

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	August 26, 2018
Time of Incident:	12:00 pm – 2:00 pm
Location of Incident:	██
Date of COPA Notification:	September 4, 2018
Time of COPA Notification:	2:47 pm

██████████ (██████████) was working as a Guest Services Ambassador along the Riverwalk, when Chicago Police Department (CPD) Marine Officer ██████████ approached her. Officer ██████████ and ██████████ had a brief interaction during which Officer ██████████ stood within inches of ██████████ grabbed and rubbed her arm, grabbed her wrist and pulled her, wrapped his arm around her waist, touched her lower back and made multiple unwanted verbal sexual advances toward ██████████ causing her to feel uncomfortable. Based on the totality of the evidence and a preponderance of the evidence standard, the Civilian Office of Police Accountability (COPA) finds the allegations against Officer ██████████ Sustained in part.

**II. INVOLVED PARTIES**

Involved Officer #1:	██████████ Star # ██████████, Employee ID#: ██████████ Date of Appointment: ██████████, 1990 Police Officer, Unit of Assignment: ██████████ DOB: ██████████, 1967, Male, Black
Involved Individual #1:	██████████ DOB: ██████████, 1997, Female, Black

**III. ALLEGATIONS**

Officer	Allegation	Finding / Recommendation
Officer ██████████	1. It is alleged that on August 26, 2018 at approximately between the hours of 1200 – 1400, at or near the location of ██████████ ██████████, while on duty, Officer ██████████ grabbed ██████████ arm and rubbed it in violation of Rules 2 & 8.	Sustained/Separation

<p>2. It is alleged that on August 26, 2018 at approximately between the hours of 1200 – 1400, at or near the location of [REDACTED], while on duty, Officer [REDACTED] wrapped his arm around [REDACTED] in violation of Rules 2 &amp; 8.</p>	<p>Sustained/Separation</p>
<p>3. It is alleged that on August 26, 2018 at approximately between the hours of 1200 – 1400, at or near the location of [REDACTED], while on duty, Officer [REDACTED] placed his hand on [REDACTED] lower back and rubbed it in violation of Rules 2 &amp; 8.</p>	<p>Sustained/Separation</p>
<p>4. It is alleged that on August 26, 2018 at approximately between the hours of 1200 – 1400, at or near the location of [REDACTED], while on duty, Officer [REDACTED] grabbed [REDACTED] wrist and pulled her towards the river in violation of Rules 2 &amp; 8.</p>	<p>Sustained/Separation</p>
<p>5. It is alleged that on August 26, 2018 at approximately between the hours of 1200 – 1400, at or near the location of [REDACTED], while on duty, Officer [REDACTED] stated words to the effect of, “I like your skinny ass,” to [REDACTED] in violation of Rule 2.</p>	<p>Sustained/Separation</p>
<p>6. It is alleged that on August 26, 2018 at approximately between the hours of 1200 – 1400, at or near the location of [REDACTED], while on duty, Officer [REDACTED] stated words to the effect of, “Do you have a boyfriend? Are you tired of him? When are you going to dump him?” to [REDACTED] in violation of Rule 2.</p>	<p>Sustained/Separation</p>
<p>7. It is alleged that on August 26, 2018 at approximately between the hours of 1200 – 1400, at or near the location of [REDACTED], while on duty, Officer [REDACTED] made physical contact of a provoking or</p>	<p>Sustained/Separation</p>

<p>insulting nature towards ██████████ in violation of Rules 1 &amp; 9.</p> <p>8. It is alleged that on August 26, 2018 at approximately between the hours of 1200 – 1400, at or near the location of ██████████ ██████████, while on duty, Officer ██████████ displayed an inattention to duty in that he ceased patrolling and spoke with ██████████ ██████████ without a valid police purpose, in violation of Rule 10.</p>	<p>Exonerated</p>
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**IV. APPLICABLE RULES AND LAWS**

Rules

1. Rule 1: Violation of any law or ordinance.
2. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or bring discredit upon the Department.
3. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
4. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
5. Rule 10: Inattention to duty.

State Laws

1. 720 ILCS 5/12-3(a)(2) – Battery

**V. INVESTIGATION<sup>1</sup>**

**a. Interviews**

COPA interviewed ██████████ (██████████) on September 12, 2018, at approximately 3:13 pm at her residence located ██████████ ██████████, ██████████.<sup>2</sup> ██████████ works for Chicago’s First Lady, as a guest services ambassador, outside on the Riverwalk and is a UIC student. She works outside at the ticket office, which is where they sell tickets for the boats. ██████████ described the ticket office as a white trailer with a blue awning, located at or near the stairs when you come down from the ██████████.

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

<sup>2</sup> See Attachment #6.

██████████ stated that on the date of the incident, she was at work, when an officer, now known as Officer ██████████ approached her and “jokingly said that he needed...200 tickets.”<sup>3</sup> ██████████ responded by saying something to the effect of, “We don’t sell that.”<sup>4</sup> ██████████ explained that when the officer walked up to her, he was very close to her and in her personal space. He then repeatedly grabbed her upper left arm and rubbed it. Next, ██████████ explained that Officer ██████████ said, “I’ve been watching you for a while.”<sup>5</sup> Officer ██████████ explained he is on a boat and always sees her when he passes. He kept grabbing her arm and rubbing it up and down. She did not invite him to touch her arm; instead when he walked toward her, she took a step back. Officer ██████████ continued toward ██████████ and said something to the effect of, “I like yo’ skinny ass.”<sup>6</sup> Officer ██████████ then wrapped his arm around her and rubbed her lower back area where her underwear starts. ██████████ in that moment, “knew something was kind of up.”<sup>7</sup>

Officer ██████████ informed ██████████ that he was an officer for the Riverwalk on the boats. Officer ██████████ pointed out the boat he operated, to ██████████ by grabbing her wrist and pulling her in the direction of the river. ██████████ pulled herself back in the opposite direction because “that’s weird,”<sup>8</sup> but Officer ██████████ kept pulling her toward the boat. As Officer ██████████ pulled her toward the boat, she hoped someone would have a question so she would have a reason to leave. ██████████ did not want to cause a scene, and she went with it because he was an officer. She was confused and fearful, but conflicted because Officer ██████████ was a police officer, so she should not be afraid. Officer ██████████ boat was under the ██████████ and he kept pulling her further away from the ticket office. ██████████ stated Officer ██████████ asked about her boyfriend, stating words to the effect of, “Do [you] have a boyfriend?”<sup>9</sup> “Are you tired of him yet?”<sup>10</sup> “When [are you] gonna dump him?”<sup>11</sup> Officer ██████████ continued to ask questions as ██████████ walked away, so she ran to the ticket office so he would leave. ██████████ does not think the officer asked for her phone number, nor did he attempt to give her his number.

Officer ██████████ had on a blue uniform including a blue t-shirt or polo with the star printed on it and blue shorts. ██████████ described Officer ██████████ as a “Black man...almost in his 40s maybe...younger,”<sup>12</sup> wearing black sunglasses, and possibly with a mustache. She further stated, “he was kind of a heftier guy. [...] not big, big.”<sup>13</sup> Officer ██████████ height was about 5’08” or 5’09,” which is taller than ██████████ who is 5’01. She was level with Officer ██████████ chest. He had a short haircut similar to a “flat top”<sup>14</sup> and was dark complected. ██████████ weighs approximately 100 pounds and Officer ██████████ weighs over 200 pounds. ██████████ was unsure if Officer ██████████ was working alone or with a partner; the boat was about 30 feet from where they were standing. ██████████ had never seen the officer, prior to the day of the incident. The boat,

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<sup>3</sup> See Attachment #6 at 3:27.

<sup>4</sup> See Attachment #6 at 3:39.

<sup>5</sup> See Attachment #6 at 3:59.

<sup>6</sup> See Attachment #6 at 4:15.

<sup>7</sup> See Attachment #6 at 4:31.

<sup>8</sup> See Attachment #6 at 13:59.

<sup>9</sup> See Attachment #6 at 5:05.

<sup>10</sup> See Attachment #6 at 14:33.

<sup>11</sup> See Attachment #6 at 14:44.

<sup>12</sup> See Attachment #6 at 6:35.

<sup>13</sup> See Attachment #6 at 6:47-7:00.

<sup>14</sup> See Attachment #6 at 7:41.

Officer ██████ pointed out, was silver or gray with blue on the top. The boat appeared to have a capacity of two people.

When ██████ went to the office, she told her coworkers (including ██████ manager, ██████ now known as ██████ office lead) everything that took place. ██████ coworkers had seen Officer ██████ take ██████ toward the river. ██████ manager, ██████ walked by and assumed she and Officer ██████ knew each other because they were standing close together. ██████ later told ██████ that the situation looked weird. ██████ informed the top manager, ██████ (██████ of the incident the next day. ██████ stated that when she went into the office, on the day of the incident, she looked shaken up and everyone asked if she was ok. ██████ stated that everyone thought ██████ and Officer ██████ knew each other.<sup>15</sup>

██████ was off the next day, and when she returned to work, ██████ approached ██████ asked her what happened, and advised ██████ to “call the police or 3-1-1”<sup>16</sup> to report the incident with Officer ██████ spoke with her coworker, ██████ who was once a sexual assault counselor, at school. According to ██████ “She’s the one that ran down everything and told me what to say, who to call, all that other stuff.”<sup>17</sup> ██████ was not present the day of the incident. ██████ has not seen Officer ██████ since the date of the incident, and he did not return to the trailer.

COPA interviewed ██████ ██████ (██████ on December 12, 2018 at approximately 10:40 am, at Civilian Office of Police Accountability located at ██████<sup>18</sup> ██████ is employed by Chicago’s First Lady as a Tour Sales Manager. On the date of the incident, ██████ believed he worked 8 am – 4 pm. ██████ was aware of who ██████ is, as she too worked for Chicago’s First Lady at the time of the incident. ██████ advised that ██████ no longer works for the company, and he had not spoken to her since she left in approximately September 2018.

██████ stated ██████ was a Guest Service Ambassador, responsible for greeting customers to drive sales to the business. The day the incident occurred ██████ was standing outside the company’s trailer on the Riverwalk. ██████ was positioned approximately 10-15 feet away from ██████ when he observed a CPD Marine Officer, now known as Officer ██████ pull his boat to the side against the wall underneath the ██████. ██████ observed officers on bicycles stop and talk to Officer ██████ There was no actual dock at the location. ██████ witnessed Officer ██████ leave the boat, climb over the 4-5 feet tall gate, and walk onto the Riverwalk. ██████ thought it was unusual because boats are not usually left there. ██████ stated ██████ was approximately 30 feet away from the boat. He observed Officer ██████ talking to ██████ and did not think much of it, as police patrol the area and sometimes stop and inquire about their products. Officer ██████ was close to ██████ standing within 6 inches of her. ██████ did not realize, until after the fact, the interaction ██████ had with Officer

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<sup>15</sup> Despite many attempts, COPA was unable to locate additional witnesses to this incident for interviews.

<sup>16</sup> See Attachment #6 at 22:56.

<sup>17</sup> See Attachment #6 at 23:21.

<sup>18</sup> See Attachment #23.

██████ made her uncomfortable. ██████ advised ██████ that Officer ██████ mentioned he had seen her before and wanted to stop and say, “hi.”<sup>19</sup>

██████ knew Officer ██████ was in the CPD Marine Unit because of the marked vessel. ██████ did not recognize Officer ██████ and had not seen him before. Officer ██████ was wearing black pants, and a navy t-shirt, which identified him as a police officer. ██████ did not believe Officer ██████ had a partner. Officer ██████ and ██████ conversed for approximately five minutes. ██████ never saw Officer ██████ touch ██████ during the conversation; however, ██████ attention was directed elsewhere, during the interaction. After the interaction, Officer ██████ walked back toward the boat. ██████ immediately came into the office and shared the details from the incident with everyone. ██████ does not remember ██████ telling him Officer ██████ touched her. ██████ reported the incident to his supervisor, ██████<sup>20</sup> ██████ believed ██████ informed a Chicago police officer whom she might have been familiar with, and that officer suggested the incident be reported to COPA.

COPA interviewed ██████ (██████ on November 20, 2019, at approximately 1:03 pm at Chicago’s First Lady, ██████.<sup>21</sup> ██████ works for Chicago’s First Lady as an office manager and at the time of the incident, she supervised the ticket office. ██████ has not been in contact with ██████ since ██████ left at the end of the seasonal job, in October or November 2018. ██████ provided essentially the same account as ██████ and ██████ saw Officer ██████ talking to and standing next to ██████ “not like completely in her personal space, but standing close to her.”<sup>22</sup> She did not see Officer ██████ touch ██████ nor did she see him take ██████ anywhere. ██████ did not watch the entire time.

Officer ██████ left and ██████ came inside the ticket office. ██████ seemed upset and scared. ██████ believed ██████ demeanor was different, when ██████ came inside after the incident, in that she was quiet and kept to herself, and ██████ normally smiles and talks to people upon entering the ticket office. ██████ thought it was odd for an officer to get off the boat without a law enforcement purpose.

COPA interviewed **Officer ██████ #█████** on January 4, 2019, at approximately 8:00 am, at the Civilian Office of Police Accountability, located at 1615 W. Chicago Avenue, Chicago, Illinois.<sup>23</sup> Officer ██████ is a Chicago police officer working in the Marine Unit. He reviewed the Marine Unit’s Attendance and Assignment sheets<sup>24</sup>, and on the date of the incident, Officer ██████ was his partner. Officer ██████ was, the Officer in Charge, responsible for driving, checking, and fueling the CPD boat. Officer ██████ and Officer ██████ were assigned to the river. They were responsible for patrolling the river and completing Homeland Security checks, which included checking bridges and buildings.

Officer ██████ did not recall arriving at ██████. He recalled Chicago’s First Lady boat tours, near the ██████. Officer ██████ stated it is not uncommon for officers to exit

<sup>19</sup> See Attachment #23 at 9:25.

<sup>20</sup> See Attachment #20, a copy of ██████ memo to his supervisor, which is summarized below.

<sup>21</sup> See Attachment #38.

<sup>22</sup> See Attachment #38 at 8:40.

<sup>23</sup> See Attachment #26.

<sup>24</sup> See Attachment #12.

the CPD boat and patrol the Riverwalk. There are times when one officer is left alone on the boat and/or the boat is left unattended. Officer ██████ had no knowledge of Officer ██████ ever engaging in inappropriate conversations with or touching women, during their routine patrol.

COPA interviewed **Officer ██████** on February 14, 2019 at approximately 3:30 pm, at the Civilian Office of Police Accountability.<sup>25</sup> Officer ██████ is assigned to the Marine Unit and has been there for 20 years. On the date of the incident, Officer ██████ wore a navy-blue shirt, with his star and name embroidered on the front and Chicago Police on the back. was patrolling the river. Officer ██████ reviewed the Attendance and Assignment sheets,<sup>26</sup> and he worked 7:00 am - 4:00 pm, with Officer ██████ as his partner. The boat used for patrolling the river has a capacity of up to 16 people. Officer ██████ responsibilities included the Riverwalk and the river. Most of his shift was spent on the boat. Officer ██████ and his partner pass the same locations several times, while patrolling.

Officer ██████ most likely arrived at ██████, at the ██████, on the date of the incident, as it was a “normal place.”<sup>27</sup> Officer ██████ did not recall the reason for his arrival. Officer ██████ is familiar with Chicago’s First Lady boat cruises and he sees them daily. The company is west of the Lakeshore Drive bridge. Officer ██████ stated there is no procedure for docking the boat. Officers can secure the line to the side of the river anywhere, allowing easy access to the Riverwalk. Officer ██████ denied needing to climb over a fence to gain access to the Riverwalk, once he exited the boat he was on the ground. Officer ██████ in the past, has gotten off the boat to converse with people. He stated that, for example, people ask questions about the boat and scuba gear.

Officer ██████ was presented a photo<sup>28</sup> of ██████ and did not recognize her. Officer ██████ did not recall engaging in conversation with an employee of Chicago’s First Lady. Officer ██████ did not recall any off the allegations presented. Officer ██████ did not recall returning to his boat and conversing with his partner, Officer ██████ regarding his interaction with ██████

#### **b. Digital Evidence**

COPA administered two **photo arrays**<sup>29</sup> (packet A<sup>30</sup> & packet B<sup>31</sup>) to ██████ on November 29, 2018. Independent COPA Investigators administered the photo arrays. Packet A contained a photo of the accused, Officer ██████ reviewed Packet A and positively identified Officer ██████ as the Officer who exited the boat and engaged in conversation as well as unwanted physical contact with her. Packet B contained a photo of the Officer ██████ ██████ was unable to identify any individual depicted in Packet B.

COPA administered a **photo array**<sup>32</sup> to ██████ The photo array contained a photo of Accused Officer ██████ was unable to identify any individual depicted in the packet.

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<sup>25</sup> See Attachment #33.

<sup>26</sup> See Attachment #12.

<sup>27</sup> See Attachment 33 at 13:11.

<sup>28</sup> See Attachment #28.

<sup>29</sup> See Attachment #15.

<sup>30</sup> See Attachment #13.

<sup>31</sup> See Attachment #14.

<sup>32</sup> See Attachment #21.

### c. Documentary Evidence

**Supervisor's Watch Log**,<sup>33</sup> for Sergeant [REDACTED] and Sergeant [REDACTED], on August 26, 2018, reveals six Marine Officers worked the shift. Roll call was at 7:00 am, for Beats [REDACTED] and [REDACTED], and at 12:00 pm, Beat [REDACTED], assigned to Officer [REDACTED] and Officer [REDACTED] worked Homeland security patrol/checks River. Officer [REDACTED] was the Diver and Officer [REDACTED] was the Officer in Charge.

**Event Query**<sup>34</sup> for a call placed on August 28, 2018, at approximately 3:37 pm, for [REDACTED], states the call was transferred to IPRA.

COPA obtained a report from [REDACTED] dated September 14, 2018. The report detailed the interaction [REDACTED] observed between [REDACTED] and Officer [REDACTED] provided details to [REDACTED] regarding the incident, including [REDACTED] told [REDACTED] "that the officer was actually flirting with her, which made her feel uncomfortable."<sup>36</sup> The report is essentially the same account as the information [REDACTED] provided in his statement to COPA.

## 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 criminal

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<sup>33</sup> See Attachment #17.

<sup>34</sup> See Attachment #8.

<sup>35</sup> See Attachment #20. [REDACTED] provided a copy to COPA, on December 12, 2018.

<sup>36</sup> See Attachment #20.

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 **Allegations 1, 2, 3 & 4** against Officer ██████ that he grabbed ██████ arm and rubbed it, wrapped his arm around ██████ placed his hand on ██████ lower back and rubbed it, and grabbed ██████ wrist and pulled her towards the river are **SUSTAINED**. Rule 2 prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department. Rule 8 prohibits disrespect to or maltreatment of any person, while on or off duty.

Based on the totality of the evidence, COPA finds that it is more likely than not that the incident occurred as described by ██████ immediately reported the incident to ██████ and her coworkers. ██████ account remained generally consistent. Furthermore, ██████ called OEMC to report the incident on August 28<sup>th</sup>, two days after the incident. Moreover, ██████ corroborated ██████ story in that he remembered seeing an officer and ██████ conversing with one another and recalled that the officer was standing in close proximity to ██████ In addition, Officer ██████ was familiar with Chicago’s First Lady boat company and was able to recall its location along the river.

Officer ██████ admitted that it was likely that he did arrive at that location on the date of the incident, as it was a normal location for him to stop. Lastly, Officer ██████ did not provide any defense for the allegations, nor did he deny the allegations. Rather, he stated he could not recall the incident.

Officer ██████ actions impedes the Department’s goals which require building trust with members of the community. In her statement, ██████ mentioned that she was confused by Officer ██████ advances because he was a police officer, and she should feel safe around police officers. However, Officer ██████ actions made her feel uncomfortable. According to the Department’s Rules and Regulations, “A police officer is the most conspicuous representative of government, and to the majority of the people he is a symbol of stability and authority upon whom they can rely.”<sup>37</sup>

Additionally, Officer ██████ actions violated Rule 8 in that he disrespected or maltreated ██████ actions during the encounter demonstrated that she felt disrespected and maltreated and should have conveyed to Officer ██████ that his advances were unwanted. Immediately upon him reaching out toward her, she attempted to pull away from his touch. She then rushed inside her office at the first opportunity in order to avoid him. Therefore, based on the preponderance of the evidence, COPA finds Allegations 1, 2, 3 & 4 are **Sustained**.

COPA finds **Allegations 5 & 6** against Officer ██████ that he stated words to the effect of, “I like your skinny ass,” and “Do you have a boyfriend? Are you tired of him? When are you going to dump him?” to ██████ are **SUSTAINED**. Rule 2 prohibits any action or conduct which

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<sup>37</sup> Chicago Police Department Rules and Regulations Standards of Conduct, number 5, lines 1-3.

impedes the Department's efforts to achieve its police and goals or brings discredit upon the Department. As previously discussed, based on the totality of the evidence, COPA finds that it is more likely than not that the incident occurred as described by ██████████

Additionally, per the Municipal Code of Chicago, Chapter 2-78-100, "Verbal abuse" shall also include any unwelcome sexual advances or requests for sexual favors. Officer ██████████ advances certainly were unwanted sexual advances. Officer ██████████ did not have a law enforcement need to stop and speak with ██████████ nor was he interested in gaining information regarding the boat company. In this case, Officer ██████████ advances toward ██████████ were unwelcome. ██████████ body language and demeanor did not suggest she was comfortable with Officer ██████████ behavior. Officer ██████████ intentions were to flirt with ██████████ which is against department regulations as all sworn members are to maintain a courteous and respectful attitude toward all persons. Therefore, COPA finds Allegations 5 & 6 are **Sustained**.

COPA finds **Allegation 7** against Officer ██████████ that he made physical contact of a provoking or insulting nature towards ██████████ is **SUSTAINED**. Officer ██████████ physical contact with ██████████ was both against the Department's Rules and Regulations as well as against the law. Rule 1 prohibits officers from violating any law or ordinance. Battery, as defined by the Illinois Criminal Code, it is a misdemeanor, when a person knowingly and without legal justification "makes physical contact of an insulting or provoking nature with an individual."<sup>38</sup> "[A] particular physical contact may be deemed insulting or provoking based upon the factual context in which it occurs."<sup>39</sup> <sup>40</sup> Rule 9 prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

Officer ██████████ actions toward ██████████ were provoking and insulting contact under Illinois Law. Here, Officer ██████████ made contact with ██████████ in several ways: he grabbed and rubbed her arm, he put his arm around her, and he touched her lower back and rubbed it, and he pulled her by the wrist to show her his boat. While in some contexts this may be seen as flirtatious, the context of this encounter demonstrates that this touching was provoking and insulting. First, ██████████ was attempting to do her job<sup>41</sup> when Officer ██████████ approached her and touched her in intimate ways without seeking permission. Second, there was a clear power imbalance between the then, fifty-one-year-old police officer and the twenty-year-old civilian woman. He acts with the authority of a police officer yet took advantage of that disparity and authority to harass ██████████. Indeed, she stated to COPA that she was confused and conflicted by his touching, because he is the police and she should not have been afraid of him.

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<sup>38</sup> 720 ILCS 5/12-3(a)(2)

<sup>39</sup> *People v DeRosario*, 397 Ill.App.3d 332, 333-34 (2nd Dist. 2009) (finding that a man who "accidentally" touched his knee against the leg of a co-worker who he used to date had committed a battery).

<sup>40</sup> *See, e.g., People v. Wilkinson*, 194 Ill.App.3d 660, 663 (1st Dist. 1990) (finding that the relationship between a man employed as a driver for a disabled woman rendered his advances towards her to be provoking and insulting). Moreover, additional cases which are unreported and non-precedential provide further examples of how power imbalances within a relationship can render provoking and insulting otherwise permissible touching. *See, e.g., People v. Garcia*, 2019 IL App(1st) 173037-u, ¶25 (finding that an airline security employee who tried to kiss a passenger stranded at the airport to be provoking due in part to his employment); *People v. Hubly*, 2019 IL App (2d) 180619-U, ¶ 23 (finding that the context between a 34 year old high school teacher and his teenage former students, rendered his attempts to kiss and touch them to be provoking and insulting).

<sup>41</sup> *See People v. Muthana*, 2018 IL App (1st) 171120-U, ¶23 (unpublished, non-precedential opinion discussing case where a massage customer grabbed the leg of his masseuse while she was attempting to work).

Finally, Officer [REDACTED] words emphasize that this was not innocent touching accompanying a conversation that he was undertaking in his police capacity. In fact, he denied knowing [REDACTED] so there is no evidence to support a theory that he was speaking with her in his professional capacity. He said he “liked [her] skinny ass,” asked her if she had a boyfriend and told her to dump him. This made clear that his touching was to make advances at her, and not merely professional.<sup>42</sup> Moreover, [REDACTED] actions demonstrated that she felt provoked and insulted by the touching and should have conveyed to Officer [REDACTED] that his advances were unwanted. Immediately upon him reaching out toward her, she attempted to pull away from his touch. She then rushed inside her office at the first opportunity to avoid him. Thus, these circumstances demonstrate Officer [REDACTED] made physical contact of a provoking or insulting nature toward [REDACTED]. Therefore, COPA finds Allegation 7 is **Sustained**.

COPA find **Allegation 8** against Officer [REDACTED] that he displayed an inattention to duty in that he ceased patrolling and spoke with [REDACTED] without a valid police purpose. Officer [REDACTED] stated in his interview that Marine Officers have the discretion to dock their vessels and walk the Riverwalk. There is no evidence that Officer [REDACTED] ignored any calls for service, during the period in which he was conversing with [REDACTED]. Additionally, there is no rule violation for department members talking to citizens while on duty. Therefore, COPA finds Allegation 8 is **Exonerated**.

## VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

### a. Officer [REDACTED]

#### i. Complimentary and Disciplinary History

1. **Complimentary:** 1 Democratic National Convention Award, 1 Presidential Election Deployment Award, 4 Attendance Recognition Awards, 18 Honorable Mentions, 1- 2004 Crime Reduction Ribbon, 12 Complimentary Letters, 1 Police Blue Star Award, 2 Life Saving Awards, 1 NATO Summit Service Award, 1- 2009 Crime Reduction Award, 1 Unit Meritorious Performance Award
2. **Disciplinary:** 2-day Suspension 2016 (Sexual Harassment Log# 1081687), 30-day Suspension 2018 (Miscellaneous Log# 1088790)

#### ii. Recommended Penalty, by Allegation

1. **Allegation No. 1: Separation**
2. **Allegation No. 2: Separation**

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<sup>42</sup> See, *Muthana*, 2018 IL App (1st) 171120-U, ¶23 (unpublished, non-precedential opinion discussing how the context of a massage customer touching his masseuse while saying “come close; I want to feel the sensation” supported the finding that his touch was provoking and insulting).

- 3. Allegation No. 3: Separation
- 4. Allegation No. 4: Separation
- 5. Allegation No. 5: Separation
- 6. Allegation No. 6: Separation
- 7. Allegation No. 7: Separation

In his statement to COPA, Officer [REDACTED] was not forthcoming nor accepting of responsibility, claiming he did not recall this incident. Additionally, Officer [REDACTED] has a significant disciplinary history. He has been disciplined as recently as 2016 for sexual harassment, receiving a 2-day suspension. He was also suspended in 2018 for 30 days for a miscellaneous offense. COPA finds his conduct egregious and unbecoming of a Chicago police officer. He placed a civilian in a highly uncomfortable position making not only unwanted verbal advances, but also unwanted physical contact with a civilian. Even more aggravating is that Officer [REDACTED] was on duty when this incident occurred. Despite his position and the obvious power imbalance it creates when interacting with civilians, he felt it appropriate to make unwanted sexual advances to a young woman, half his age, placing her in an extremely uncomfortable position and bringing significant discredit to the Department. Therefore, COPA recommends that Officer [REDACTED] be separated from the Chicago Police Department.

**IX. CONCLUSION**

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

Officer	Allegation	Finding / Recommendation
Officer [REDACTED] [REDACTED]	1. It is alleged that on August 26, 2018 at approximately between the hours of 1200 – 1400, at or near the location of [REDACTED], while on duty, Officer [REDACTED] grabbed [REDACTED] arm and rubbed it in violation of Rules 2 & 8.	Sustained/Separation
	2. It is alleged that on August 26, 2018 at approximately between the hours of 1200 – 1400, at or near the location of [REDACTED], while on duty, Officer [REDACTED] wrapped his arm around [REDACTED] in violation of Rules 2 & 8.	Sustained/Separation
	3. It is alleged that on August 26, 2018 at approximately between the hours of 1200 – 1400, at or near the location of [REDACTED], while on duty, Officer [REDACTED]	Sustained/Separation

<p>██████████ placed his hand on ██████████ lower back and rubbed it in violation of Rules 2 &amp; 8.</p>	
<p>4. It is alleged that on August 26, 2018 at approximately between the hours of 1200 – 1400, at or near the location of ██████████ ██████████, while on duty, Officer ██████████ grabbed ██████████ wrist and pulled her towards the river in violation of Rules 2 &amp; 8.</p>	Sustained/Separation
<p>5. It is alleged that on August 26, 2018 at approximately between the hours of 1200 – 1400, at or near the location of ██████████ ██████████, while on duty, Officer ██████████ stated words to the effect of, “I like your skinny ass,” to ██████████ in violation of Rule 2.</p>	Sustained/Separation
<p>6. It is alleged that on August 26, 2018 at approximately between the hours of 1200 – 1400, at or near the location of ██████████ ██████████, while on duty, Officer ██████████ stated words to the effect of, “Do you have a boyfriend? Are you tired of him? When are you going to dump him?” to ██████████ in violation of Rule 2.</p>	Sustained/Separation
<p>7. It is alleged that on August 26, 2018 at approximately between the hours of 1200 – 1400, at or near the location of ██████████ ██████████, while on duty, Officer ██████████ made physical contact of a provoking or insulting nature towards ██████████ in violation of Rules 1 &amp; 9.</p>	Sustained/Separation
<p>8. It is alleged that on August 26, 2018 at approximately between the hours of 1200 – 1400, at or near the location of ██████████ ██████████ while on duty, Officer ██████████ displayed an inattention to duty in that he ceased patrolling and spoke with ██████████ without a valid police purpose, in violation of Rule 10.</p>	Exonerated

Approved:



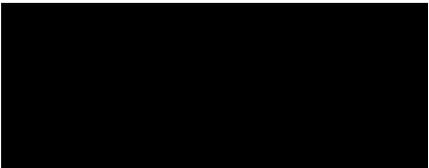
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Andrea Kersten  
*Deputy Chief Administrator*

June 27, 2020

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Date



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Sydney R. Roberts  
*Chief Administrator*

June 27, 2020

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Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	█
<b>Investigator:</b>	████████████████████
<b>Attorney:</b>	██
<b>Supervising Investigator:</b>	████████████████████
<b>Deputy Chief Administrator:</b>	Andrea Kersten