CITY OF CHICAGO
OFFICE OF INSPECTOR GENERAL

2025

Recommendation to Reopen Chicago Police Department Disciplinary Investigation

CPD Log #2022-0003489

OIG Case #C2024-000000230

Published October 17, 2025

DEBORAH WITZBURG | INSPECTOR GENERAL FOR THE CITY OF CHICAGO
TOBARA RICHARDSON | DEPUTY INSPECTOR GENERAL FOR PUBLIC SAFETY

October 17, 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]

COPA conducted a preliminary investigation concerning allegations that a CPD member used excessive force by kneeing a subject in the leg or stomach area without justification and directed profanity toward the subject. COPA determined that this investigation met its criteria under its Timeliness Initiative and placed the investigation in a Non-Disciplinary Closure (NDC) status without any training recommendations for the CPD member.[2] In its NDC Memorandum, COPA's pre-determined lists of disqualifying criteria include "potentially viable allegations" concerning unjustified uses of force against a restrained individual as among those that would disqualify an investigation for NDC.

During its review, OIG determined that COPA did not address the BWC video that shows several CPD officers restraining the arms of the subject behind the subject's back when the alleged excessive force occurred. OIG recommended that COPA reopen the investigation to address the excessive force allegation and close the matter in accordance with its policy.

In response to OIG's recommendations, COPA reopened the investigation, sustained the allegations that the CPD member used excessive force and directed profanity at the subject, and recommended a suspension of up to 30 days.

OIG's letter to COPA containing its recommendations is attached in Appendix A, COPA'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.
[2] Per COPA's website, the Timeliness Initiative Project is a "comprehensive initiative… to review investigations 18 months or older to determine if an alternative approach…is warranted in order to expedite the closure of certain investigations." "After a comprehensive review process, COPA will expedite and conclude eligible misconduct complaints by requesting additional training for Chicago Police Department (CPD) members or through other remedial recommendations if allegations are sustained."

Appendix A | OIG Letter

Deborah Witzburg | Inspector General
City of Chicago
Office of Inspector General
740 N. Sedgwick St., Ste 200
Chicago, IL 60654
Phone: (773) 478-7799

Via Electronic Mail

September 16, 2024

ANDREA KERSTEN
CHIEF ADMINISTRATOR
CIVILIAN OFFICE OF POLICE ACCOUNTABILITY
1615 WEST CHICAGO AVENUE, 4TH FLOOR
CHICAGO, ILLINOIS 60622

Re: Log #2022-0003489

Dear Chief Administrator Kersten:

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 Civilian Office of Police Accountability (COPA) in Log #2022-0003489. OIG recommends that COPA reopen this investigation to address all appropriate allegations. COPA closed Log #2022-0003489 in a Non-Disciplinary Closure (NDC) status.

Log #2022-0003489 concerns allegations that Chicago Police Department (CPD) Officer Fidel Legorreta, Star #5902, used excessive force by kneeing a subject in the leg and/or stomach area without justification and directed profanity toward the subject.[1]

According to the Arrest Report and Original Case Incident Report in COPA's investigative file, on August 17, 2022, Officer Legorreta and several other CPD members responded to an attempted armed robbery. Upon their arrival, the victim alleged that the subject pointed a gun at them before fleeing on foot. The officers located the subject, asked if they had any weapons and conducted a protective pat down. Officer Garcia reported feeling a firearm under the subject's left armpit, at which point the subject attempted to turn away and flee. The subject was unable to flee and after a brief struggle, Officer Legorreta recovered and secured the firearm.[2]

On Officer Garcia's body-worn camera (BWC) footage, at the 4:11 mark, Officer Legorreta, after securing the firearm, is seen walking toward the subject, grabbing the subject by the arm with both hands, seemingly bracing themselves and/or drawing back then moving toward the subject's leg and/or torso area in a forceful manner. The subject, who had their hands secured behind their back by three other CPD members with one handcuff on, stated, "You hitting me?" and Officer Legorreta

[1] COPA also brought allegations of verbal abuse-profanity against CPD Officer Gabriel Garcia, Star #17602, CMS confirms that Officer Garcia resigned from CPD on January 28, 2023.
[2] Attachment 5; 16.

responded, "Fucking resisting motherfucker."[3] This interaction was also partially captured on Officer Legorreta's BWC, from the 2:28 to 2:36 mark.[4]

In Officer Legorreta's Tactical Response Report (TRR), under the "Subject's Actions" section, Officer Legorreta checked that the subject "did not follow verbal direction, stiffened (dead weight), pulled away and [created an] imminent threat of battery with weapon." Under the "Member's Response" section, Officer Legorreta checked that they used a knee strike. In the narrative of the TRR, Officer Legorreta stated, "After Officer Legorreta recovered said firearm, the subject was still not compliant and was actively resisting officers. P.O. Legorreta delivered [one] knee strike to the subject's leg in an attempt to overcome resistance/aggression…"[5]

General Order G03-02-01 "Response to Resistance and Force Options" defines an active resister as "a person who attempts to create distance between himself or herself and the member's reach with the intent to avoid physical control and/or defeat the arrest." An assailant is characterized as:

> A person who is using or threatening the use of force against another person or himself/herself which is likely to cause physical injury. Assailants are further subdivided into two categories: (1) a person whose actions are aggressively offensive with or without weapons and (2) a person whose actions constitute an imminent threat of death or great bodily harm to a Department member or to another person.

This directive only authorizes direct mechanical techniques, which are "forceful, concentrated striking movements such as punching, kicking, or focused pressure strikes and pressures," when the individual is an assailant. As opposed to being an assailant, Officer Legorreta confirmed the knee strike occurred and that it was initiated as the subject was "actively resisting." Further, at the time that Officer Legorreta struck the subject, there was no longer an imminent threat of great bodily harm" as Officer Legorreta had already secured the firearm and the subject's hands were behind their back with one handcuff on, restrained by three CPD members.[6]

COPA opened this investigation on August 17, 2022. On November 2, 2023, COPA determined that Log #2022-0003489 met its criteria for closure under its Timeliness Initiative and placed this investigation in a NDC status.[7] A Non-Disciplinary Closure memorandum is included in the investigative file. In COPA's NDC memorandum, it states that allegations regarding the act of "unjustified uses of force against a restrained individual," would disqualify an investigation for NDC.[8] This investigation involves allegations of unjustified excessive force against a subject, whose hands were restrained behind their back by several CPD members, and therefore does not meet COPA's criteria outlined in its NDC memorandum.

Based on OIG's preliminary review, and without taking any position on any other aspect of the investigation, OIG recommends that COPA reopen Log #2022-0003489 to address the excessive force allegations and close the matter in accordance with its policy.

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[3] Attachment 1.
[4] Attachment 2.
[5] Attachment 21.
[6] Chicago Police Department, "General Order G03-02-01 Response to Resistance and Force Options," April 15, 2021, accessed June 3, 2024.
[7] Note: CO-1362054.
[8] Attachment 28, p. 3.

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 COPA's response and recommends that COPA 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
Robin Murphy, General Counsel, COPA
Angela Snell, Chief Investigative Law Officer, COPA
Yolanda Talley, Chief, Bureau of Internal Affairs, CPD

Appendix B | Department Response

Outlook

RE: Recommendation to Reopen Log #2022-0003489

From Angela Snell <Angela.Snell@chicagocopa.org>
Date Thu 12/5/2024 1:34 PM
To LaDonna Candia-Flanagan <lcandia-flanagan@igchicago.org>; Andrea Kersten <Andrea.Kersten@chicagocopa.org>
Cc Robin Murphy <Robin.Murphy@chicagocopa.org>; Yolanda Talley <yolanda.talley@chicagopolice.org>; Deborah Witzburg <dwitzburg@igchicago.org>; Tobara Richardson <trichardson@igchicago.org>; Samuel Chae <schae@igchicago.org>

Good afternoon, COPA will reopen this log number. Please let me know of any questions.

Best,

Angie Snell (she/they)
Assistant General Counsel
Civilian Office of Police Accountability (COPA)
1615 W. Chicago Ave.
Chicago, IL 60622
Office: 312-746-0186
Cell: 312-965-2025

From: LaDonna Candia-Flanagan <lcandia-flanagan@igchicago.org>
Sent: Monday, September 16, 2024 4:01 PM
To: Andrea Kersten <Andrea.Kersten@chicagocopa.org>
Cc: Angela Snell <Angela.Snell@chicagocopa.org>; Robin Murphy <Robin.Murphy@chicagocopa.org>; Yolanda Talley <yolanda.talley@chicagopolice.org>; Deborah Witzburg <dWitzburg@igchicago.org>; Tobara Richardson <trichardson@igchicago.org>; Samuel Chae <schae@igchicago.org>
Subject: Recommendation to Reopen Log #2022-0003489

Dear Chief Administrator Kersten:

On behalf of Deputy Inspector General Tobara Richardson, please find attached to this email a recommendation to reopen Log #2022-0003489. Please acknowledge your receipt of this correspondence and let me know if you have any questions.

LaDonna Candia-Flanagan
Chief Investigative Analyst-Public Safety
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LaDonna Candia-Flanagan
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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, Illinois 60604 or visit our website at igchicago.org.

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