

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	Unknown date and time between April/May 2017
Time of Incident:	Unknown
Location of Incident:	6416 N. Lehigh (Parking Lot), Chicago, IL
Date of COPA Notification:	February 14, 2019
Time of COPA Notification:	10:30 pm

This complaint was initiated on February 14, 2019 by ██████████ who alleged that his live-in girlfriend, Chicago Police Officer ██████████ # ██████████ was sexually assaulted by Chicago Police Officer ██████████ # ██████████ sometime during the spring of 2017. It was revealed through this investigation that the two officers were involved in an affair during this time. However, upon ██████████ discovery of the relationship, the affair ended. ██████████ reported that Officer ██████████ told him that Officer ██████████ forced her to perform oral sex on him inside of her vehicle. Both Officer ██████████ and Officer ██████████ reported that the sexual encounter was consensual. Based on the totality of evidence, COPA determines that the allegation against Officer ██████████ is **Unfounded**.

II. INVOLVED PARTIES

Involved Member #1:	██████████ Star# ██████████ Employee# ██████████ Date of Appointment: ██████████ 2001 Police Officer, Unit of Assignment ██████████ Detailed to Unit ██████████ DOB: ██████████, 1968, M/B
Involved Member #2:	██████████ Star # ██████████ Employee ID# ██████████ Date of Appointment: ██████████ 2013 Police Officer, Unit of Assignment: ██████████ DOB: ██████████, 1973, F/WH
Involved Individual #1:	██████████ DOB: ██████████, 1980, M/B

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
[REDACTED]	1. It is alleged that on an unknown date and time in between April/May 2017 at or near 6416 N. Lehigh, Chicago, IL; the accused forced Officer [REDACTED] to perform an unwanted sexual act on him while off-duty in her personal vehicle in violation of Rules 2 and 8.	Unfounded

IV. APPLICABLE RULES AND LAWS

Rules

Rule 2- Any action or conduct which impeded the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.

Rule 8- Disrespect to or maltreatment of any person, while on or off duty.

V. INVESTIGATION

a. Interviews

On March 20, 2019, [REDACTED] provided a statement to COPA.² [REDACTED] is the live-in boyfriend of Officer [REDACTED]. The two have been together for four years and share no children. He related that sometime in May 2017 Officer [REDACTED] told him that Officer [REDACTED] forced her to perform oral sex on him in the backseat of her vehicle in the parking lot adjacent to the Habano Cigar Lounge located at 6416 N. Lehigh, Chicago, IL. According to [REDACTED] Officer [REDACTED] told him, “I sucked his dick.”³

Shortly after receiving this information, [REDACTED] admitted to retrieving Officer [REDACTED] personal cell phone number from Officer [REDACTED] cell phone and initiating approximately 20 consecutive phone calls to his cellphone.⁴ He also sent several text messages and a personal Facebook message to Officer [REDACTED] to confront him about the alleged assault. Although he never formally reported the incident to anyone, he confirmed that he made a Facebook post in May 2017 about the two and tagged several police officers to the post. To date he does not recall the details of the message.⁶ Although Officer [REDACTED] never responded to any of his correspondences, [REDACTED] presumed that his correspondences and Facebook activities prompted Officer [REDACTED] to reach out to

² Att. 16
³ Id. at 22:10 and 29:25
⁴ Id. at 20:45
⁵ Att. 17
⁶ Att. 16 at 33:00-35:00

Officer ██████ On May 31, 2017, he learned through Officer ██████ that Officer ██████ reached out to her asking about ██████ social media activities. Later that day, ██████ and Officer ██████ argued, because she refused to report the incident to the authorities. Due to her lack of reporting the allegation, their relationship remained in turmoil.

On October 31, 2017, ██████ threatened to leave Officer ██████ if she did not tell someone about Officer ██████ assault against her. Subsequently, Officer ██████ allegedly reported the incident to 3rd Watch Lieutenant ██████ at the ██████ District. Officer ██████ told ██████ that she told the Lieutenant that she performed an involuntarily sex act on Officer ██████. Officer ██████ related to ██████ that the Lieutenant told her if any additional information was required that he would contact her.⁷ Shortly thereafter, Officer ██████ went on a leave of absence due to a thumb injury and did not return to work until March 2018. However, after checking in with her periodically regarding the status of the investigation, ██████ never received an update. To date he doubts if she ever spoke with Lt. ██████ regarding the incident.⁸

According to ██████ Officer ██████ told him that she and Officer ██████ were friends and never had a sexual relationship prior to this one sex act.⁹ ██████ stated he questioned Officer ██████ about the incident daily since 2017.¹⁰ He added that his previous Law Enforcement experience aided him to use tactics to assess her truthfulness.¹¹ In his words, he asked “repeated drilling questions” to verify her role during the incident. He added that some examples of questions he asked were, “if he was circumcised, did he finish, and did he moan.”¹² According to ██████ on at least one occasion Officer ██████ re-enacted how the act occurred. She explained to him that on the day of incident Officer ██████ stated, “I need some help.” At that time, Officer ██████ grabbed her arm, pulled her toward him, took his hand and placed it behind her shoulder, hunched her over, and held her in place until she completed performing oral sex on him.¹³

██████ stated, he initially struggled with understanding if Officer ██████ was an active participant or not but knowing that she did not remove clothing and had to be pulled toward Officer ██████ to perform the act, gave him the reassurance that she was victimized. In his words, “It didn’t sound like she was willing.” However, it took him months to come to this conclusion. According to ██████ after the incident, Officer ██████ told Officer ██████ “I didn’t appreciate what you made me do.” Officer ██████ responded, “Well you did it, stop tripping.”¹⁴ It is unknown how this conversation took place, and ██████ never saw the message. According to ██████ to date Officer ██████ version of the events remains the same. Per ██████ she did not report the incident out of fear of being scrutinized by her peers.

██████ related that on February 14, 2019 upon reaching the ██████ District to drop Officer ██████ at work, he became fed up with the lack of results from the alleged investigation and her

⁷ Id. at 5:45-10:25

⁸ Id. at 47:12-49:00. It should be noted, COPA found no evidence that a sexual assault against Officer ██████ was ever reported.

⁹ Id. at 28:40-29:05 and 56:15

¹⁰ Id. at 10:50-11:03

¹¹ Id. at 51:00-52:08

¹² Id. at 23:00

¹³ Id. at 12:30-13:00 and 29:35-29:50

¹⁴ Id. at 35:45-39:10

lack of interest. Therefore, he decided he would make the complaint himself. Subsequently, [REDACTED] rushed into the [REDACTED] District lobby shouting that Officer [REDACTED] was “raped” by Officer [REDACTED]. The loud commotion gained the attention of all spectators including Sergeant [REDACTED]. At some point, Sergeant [REDACTED] escorted him and Officer [REDACTED] to a nearby room for discussion. At that time, [REDACTED] stated he and Officer [REDACTED] both reported that she was raped. Per [REDACTED] Officer [REDACTED] told the Sergeant “I didn’t want to do it, I felt forced. But I went along with it,” and demonstrated to Sgt. [REDACTED] how the act occurred.¹⁵ After reporting the incident, [REDACTED] left and was later contacted by Sergeant [REDACTED] for additional information. After her shift, Officer [REDACTED] told [REDACTED] that she related the same account to Lieutenant [REDACTED].

In a statement to COPA on March 13, 2019, Officer [REDACTED] denied that she was sexually assaulted by Officer [REDACTED] throughout her statement. She related, the two met some time ago at the [REDACTED] District. Over time, they became acquainted and entered a sexual relationship from March 2017 through May 2017. During this period, she and Officer [REDACTED] had multiple sexual experiences, which typically occurred in her vehicle.¹⁷ Officer [REDACTED] was also in a relationship with her live-in boyfriend, [REDACTED].

Officer [REDACTED] related that [REDACTED] only learned of her relationship with Officer [REDACTED] after she inadvertently disclosed it to him in 2017. She mistakenly confessed to the affair when [REDACTED] asked her a question about something he saw on her iPad. At that time, she expressed to [REDACTED] that although she had struck a friendly relationship with Officer [REDACTED] the relationship blossomed into one that was sexual in nature. However, she told [REDACTED] that she doubted her decisions at the time and described the experience as a battle with her conscience. Officer [REDACTED] expressed that she never told [REDACTED] she was threatened, forced, or pressured. Her presumption is that [REDACTED] believed she was influenced by Officer [REDACTED].¹⁸

Consequently, in 2017, [REDACTED] and Officer [REDACTED] had numerous and consistent discussions/arguments about her three month relationship with Officer [REDACTED].¹⁹ In 2017, her personal affairs became such an issue that they began to interfere with her employment. During that time, Officer [REDACTED] was forced to disclose the situation and affair to her superiors because [REDACTED] continuously called her during her shift. However, [REDACTED] never made any allegations of sexual assault.²⁰

Officer [REDACTED] related that on February 14, 2019, [REDACTED] was driving her to work when they began to argue about the 2017 sexual encounter between her and Officer [REDACTED].²¹ Officer [REDACTED] related this was not out of the ordinary, since this was a topic of conversation for the past two years. During the ride, [REDACTED] told her that he was coming inside to report that she had been criminally sexually assaulted by Officer [REDACTED]. Upon their arrival, he entered the [REDACTED] District very irate, yelling, and demanding to speak with a Sergeant. During his outburst, he yelled that Officer

¹⁵ Att. 16 13:00-17:30 and 42:00

¹⁶ Att. 9

¹⁷ Att. 9 (Part 1) 7:08-9:29

¹⁸ Id. at 5:05-9:18

¹⁹ Id. at 10:00

²⁰ Id. at 20:15-21:00

²¹ Id. at 4:20-4:38

██████████raped her.²² Eventually, she and ██████████ were moved to a room off the lobby where they spoke with Sergeant ██████████. She essentially related the same account Sergeant ██████████ related to COPA. During her conversation with Sergeant ██████████ she reported to him that at no point during her encounter with Officer ██████████ did she feel her life was in jeopardy nor was she threatened or forced to do anything against her will.²³

At some point during the conversation, ██████████ left, and she started her shift. She stated that she met with Lieutenant ██████████ and reiterated the same account during that conversation. Upon speaking with the him, she reported that her entire relationship with Officer ██████████ was consensual.²⁴ She informed the Lieutenant that ██████████ was still upset about her relationship with Officer ██████████ that occurred in Spring 2017. Officer ██████████ explained that she performed oral sex on Officer ██████████ while in her vehicle and that all their sexual occurrences typically occurred at the same location in her personal vehicle. She related that she and Officer ██████████ were off-duty and sitting in her personal vehicle, when he made a subtle gesture guiding her toward him which ended with her performing the sexual act. However, Officer ██████████ insisted that he did not push her or force her to do so. She also added that this was not the first time she had performed the sexual act with Officer ██████████. At the conclusion of her statement with COPA, Officer ██████████ re-affirmed that her entire relationship with Officer ██████████ was consensual.²⁵

Officer ██████████ stated she has never minimized her role in the relationship with Officer ██████████ to ██████████. However, ██████████ believes she is a victim of a sexual assault. She asserts that she repeatedly told him she performed the sex act with Officer ██████████ at her own free will.²⁶ She related that even after this incident, she and Officer ██████████ engaged in sexual activities.²⁷ Eventually, she ended her relationship with Officer ██████████ to focus on her relationship with ██████████. Officer ██████████ stated she is now regretful of her relationship with Officer ██████████.²⁸

In a statement conducted with ██████████ District **Lieutenant** ██████████ ██████████ on August 1, 2019, he related that he knew both Officers ██████████ and ██████████ from working in the ██████████ District. Although he could not recall specific dates, his recollection of the details surrounding Officer ██████████ correlated with those of other interviewed parties. He related that he spoke with Officer ██████████ on two separate occasions.

During his first conversation with Officer ██████████ he recalled speaking with her in the ██████████ District parking lot after he was approached by her partner, Officer ██████████. At that time, Officer ██████████ reported that she felt unsafe partnering with Officer ██████████. She explained that Officer ██████████ was dealing with personal issues with her boyfriend and it was affecting her abilities to do her job. She further related, Officer ██████████ was receiving an increasing amount of phone calls during patrol, which were causing a distraction. Out of concern, Lieutenant ██████████ spoke with Officer ██████████. At that time, Officer ██████████ explained that her

²² Att. 9 (Part 2) 2:04-4:50

²³ Att. 9 (Part 2) 11:57-12:12 and 13:18

²⁴ Att. 9 (Part 2) at 13:47-14:10

²⁵ Id. at 16:00-19:20

²⁶ Id. at 28:05-29:38

²⁷ Id. at 23:50-24:38

²⁸ Id. at 25:18-25:30

²⁹ Att. 28

boyfriend, [REDACTED] recently learned of her affair. To date, the Lieutenant is unsure how or when he learned that the affair was with Officer [REDACTED]. Due to the concerns of Officer [REDACTED], Officer [REDACTED] was placed on desk duty for a period. Shortly thereafter, he spoke with her a second time, when she arrived to work with an injury to her thumb. Subsequently, he learned that she and [REDACTED] were involved in a domestic related incident. As a result, a case report³⁰ was initiated and Officer [REDACTED] sought medical treatment for her injuries. After the injury, Officer [REDACTED] was on a leave of absence for an extended period.³¹

Lieutenant [REDACTED] reported that although he has never had any personal encounters with [REDACTED], he has known him to come to [REDACTED] District before and cause a scene. In addition, he later learned that [REDACTED] made a post to Facebook regarding Officer [REDACTED] and [REDACTED] relationship.

In conclusion, Lieutenant [REDACTED] explained that his conversations with Officer [REDACTED] were similar to an informal counseling out of concern for her safety as a domestic violence victim. He related that their conversations were based upon her problems with her boyfriend and his inability to accept the knowledge of her affair. Moreover, Officer [REDACTED] never disclosed or reported any negative issues or situations between her and Officer [REDACTED]. Lieutenant [REDACTED] related that if she had informed him of any issues with Officer [REDACTED], he would have followed proper protocol.

In a statement conducted by COPA on February 25, 2019, **Sergeant [REDACTED]** discussed the details regarding the allegations reported to him during on February 14, 2019. It should be noted, Sgt. [REDACTED] also prepared an initiation report regarding the alleged occurrence.³³ During his interview, he reported that he was the [REDACTED] District, 3rd Watch District Station Supervisor (DSS) on the night [REDACTED] came into the station. Upon approaching the door leading into the lobby, he heard a commotion and yelling between [REDACTED] and Officer [REDACTED]. At that time, [REDACTED] was demanding to speak to the DSS on duty. [REDACTED] reported to Sgt. [REDACTED] that Officer [REDACTED] was raped by Officer [REDACTED] in Spring of 2017.

Sgt. [REDACTED] stated, he is only familiar with Officer [REDACTED] because he was cadet in his training academy in 2001, and he was previously assigned to the [REDACTED] District at some point during his career. He recalled that during Officer [REDACTED] time at the [REDACTED] District, he and Officer [REDACTED] worked the same watch. Additionally, Sgt. [REDACTED] was also familiar with [REDACTED] due to previously reported incidents involving [REDACTED] and Officer [REDACTED]. He specifically recalled Officer [REDACTED] issuing a missing person's report for [REDACTED] and that there was another reported incident between the two regarding a domestic related incident.³⁴

Sgt. [REDACTED] described [REDACTED] outburst on February 14, 2019 as chaotic and stated he found it very difficult to retrieve any pertinent information due to [REDACTED] extreme amount of yelling and irate behavior. He explained that he focused on trying to de-escalate the situation

³⁰ Att. 30 Case Report RD#JA286701

³¹ Att. 28 at 6:00-11:20

³² Att. 3

³³ Att. 1

³⁴ Att. 30

between [REDACTED] and Officer [REDACTED] who was also attempting to calm [REDACTED] down. Due to [REDACTED] rage, Sgt. [REDACTED] attempted to separate the two. At one point, he asked [REDACTED] to leave the station. However, he was unsuccessful, so they all stepped into a secured room near the lobby area for further discussion. While in the room, the conversation remained heated between Officer [REDACTED] and [REDACTED]. With [REDACTED] present, Officer [REDACTED] related that she performed oral sex on Officer [REDACTED] some time ago. Sgt. [REDACTED] added that during the entire time he spoke with Officer [REDACTED], she affirmed that the act was consensual. However, Officer [REDACTED] and [REDACTED] appeared to disagree about her account, and [REDACTED] remained adamant that Officer [REDACTED] was raped.³⁵ Eventually, the conversation concluded, and [REDACTED] left the station.

Once [REDACTED] left the station, Sgt. [REDACTED] and Officer [REDACTED] spoke with Lieutenant [REDACTED] to inform him of the incident. During this conversation, Officer [REDACTED] disclosed to the Lieutenant that she performed oral sex on Officer [REDACTED]. However, she reiterated that it was consensual.³⁶ She further reported that she and Officer [REDACTED] were previously involved in a three-month long relationship. However, Sgt. [REDACTED] was unable to provide further details because he was not present for the entire conversation.

Shortly thereafter, Sgt. [REDACTED] initiated a telephone call with [REDACTED] to gain additional information. During the call, [REDACTED] stated that Officer [REDACTED] told him that when she performed a sexual act on Officer [REDACTED] she did not feel comfortable doing so. As noted on the initiation report, [REDACTED] was uncertain of the date of the incident but related that the incident occurred near a cigar shop on Lehigh Rd. in Chicago, IL.³⁷

When asked if he had any personal knowledge of a relationship between Officer [REDACTED] and [REDACTED] Sgt. [REDACTED] related he had heard of “involvement” between the two some time ago and about some things out on social media regarding the two but could not recall details.³⁸

On February 27, 2019, COPA conducted the statement of **Lieutenant [REDACTED]**³⁹ He related that on February 14, 2019 he was in the Commanders office, when he heard a loud commotion coming from the lobby area. Although he never went out into the area, he overheard a male yelling words to the effect, “a police officer rapes another police officer and you’re covering it up,” followed by a female voice saying, “that’s not true, that’s not what happened, stop this!”⁴⁰ At some point during the commotion, Lt. [REDACTED] learned from other CPD members that [REDACTED] was a 350 pound male who worked at near the [REDACTED] District at a gas station as an armed security officer. Having this knowledge and hearing [REDACTED] loud and confrontational tone, the Lieutenant began to look for a Taser in anticipation that further problems would ensue. However, after some time the voices began to fade, and the male voice was gone. Shortly thereafter, Officer [REDACTED] appeared in his office accompanied by Sgt. [REDACTED]

³⁵ Att. 3 at 13:00-15:00

³⁶ Id. at 20:50-21:39

³⁷ Id. at 16:05-17:08

³⁸ Id. at 25:20

³⁹ Att. 6

⁴⁰ Id. at 4:40-5:05

At this time Officer ██████ essentially related that ██████ was her live-in boyfriend of four years. She also reported she and Officer ██████ were involved in a relationship for approximately three months in 2017 that was sexual in nature.⁴¹ Due to the seriousness of the allegation, Lt. ██████ pressed Officer ██████ on ██████ allegations. However, Officer ██████ assured him that she was not forced to commit any sexual acts on Officer ██████ and asserted that the two had been involved in a consensual sexual relationship. She added that she and Officer ██████ had a sexual encounter in March 2017 where she performed oral sex on him inside a vehicle on the northside of Chicago but stressed that the act was consensual and there was no threat of force.⁴² COPA asked the Lieutenant for clarity regarding a statement he noted in his to-from report regarding Officer ██████ account of how the sexual act was initiated.⁴³ At that time, Lt. ██████ demonstrated how Officer ██████ re-enacted the encounter to him. He related that Officer ██████ explained that Officer ██████ placed his hand on her shoulder while guiding her toward him as he sat in the passenger seat of her vehicle. Subsequently, she proceeded to perform oral sex on him. However, she asserted that Officer ██████ did not force or threaten her.⁴⁴

Lt. ██████ added that it was well known throughout the ██████ District that Officer ██████ and ██████ had domestic related issues. He later learned that prior to his time at the ██████ District, ██████ burst into the lobby chasing Officer ██████ who was running up the stairs to get away from him. The Lieutenant told COPA he was left with the impression that Officer ██████ was not in a healthy relationship with ██████. As such, he provided Officer ██████ with a referral to the peer support program and the Employee Assistance Program. After speaking with Officer ██████ and considering all factors, it appeared to him that ██████ wanted her to swear to an assault that did not occur. However, Officer ██████ stuck with her original statement denying the assault. Additionally, Lieutenant ██████ reiterated that he clearly heard Officer ██████ deny ██████ claims throughout the commotion. For the reasons stated, Lt. ██████ did not initiate a case report for a criminal sexual assault.

He stated Officer ██████ was more embarrassed than anything and did not want to involve Officer ██████. In the end, Officer ██████ refused to sign a complaint against Officer ██████ and adamantly expressed that there was no assault. Moreover, she described this experience with Officer ██████ as a relationship she had 2 years ago that ██████ was still upset about.⁴⁵ Upon the completion of his interview with Officer ██████ Lt. ██████ prepared a to-from report memorializing the conversation.⁴⁶

During his statement with COPA on April 12, 2019, **Officer ██████** related that he and Officer ██████ became friendly in the beginning of 2017 while they were assigned to the ██████ District. Over the course of their friendship, the two confided to one another about their relationships with their significant others. Ultimately, their friendship blossomed into an intimate

⁴¹ Att. 6 at 7:15-8:05

⁴² Id. at 8:55-11:55

⁴³ Att. 5 (Refer to 2nd Paragraph “PO related she doesn’t enjoy this sexual act but did it at the urging of PO ██████”)

⁴⁴ Att. 6 at 19:05-22:20

⁴⁵ Id. at 28:35-28:45

⁴⁶ Att.5 (To-From/EAP Counseling)

⁴⁷ Att. 23

relationship which lasted from March until May 2017.⁴⁸ However, he clarified that they were not in a dating relationship and to his knowledge Officer ██████ had no expectation of such. Over this three-month period, Officer ██████ estimated that he and Officer ██████ had sexual intercourse more than five but less than ten times. He added, that approximately three to four of those encounters included oral sex acts by both parties.⁴⁹ Officer ██████ candidly described a typical sexual encounter between the two but asserted that all acts and encounters were consensual, and on occasion, she initiated sex with him.⁵⁰

During the time of his affair with Officer ██████ Officer ██████ frequented a cigar bar on Lehigh and Devon. He reported their first sexual encounter was in the parking lot of the cigar bar, inside of Officer ██████ vehicle. In fact, he related all their sexual encounters occurred at the same location, while inside of her vehicle.⁵¹ Officer ██████ related that one day, while at the bar, he received a phone call from Officer ██████ asking if she could stop by. Subsequently, she stopped by, talked to him, and eventually they had sexual intercourse. Her initial visit led to routine visits to the bar for sex.⁵²

When asked about the incident leading to the allegations, Officer ██████ could not precisely determine which sexual encounter was referenced. However, he asserted that all sexual encounters were consensual. He recalled his last sexual experience with Officer ██████ occurred sometime in May 2017. He stated that while at the cigar bar, he received a call from Officer ██████ asking if she could stop by. As usual, she arrived at the bar, and they had sex in her vehicle. After returning home later that night, he was confronted by his wife who informed him that she had spoken with ██████⁵³ She related ██████ told her about the affair with Officer ██████ Officer ██████ stated that was his last sexual encounter or communication with Officer ██████ Ultimately, their relationship came to a halt and he decided to focus on his marriage.⁵⁴

Around the same time period, Officer ██████ received several phone calls and text messages from ██████ but never responded. Although he had no record of past correspondence from ██████ he shared a recent text message that he received from ██████ on January 19, 2019.⁵⁵ Per the message, ██████ appeared to doubt Officer ██████ account and wanted to meet up with Officer ██████ to discuss their relationship. However, Officer ██████ was not aware of any prior correspondence from ██████ via Facebook. When presented with a photo submitted to COPA by ██████ with the words written, “she told me you forced me to suck your dick,” Officer ██████ stated he was familiar with the photo. He stated he and Officer ██████ had taken the photo at a CPD event, but the photo did not contain any writing.⁵⁶ However, sometime in June 2017, Officer ██████ received a screenshot of the same photo from a fellow officer who retrieved it from Facebook. The

⁴⁸ Id. at 5:50-7:15

⁴⁹ Id. at 8:00-8:55 and 37:50-38:05

⁵⁰ Id. at 9:25 and 25:36-27:35

⁵¹ Id. at 7:10 and 37:27

⁵² Id. at 38:13-39:07

⁵³ Att. 23 at 33:43-34:33

⁵⁴ Id. at 20:55-24:37

⁵⁵ Att. 24- It should be noted, ██████ has been identified/verified as the owner of the listed phone number.

⁵⁶ Att. 23 at 17:00-19:55

photo was presumably posted to Facebook by ██████ along with personal information regarding Officer ██████ and Officer ██████⁵⁷

When asked if he had ever influenced or insisted that Officer ██████ perform oral sex on him, he denied ever doing so.⁵⁸ Moreover, Officer ██████ insisted that Officer ██████ was never hesitant or regretful during or after their sexual encounters.⁵⁹ In fact, after some of their sexual encounters, they exchanged sexually explicit text messages and compliments regarding the experience. However, Officer ██████ no longer had access to the cell phone containing these messages.

In conclusion, Officer ██████ denied ever forcing Officer ██████ to have sex with him. Although he was re-assigned from District ██████ around June/July 2017, Officer ██████ related that he was awaiting a new position that he applied for prior to his relationship with Officer ██████ and his departure did not have anything to do with that relationship. In addition, he was never presented with any allegations that he sexually assaulted Officer ██████ prior to receiving the allegations from COPA.

b. Documentary Evidence

The **Initiation Report**⁶⁰ written by Sgt. ██████ documents the information received from ██████ regarding the allegations against Officer ██████ for criminal sexual assault against Officer ██████. The report also documents Officer ██████ denial of the allegations on February 14, 2019.

The **To-From Report**⁶¹ prepared by Lt. ██████ memorializes his one-on-one conversation with Officer ██████. It was during this time that she provided more details and explanation regarding ██████ allegations. The report documents her continued denial that she was sexually assaulted. During their conversation, the Lieutenant provided Officer ██████ with an **EAP Counseling Referral**⁶² to obtain support services for her personal issues.

The **Original Case Incident Report RD# JA286701**⁶³ documents a domestic related incident on May 31, 2017 naming ██████ as the suspect and Officer ██████ as the victim. The narrative states that the two were engaged in a verbal altercation that became physical. During the incident, Officer ██████ suffered injuries to her wrist, thumb, and left eye.

c. Additional Evidence

Additional evidence includes **OEMC Audio Transmissions** recorded under Event # ██████. During a call initiated by ██████ to dispatch on February 14, 2019, ██████ reported that Officer ██████ raped Officer ██████ in the backseat of her truck. In addition, he

⁵⁷ Id. at 44:24-45:50

⁵⁸ Id. at 26:51-27:35

⁵⁹ Id. at 9:23, 38:07, 40:45, 45:49

⁶⁰ Att. 1

⁶¹ Att. 5

⁶² Id., Pg. 3

⁶³ Att. 30

stated that the crime was previously reported to Lieutenant [REDACTED] of the [REDACTED] District but stated Officer [REDACTED] failed to report an accurate account.

A **Facebook In-box Message**⁶⁴ received from the account of [REDACTED], belonging to [REDACTED] reflects a one-sided conversation sent to the inbox of Officer [REDACTED]. The message contains a photo of Officers [REDACTED] and [REDACTED] with the words "She told me you forced her to suck yo dick!" written on it. The message also contained personal information about Officer [REDACTED] and made references toward his wife. It does not show any response from Officer [REDACTED].

Officer [REDACTED] shared a **Text message**⁶⁵ with COPA from his personal cell phone. The message appeared to be from [REDACTED]. On January 29, 2019 at 5:26 am., Officer [REDACTED] received a message from [REDACTED]. COPA verified the phone number belonging to [REDACTED]. In that message, [REDACTED] did not accuse Officer [REDACTED] of sexually assaulting Officer [REDACTED] but rather accuses Officer [REDACTED] of having an affair. [REDACTED] related that he was not mad at Officer [REDACTED] or about the actual act that happened. Instead, he was more interested in identifying Officer [REDACTED] role.

VI. Applicable legal standards

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 allegation 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** is evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely than not that the misconduct occurred, 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

⁶⁴ Att. 17

⁶⁵ Att. 24

criminal offense. See *e.g.*, *People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing is 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.” *Id.* at ¶ 28.

VII. ANALYSIS

COPA finds that **Allegation #1** against Officer ██████ alleging that he forced Officer ██████ to perform an unwanted sexual act on him while off-duty in her personal vehicle in 2017 is **Unfounded**. COPA found no evidence to support the claim. Moreover, Officer ██████ adamantly denied that she was sexually assaulted. On the contrary, she reported that her and Officer ██████ maintained a consensual sexual relationship for three months during the Spring of 2017 until she inadvertently disclosed the affair to her boyfriend, ██████. She and Officer ██████ both related that their relationship was purely sexual in nature. With that, both Officers reported having multiple sexual encounters that included oral sex. Likewise, both asserted all encounters were consensual and in no way forced or coerced. Moreover, they agreed that the relationship only ended after ██████ learned of the affair. Essentially, both Officers provided the same account.

Although it is unclear if Officer ██████ suggested to ██████ that she felt coerced or forced, evidence and statements contradict ██████ version of events. All superior officers corroborated Officer ██████ characterization of her relationship with Officer ██████ and her reports of a consensual relationship without the suggestion that a sexual assault occurred. As previously mentioned, in his message to Officer ██████ in January 2019, ██████ never accused him of the assault. Instead, was concerned about what Officer ██████ said about him and their issues. Moreover, there is no evidence to suggest that Officer ██████ made an immediate outcry to ██████ sought medical treatment, or anything else that might suggest that a sexual assault occurred. Accordingly, there is no credible evidence to support that an assault occurred. It is for all the reasons stated above that COPA finds that the allegation against Officer ██████ is **Unfounded**.

VIII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	1. It is alleged that on an unknown date and time in between April/May 2017 at or near 6416 N. Lehigh, Chicago, IL the accused forced Officer [REDACTED] to perform an unwanted sexual act on him while off-duty in her personal vehicle in violation of Rules 2 and 8.	Unfounded

Approved:

[REDACTED]

Deputy Chief Administrator – Chief Investigator

September 17, 2019

Date

Appendix A

Assigned Investigative Staff

Squad#:

Investigator:

Supervising Investigator:

Deputy Chief Administrator:

