



CITY OF CHICAGO
OFFICE OF INSPECTOR GENERAL

20
25

Recommendation to Reopen Chicago Police Department Disciplinary Investigation

CPD Log #2024-0008121

OIG Case #C2025-0000000034

Published October 16, 2025

October 16, 2025

Pursuant to the Municipal Code of Chicago (MCC) § 2-56-230(c)(ii), the Public Safety section of the City of Chicago Office of Inspector General (OIG) conducts reviews of individual closed disciplinary investigations conducted by the Civilian Office of Police Accountability (COPA) and the Chicago Police Department's (CPD) Bureau of Internal Affairs (BIA). Based on those reviews, OIG may make a recommendation to reopen the investigation to address a deficiency materially affecting its outcome.¹

BIA investigated allegations that CPD members David Bahena, Star #15670, and Jeremiah Cole, Star #9106, failed to provide service after responding to a call for a well-being check on two minor children. Officers Bahena and Cole responded to a call made by a grandparent of two minors alleging that they were not being fed and were being verbally abused by their parent. Officers Bahena and Cole spoke with the parent of the two minor children, who related that they had been dealing with child abuse allegations that have been unfounded by DCFS. Officers Bahena and Cole concluded there was nothing else they could do, walked away from the parent, and spoke to the grandparent who then requested a sergeant.

Sergeant Rigoberto Tovar, Star #2027, arrived at the scene and on their body worn camera (BWC) video asks the parent if they could get the children on camera "just for DCFS purposes." Sergeant Tovar explains to the parent, "I don't have to talk to them. I just want to make sure they're alive. That's it." Sergeant Tovar speaks with the minors in front of their parent. One child stated, "I don't feel safe here." Ultimately, Sergeant Tovar states, "I'm done here," walks away from the child, and concludes the investigation.

BIA unfounded the allegation against Officers Bahena and Cole, and no allegations were brought against Sergeant Tovar.

OIG recommended that the investigation be reopened to determine whether it would be appropriate to bring an allegation for failure to conduct a preliminary investigation against Officer Bahena, Officer Cole, and Sergeant Tovar.

In response to OIG's recommendations, BIA reopened its investigation. BIA brought an allegation against Officers Bahena and Cole, and Sergeant Tovar for failure to comply with General Order G04-04, "Domestic Incidents." After additional analysis, BIA unfounded the allegation against Officers Bahena and Cole, and sustained the allegation against Sergeant Tovar. Sergeant Tovar received a reprimand.

OIG's letter to BIA containing its recommendations is attached in Appendix A. BIA's response is attached as Appendix B.

¹ Once BIA or COPA has responded to an OIG recommendation to reopen an investigation, and once the underlying investigation has reached a final disciplinary decision, OIG's recommendation letters and the agencies' responses will be published on OIG's website. In these procedural postures, OIG's recommendations to reopen and the agencies' responses have been available and, from time to time, released pursuant to MCC § 2-56-250 and the Illinois Freedom of Information Act. These recommendations to reopen, issued pursuant to MCC § 2-56-230(c), are separate from OIG's own confidential investigative work, which is governed by the confidentiality provisions set out in MCC § 2-56-110.



Deborah Witzburg | Inspector General
City of Chicago
Office of Inspector General
231 S. LaSalle Street, 12th Floor
Chicago, IL 60604
Phone: (773) 478-7799

Via Electronic Mail

January 24, 2025

CHIEF YOLANDA TALLEY
BUREAU OF INTERNAL AFFAIRS
CHICAGO POLICE DEPARTMENT
3510 SOUTH MICHIGAN AVENUE
CHICAGO, IL 60653

Re: Log #2024-0008121

Dear Chief Talley:

Pursuant to § 2-56-230(c)(ii) of the Municipal Code of Chicago (MCC), the Office of Inspector General's (OIG) Public Safety section has conducted a preliminary review of the investigation conducted by the Chicago Police Department's (CPD) Bureau of Internal Affairs (BIA) in Log #2024-0008121. OIG recommends that the investigation be reopened to conduct an analysis of all potential violations. Log #2024-0008121 is currently in a Command Channel Review status.

Log #2024-0008121 concerns allegations that CPD members David Bahena, Star #15670, and Jeremiah Cole, Star #9106, failed to provide service after responding to a well-being check on two minor children. BIA unfounded the allegation against Officers Bahena and Cole.

According to CPD's Original Case Incident Report, Officers Bahena and Cole responded to a call made by a grandmother of two minors alleging that they were not being fed and being verbally abused by their father. Officers Bahena and Cole made contact with the father of the two minor children, who related that he had been dealing with his mother, who was the grandmother of the minor children, making child abuse allegations against the father over the past few years that have been unfounded.¹ The father told Officers Bahena and Cole that he punished his eldest child and took their cellphone away for being dishonest about their whereabouts.

Officer Bahena's body worn camera (BWC) video, shows the father explaining the situation and stating that the father may need to file an order of protection against the children's grandmother for harassment. Officer Bahena offers to give the father instructions on how to file an order of protection. At the 7:23 mark, the video shows Officer Bahena telling the father "So I mean there's not much I can do anyway...I mean it's your house, I can't bust in the door, I can't go into the house without your consent; it's up to you what you do, if you say the babies are fine, I have to take your

¹ Attachment 4.

word for it.”² At the 9:49 mark, Officers Bahena and Cole speak with the grandmother who states, “you need to speak to the victim and the victim is my grand[child]. That’s who you all need – you can’t just walk away and whatever he told you is fine. That is not how that works. Because you’re not even assessing what’s going on. You never spoke to [them]. You never asked [them] one question or [they] come[] to the door. None of that happened. So, if you’re not going to do that, get your sergeant over here.”³

Sergeant Rigoberto Tovar, Star #2027, arrived at the scene. Sergeant Tovar’s BWC video, at the 7:13 mark, shows Sergeant Tovar asking the father if the father could get the children on camera “just for DCFS purposes.” Sergeant Tovar explains to the father that they must do a full investigation, and “I know this is frustrating. I don’t have to talk to them. I just want to make sure they’re alive. That’s it.”⁴ At the 10:05 mark, Sergeant Tovar is in the father’s basement where the two children are located and asks them, “You guys are good?” The eldest child asks Sergeant Tovar whether they could talk with Sergeant Tovar for a minute. Sergeant Tovar states, “You can talk to me in front of your dad because your dad is right here.” The child asks, “Do I have to though?” and Sergeant Tovar states, “Well, your dad has to give me permission.” The child then states, “My dad been treating me like this since I was 12, he says hurtful things to me, he does things to me that I don’t like. I am tired of being here. He told me he doesn’t want to be my dad anymore. He treats me like I’m not nothing. I don’t like being here. He always treat me like nothing. I don’t want to be here. I want to be with my mom with someone who cares for me and loves me and take care of me. I don’t want to be with him. He says certain things to me. I don’t feel comfortable around him...” Sergeant Tovar asks, “Just words?” The child states, “Verbally and mentally. I don’t feel safe here.”⁵

The father then asks Sergeant Tovar to get the child’s room on camera, and states how there is heat on as well. Sergeant Tovar states, “I’m done here.” And walks away from the child. Sergeant Tovar asks the father if he can look inside the fridge to show there’s food.⁶

According to CPD’s Original Case Incident Report, Sergeant Tovar entered the house and made contact with both children, who had no visible injuries and appeared to be in good health. Since one of the children told Sergeant Tovar that the father was insulting [them], saying mean things, angrily criticizing [them], saying hurtful things, DCFS would be notified.⁷

In General Order G04-04 Domestic Incidents, under Preliminary Investigation, it states, “Officers will conduct a thorough investigation, including: 1. Identifying and interviewing all involved parties separately.”

BIA’s closing report does not demonstrate an analysis of whether Officers Bahena and Cole failed to conduct a thorough preliminary investigation when they failed to ask the father to see the children to determine whether they were okay. Further, it does not demonstrate an analysis of

² Attachment 9.

³ Attachment 9.

⁴ Attachment 11.

⁵ Attachment 11.

⁶ Attachment 11.

⁷ Attachment 4.

whether Sergeant Tovar failed to complete a thorough preliminary investigation when he did not ask for the father's permission to speak to their minor child alone per the minor child's request.⁸

Based on OIG's preliminary review, and without taking any position on any other aspect of the investigation or its findings, OIG recommends that the investigation be reopened to determine whether it would be appropriate to bring an allegation for failure to conduct a preliminary investigation against Officer Bahena, Officer Cole, and Sergeant Tovar.

Please contact Chief Investigative Analyst LaDonna Candia-Flanagan at lcandia-flanagan@igchicago.org or (773) 478-5614 with any questions. Please send your response to this recommendation within the time allowed by MCC § 2-56-245. OIG will consider a failure to respond in the time permitted by ordinance to be a declination of our recommendation. OIG looks forward to BIA's response, and recommends that BIA incorporate this letter and its response into the electronic case file to provide for a complete record.

Respectfully,



Tobara Richardson
Deputy Inspector General for Public Safety
Office of Inspector General

cc: Deborah Witzburg, Inspector General, OIG
Samuel Chae, Associate General Counsel for Public Safety, OIG
LaDonna Candia-Flanagan, Chief Investigative Analyst for Public Safety, OIG
Deputy Chief Traci Walker, BIA, CPD
Scott Spears, General Counsel, CPD
Sergeant Cynthia Curry, BIA, CPD

⁸ G02-05 states, "The presence of a parent or legal guardian will not be sought during an interview if the offense being investigated involves a victim who is a family member of the youth or child or the parent or legal guardian is an offender of the offense being investigated."

Appendix B | Department Response



Brandon Johnson

Mayor

Department of Police • City of Chicago

3510 S. Michigan Avenue • Chicago, Illinois 60653

Larry Snelling

Superintendent of Police

VIA ELECTRONIC MAIL

March 26, 2025

Tobara Richardson
Deputy Inspector General for Public Safety
City of Chicago Inspector General
740 N. Sedgwick, Suite 200
Chicago, Illinois 60654

RE: Log Number 2024-0008121

Dear Deputy Inspector General Richardson:

This correspondence addresses your letter of January 24, 2025, requesting the reopening of a Bureau of Internal Affairs (BIA) investigation recorded under Log Number 2024-0008121. The BIA concurs with the Office of the Inspector General and has re-opened the investigation.

The Bureau of Internal Affairs appreciates being contacted in respect to this investigation.

Respectfully,

A handwritten signature in black ink, appearing to read "Timothy Moore".

Timothy Moore

Deputy Director

Bureau of Internal Affairs

TM/cf

Attachment

cc:

Traci L. Walker, Deputy Chief, BIA, CPD
Scott Spears, General Counsel, CPD
Deborah Witzburg, Inspector General, OIG
Samuel Chae, Associate General Counsel for Public Safety, OIG
LaDonna Candia-Flanagan, Chief Investigative Analyst for Public Safety, OIG



LaDonna Candia-Flanagan

Chief Investigative Analyst for Public Safety

The City of Chicago Office of Inspector General is an independent, nonpartisan oversight agency whose mission is to promote economy, efficiency, effectiveness, and integrity in the administration of programs and operations of City government.

OIG's authority to produce reports of its findings and recommendations is established in the City of Chicago Municipal Code §§ 2-56-030(d), -035(c), -110, -230, and -240.

For further information about this report, please contact the City of Chicago Office of Inspector General, 231 S. LaSalle Street, 12th Floor, Chicago, IL 60604, or visit our website at igchicago.org.

Talk to Us

(833) TALK-2-IG/(833) 825-5244

talk2ig@igchicago.org

igchicago.org/talk2ig

OIG Business Office

(773) 478-7799

Cover photo courtesy of the Department of Assets, Information and Services.
Alternate formats available upon request.

