not been disciplined within the past five years.

ii. Recommended Discipline

Here, COPA has found that Officer Guerrero violated rules 2, 3, 5, 6, and 38 when she tased [REDACTED]. Officer Guerrero failed to use time as a tactic as well as other available de-escalation measures, and she did not give adequate verbal commands or adequate warning. COPA does take notice that [REDACTED] was not seriously injured during this incident, and Officer Guerrero was faced with a rapidly developing situation and a subject who was much larger than her and her partner. Based on this information, and considering Officer Guerrero's history, COPA recommends a **one-day suspension**.

Approved:

[REDACTED]

11-23-2024

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

³² Att. 39.

Appendix ACase Details

Date/Time/Location of Incident:	June 12, 2023 / 1:29 pm / 7889 S Cottage Grove Ave., Chicago, IL 60619
Date/Time of COPA Notification:	June 12, 2023 / 5:38 pm
Involved Member #1:	Angelica Guerrero, Star #8731, Employee ID # [REDACTED] DOA: April 1, 2013, Unit: 006, Female, 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 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.

Applicable Policies and Laws

- G03-02: De-Escalation, Response to Resistance, and Use of Force (effective April 15, 2021, to June 28, 2023).
- G03-02-01: Response to Resistance and Force Options (effective April 15, 2021, to June 28, 2023).
- G03-02-04: Taser Use Incidents (effective April 15, 2021, to 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.³³ 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.”³⁴

³³ See *Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill. 2d 100, 191 (2005) (“A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.”).

³⁴ *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