



Brandon Johnson  
Mayor

Department of Police · City of Chicago  
3510 S. Michigan Avenue · Chicago, Illinois 60653

Larry Snelling  
Superintendent of Police

March 29, 2024

Andrea Kersten  
Chief Administrator  
Civilian Office of Police Accountability (COPA)  
1615 W. Chicago Ave., 4<sup>th</sup> Floor

Re: Superintendent's Partial Non-Concurrence with COPA's Findings and Non-Concurrence with the Penalty  
Log# 2020-0004438  
Officer Victor Guebara

Dear Chief Administrator Kersten:

After a careful review of the above referenced complaint log number, the Chicago Police Department (Department) does not concur with all the recommended findings, nor with the penalty recommendation, as they pertain to Officer Victor Guebara, Star No. 17147. Pursuant to the Municipal Code of Chicago, the Department provides the following comments:

The COPA investigation recommended a 30-90 day suspension for Officer Victor Guebara (Officer Guebara) after concluding that he:

1. Struck [REDACTED] ([REDACTED]) in the face while he was handcuffed without justification causing injury.
2. Engaged in an unnecessary physical confrontation with [REDACTED]
3. Failed to prepare a Tactical Response Report to document his use of force against [REDACTED]
4. Failed to activate his Body Worn Camera to document law enforcement activity he engaged in during the detention and arrest of [REDACTED]

After reviewing the associated videos, the Department disagrees that Officer Guebara struck [REDACTED] in the face while [REDACTED] was handcuffed, or that Guebara engaged in an unnecessary physical confrontation with [REDACTED]. The POD video depicts [REDACTED] fleeing from Officer Nader Ismail (Officer Ismail) as Officer Guebara is running to assist Officer Ismail. Attachment #3 at 7:30. The POD video demonstrates that Officer Guebara trips and falls before arriving to help Officer Ismail regain control of the fleeing subject; [REDACTED] Attachment #3 at 7:30. During Officer Guebara's interview with COPA, he states that he tripped and fell. Attachment #55 at pg. 11. COPA then inquires about Officer Guebara's movement during the alleged incident, Officer Guebara explains to COPA that the captured frames depict him trying to turn away from falling onto [REDACTED] Attachment #55 at pg. 33. Moreover, Officer Guebara denied the allegation of punching [REDACTED] in the face when he was trying to help Officer Ismail. Attachment #55 at pg. 31.

During his interview with COPA, Officer Ismail states that ██████ fell on his side and could have hit his face. Attachment #45 at pg. 29-30. Officer Ismail was inches away from Officer Guebara and ██████ during the struggle. When COPA asks Officer Ismail if he saw Officer Guebara punch ██████ in the face, Officer Ismail responds "No." Attachment #45 at pg. 32 lines 4-5.

Officer Guebara is fully aware that his COPA interview would have the status of an official department report, Officer Guebara and Ismail provided credible accounts of the incident to COPA. Attachment #55 at pg. 31. Any intentional falsification of their answer would constitute a direct violation of departmental rules and regulations; that would result in a violation of Rule 14, and the possibility of separation. In addition, the POD video shows Officer Guebara limping away, only after other Officers were able to assist Officer Ismail. Attachment #3 at 7:30. Officer Guebara explains to COPA that his knee was throbbing and that he "kind of leaped away from the incident and leaped away from where the offender was." Attachment #55 at pg. 11.

It is important to note, that ██████ never provided a statement to COPA. COPA pieces their investigation and shapes their allegations through ██████ civil court filings. Attachment #60 at pg. 4. COPA alleges that Officer Guebara was not found credible in his recollection of the events and in providing a description of his actions during the incident. Attachment #60 at pg. 4. However, Officer Guebara recollection of events was consistent throughout the investigation and was consistent with Officer Ismail's recollection; unlike, ██████ version of events. Attachment #60 at pg. 4. COPA admits ██████ version of the events changes from letter to letter and to the court filing. The allegation of excessive force against Officer Ismail is inflated and not supported by ample BWC footage and POD footage. Attachment #60 at pg. 4. COPA then ponders why ██████ embellished the number of times he was struck, or why he claimed Officer Ismail shoved him against a Dept. SUV before whipping him to the ground by his handcuffs. Attachment #60 at pg. 4. The Department ponders the same. For the foregoing reasons, the Department does not concur with COPA's findings regarding allegation one and two. Thus, recommends a finding of Unfounded.

Regarding allegation three, Officer Guebara was not required to prepare a Tactical Response Report to document his use of force against ██████ because there was no use of force used. Thus, the Department does not concur with COPA's finding regarding allegation three and recommends a finding of Unfounded.

Each piece of evidence reviewed by COPA: BWC footage; PODS camera footage; medical records; and police reports, were easily accessible without delay. COPA scheduled only three interviews: Officer Ahmad, Ismail, and Guebara. Nothing presented in this file suggest there was a reasonable cause or valid reason for the delay. However, a total of 1198 days passed from the date COPA was notified by ██████ to the day COPA signed the Summary Report and transferred the investigation to CPD to facilitate CCR: from September 24, 2020 to January 05, 2024.

The Consent Decree requires that "the City will ensure that COPA reaches its investigative findings and recommendations within 180 days of the initiation of the investigation." Consent Decree pg. 137 line 470. Fundamentally, this standard simply ensures fairness to all involved parties. As the COPA investigation was not timely, it therefore violated the Just Cause standard of the Agreement between the Fraternal Order of Police, Chicago Lodge No. 7, and the City of Chicago, Article 8 -

Employee Security, Section 8.1: "No Officer covered by this Agreement shall be suspended, relieved from duty or otherwise disciplined in any manner without just cause." Had COPA required an extension, it would have had to provide a written report approved by the Chief Administrator explaining the necessity of the extension; the file includes no such report.

Finally, the Department agrees with the sustained finding for allegation four. Officer Guebara failed to activate his body worn camera at the beginning of the law-enforcement-related activity as delineated in Special Order S03-14. However, the Department believes the penalty recommendation is excessive and recommends a 1-day suspension with training for Officer Victor Guebara. Officer Victor Guebara has received 58 awards and has no sustained disciplinary history in the past five years.

The Department looks forward to discussing this matter with you pursuant to MCC-2-78-130(a)(iii).

Sincerely,



Larry Snelling  
Superintendent of Police  
Chicago Police Department