

**BEFORE A MEMBER OF THE POLICE BOARD
OF THE CITY OF CHICAGO**

IN THE MATTER OF THE)	
RECOMMENDATION FOR DISCIPLINE OF)	No. 24 RR 02
POLICE OFFICER ROBERTO GOMEZ,)	
STAR No. 11353, DEPARTMENT OF POLICE,)	(CR No. 2020-4833)
CITY OF CHICAGO.)	

REQUEST FOR REVIEW

On April 19, 2024, the Executive Director of the Police Board of the City of Chicago received from the Chief Administrator of the Civilian Office of Police Accountability (COPA) a request for review of the Chief Administrator’s recommendation for discipline of Police Officer Roberto Gomez, Star No. 11353, arising out of the investigation of Complaint Register No. 2020-4833 (“Request for Review”).

The investigation stems from an incident on October 23, 2020, in the 10th police district. According to COPA’s Summary Report of Investigation, Officer Roberto Gomez and his partner, both 10th District tactical officers, were on routine patrol near 24th Street and Hamlin Avenue. The officers heard multiple gunshots, followed by a ShotSpotter notification of shots fired in the area. Soon after hearing the shots, the officers’ attention was drawn to a silver Ford Focus that was driving away from the area of the shots-fired incident. The officers activated their emergency equipment and followed the vehicle southbound in the alley between Ridgeway and Hamlin Avenues, toward 26th Street. The Ford Focus exited the alley, struck a pickup truck, then crashed into a pole at the mouth of the alley on the south side of 26th Street.

A female exited the front passenger seat of the Ford Focus and ran southbound in the alley. The driver of the Ford Focus, Marc Nevarez, exited the vehicle with a revolver in his hand and ran eastbound on the south sidewalk of 26th Street. Officer Gomez pursued Mr. Nevarez on

foot and unsuccessfully attempted to grab him. As Mr. Nevarez continued to flee on the sidewalk, Officer Gomez discharged his firearm three times, striking Mr. Nevarez in the upper left buttock and posterior right arm. Mr. Nevarez fell to the ground and dropped the revolver into the street. Paramedics transported Nevarez to Mt. Sinai Hospital by ambulance, but he succumbed to his wounds.

Following the conclusion of COPA's investigation, the Chief Administrator issued a recommendation for discipline of Officer Gomez. The Interim Superintendent of Police¹ did not agree with the Chief Administrator's recommendation and proposed less discipline for Officer Gomez.

The Chief Administrator recommended that the following allegations against Officer Gomez be *Sustained*:

On or about October 23, 2020, at approximately 12:27 p.m., at or near 3735 West 26th Street in Chicago, Officer Gomez:

1. Used deadly force by discharging his firearm in the direction of Marc Nevarez without justification, in violation of Chicago Police Department General Order G03-02; and
2. Failed to timely activate his body worn camera (BWC) in violation of Chicago Police Department Special Order S03-14.

The Chief Administrator recommended that Officer Gomez be discharged from the Chicago Police Department.

The Interim Superintendent disagreed with the Chief Administrator's recommendation for discipline of Officer Gomez. The Interim Superintendent stated that the evidence does not support sustaining the allegation that Officer Gomez used deadly force in violation of General

¹Interim Superintendent of Police Fred L. Waller responded to the Chief Administrator's recommendation for discipline on June 15, 2023.

No. 24 RR 02
Police Officer Roberto Gomez
Request for Review and Opinion

Order G03-02. The Interim Superintendent agreed with the finding that Officer Gomez failed to timely activate his BWC in violation of Special Order S03-14 and proposed that Officer Gomez be suspended for three (3) days for this violation.

According to the Certificate submitted by the Chief Administrator: (1) the Chief Administrator issued the recommendation for discipline on March 1, 2023; (2) the Chief Administrator received the Interim Superintendent's written response on June 15, 2023; (3) the Chief Administrator's designees met with the Superintendent's designees and concluded their discussion of this matter on April 15, 2024; and (4) the Request for Review was sent via email to the Executive Director of the Police Board on April 19, 2024.

The Executive Director of the Police Board prepared and forwarded the Request for Review file to Andreas Safakas, the member of the Police Board who was selected on a random basis, pursuant to Article VI of the Police Board's Rules of Procedure ("Reviewing Member"). The Reviewing Member reviewed the Request for Review pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago and Article VI of the Police Board's Rules of Procedure. Following his initial review of this matter on May 3, 2024, the Reviewing Member requested, received, and reviewed video recordings from the investigative file.

OPINION

Following a thorough review of the Request for Review material, including the video recordings, I conclude that this material does not provide a sufficient basis for me to rule that the Interim Superintendent met the burden to overcome the Chief Administrator's recommendation for discipline. It is my opinion that a full evidentiary hearing, at which the parties will have an

No. 24 RR 02
Police Officer Roberto Gomez
Request for Review and Opinion

opportunity to present all relevant evidence, including testimony from Officer Gomez and use-of-force experts, is the appropriate next step.

I am *not* saying that the Chief Administrator's recommendation is correct and that the Superintendent's response is incorrect. Rather, I am saying that *a hearing that provides due process to all parties is necessary to determine whether Officer Gomez violated any of the Chicago Police Department's Rules of Conduct and, if so, the appropriate disciplinary action.*

Therefore, pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago, the Chief Administrator's recommendation for discipline of Police Officer Roberto Gomez, Star No. 11353, shall be deemed accepted by the Superintendent.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 11th DAY OF JUNE 2024.

/s/ ANDREAS SAFAKAS
Member
Police Board

Attested by:

/s/ MAX A. CAPRONI
Executive Director
Police Board