

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	November 22, 2016 – February 3, 2018
Time of Incident:	Various
Location of Incident:	Various
Date of COPA Notification:	September 28, 2017
Time of COPA Notification:	11:51 am

The commander of the Chicago Police Department (“CPD”) [REDACTED] District initiated this investigation of Police Officer John Catanzara Jr. (“Officer Catanzara”) after receiving an email message from a Chicago Public Schools (“CPS”) official alerting the commander to social-media posts and email messages attributed to Officer Catanzara, who at the time was assigned as CPD’s school resource officer for Hubbard High School.¹ Officer Catanzara’s social-media posts and email messages were identified as potentially anti-Muslim, sexist, and biased against beneficiaries of social programs. Officer Catanzara also identified himself as a CPD member when he sent email messages to CPS administrators accusing CPS employees of improper and racially discriminatory recruiting tactics for high school athletes. The Civilian Office of Police Accountability’s (“COPA”) investigation of the below identified allegations have all been Sustained with the exception of one allegation that was found to be Not Sustained.

II. INVOLVED PARTIES

Involved Officer #1:	John Catanzara Jr., star # [REDACTED], employee ID# [REDACTED], Date of Appointment [REDACTED], 1995, Police Officer, Unit of Assignment [REDACTED], ² DOB [REDACTED], 1968, Male, White
Involved Individual #1:	[REDACTED] DOB Unknown, Male, Unknown race

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer John Catanzara, Jr.	1. It is alleged that on or about November 22, 2016, Officer Catanzara made a statement on Facebook that used offensive language and advocated killing	Sustained / Separation

¹ COPA also sought and received an Affidavit Override from the Chief – Bureau of Internal Affairs authorizing this investigation to continue without an affidavit. Attachment 17.

² Officer Catanzara is currently assigned to Unit [REDACTED], the Alternate Response Section. At the time of the incidents under investigation, Officer Catanzara was assigned to Unit [REDACTED], the [REDACTED] District.

<p>people, by stating, “Wtf its seriously time to kill these motherfuckers”.</p>	
<p>2. It is alleged that on or about November 25, 2016, Officer Catanzara made a statement on Facebook that encouraged other department members to stop chasing offenders.</p>	Sustained / Separation
<p>3. It is alleged that on or about December 1, 2016, Officer Catanzara shared a picture on Facebook that was disrespectful to public benefit recipients.</p>	Sustained / Separation
<p>4. It is alleged that on or about January 22, 2017, Officer Catanzara made an obscene statement on Facebook directed to a member of the public, by stating, “Is it too late to abort ██████(sic)...the stupidity of some humans like her only prove the saying...the best part dripped down her moms (sic) leg”.</p>	Sustained / Separation
<p>5. It is alleged that on or about January 30, 2017, Officer Catanzara made a statement on Facebook that was biased against Muslims, by stating, “Savages they all deserve a bullet.”</p>	Sustained / Separation
<p>6. It is alleged that on or about January 30, 2017, at approximately 10:55 a.m., Officer Catanzara attempted to influence others’ actions about a non-police matter by referencing his official position as a Chicago Police Officer.</p>	Sustained / Reprimand
<p>7. It is alleged that on or about or about October 21, 2017, Officer Catanzara posted an obscene photograph on Facebook.</p>	Not Sustained
<p>8. It is alleged that on or about November 16, 2017, at approximately 9:33 a.m., Officer Catanzara made an obscene statement on Facebook directed to a member of the public, by stating, “Blow me. You know you want to”.</p>	Sustained / Separation
<p>9. It is alleged that on or about November 16, 2017, at approximately 3:58 p.m., Officer Catanzara directed a threat to a member of the public on Facebook, by stating, “Ok loser now that you attack</p>	Sustained / Separation

people on my page you will be blocked. Keep listening for that knock on the door.”

Sustained /
Separation

10. It is alleged that on or about October 15, 2017, at approximately 2:34 p.m., Officer Catanzara posted a statement on Facebook that was disrespectful to CPD management, by calling superior officers “spineless”.

Sustained /
Separation

11. It is alleged that on or about October 15, 2017, Officer Catanzara made an obscene statement on Facebook directed to a member of the public, by stating, “█████ would you like to make a bet that you and your pathetic friends attempts to get any results will be as useless as the little bit of skin you have in your pants? I’ll even give you odds!”

Sustained /
Separation

12. It is alleged that on or about October 15, 2017, at approximately 2:32 p.m., Officer Catanzara made an obscene statement on Facebook directed to a member of the public, by stating, “You’re making me get pretty thick to (sic) █████ I love you so much”.

Sustained /
Separation

13. It is alleged that on or about October 18, 2017, Officer Catanzara made an obscene statement on Facebook directed to a member of the public, by stating, “Lmao...Yeah join it so you can all group spank it together...”

Sustained /
Separation

14. It is alleged that on December 15, 2017, Officer Catanzara posted a photograph on Facebook that depicted him in CPD uniform and making a political statement.

Sustained /
Separation

15. It is alleged that on or about February 1, 2018, at 5:56 p.m., Officer Catanzara posted a statement on Facebook that was disrespectful to CPD management.

Sustained /
Separation

16. It is alleged that on or about February 3, 2018, at approximately 12:04 a.m., Officer Catanzara posted a statement on Facebook that was disrespectful to CPD management.

Sustained /
Separation

17. It is alleged that on or about February 3, 2018, at approximately 5:00 p.m., Officer Catanzara posted a

| statement on Facebook that was disrespectful to CPD
management. |

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
3. Rule 4: Any conduct or action taken to use the official position for personal gain or influence.
4. Rule 6: Disobedience of an order or directive, whether written or oral.
5. Rule 7: Insubordination or disrespect towards a supervisory member on or off duty.
6. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
7. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
8. Rule 32: Engaging in any public statements, interviews, activity, deliberation or discussion pertaining to the Police Department which reasonably can be foreseen to impair the discipline, efficiency, public service, or public confidence in the Department or its personnel by: (a) false statements, or reckless, unsupported accusations [or] (b) the use of defamatory language, abusive language, invective or epithets.
9. Rule 42: Participating in any partisan political campaign or activity.
10. Rule 53: Participating in, encouraging the participation of others in, or otherwise supporting any strike, demonstration, slowdown, or other such concerted action against the Department.

General Orders

1. G09-01-06: Use of Social Media Outlets (effective August 7, 2014)³
2. G04-01-02: Investigations – Chicago Public Schools (effective September 29, 1988)⁴
3. G03-03-01, Emergency Vehicle Operations – Pursuits (effective March 28, 2016)⁵

³ Attachment 38.

⁴ Attachment 39.

⁵ Attachment 40.

Special Orders

1. S04-01-02: Chicago Public Schools – Entering during closed Hours/ Notifications (effective October 20, 1987)⁶
-

CPD Employee Resources

1. E01-15: Department Member Political Activity (effective May 22, 2015)⁷
-

Illinois Statutes

1. 720 ILCS 5/11-20(b): Obscene Defined

INTENTIONALLY LEFT BLANK

⁶ Attachment 41.

⁷ Attachment 42.

V. INVESTIGATION⁸

a. Interviews

Officer John Catanzara Jr.⁹ was interviewed by COPA investigators on September 27, 2018. Officer Catanzara told investigators that he had worked in District ■ for almost five years, and that at some point in 2013 he was assigned to Hubbard High School where he remained until September 28, 2017. Officer Catanzara acknowledged that he had a personal account on the website Facebook.com (“Facebook”) and that he had used the account between 2016 and 2018. Further, Officer Catanzara recounted how, shortly after September 28, 2017, when a photograph of Officer Catanzara was widely published on the internet,¹⁰ people he did not know found his personal Facebook page and began to post provocative comments. Officer Catanzara acknowledged that he could have made his Facebook page private, but he chose to keep his page public because he stood by all of his statements. Officer Catanzara also described interacting with a person who used the name ■ on Facebook. These interactions began after ■ posted comments on Officer Catanzara’s Facebook page about the widely published photograph of Officer Catanzara and about Officer Catanzara’s prior disciplinary history, which ■ had apparently found on the internet. Officer Catanzara also described ■ seeking out his friends and associates on Facebook and posting unsolicited comments on their pages.

Officer Catanzara acknowledged that on November 22, 2016, he also posted the statement, “Wtf its [sic] seriously time to kill these motherfuckers,”¹¹ on Facebook, above a link to a news story about a Wayne State University police officer who had been shot. Officer Catanzara explained that the initialism “Wtf” stood for the phrase, “What the fuck?”¹² Officer Catanzara further explained that he was referring to the person who shot and killed a police officer, and that the person should be shot and killed if he is caught with a gun. Officer Catanzara then explained that he was referring in general to the death penalty and that the “motherfuckers” he was referring to were “[p]eople that kill policemen and are convicted of it.”¹³

Officer Catanzara acknowledged that on November 25, 2016, he also made a Facebook post stating, “When will police learn....STOP chasing anyone. A battery offender? Who cares. NOTHING in the general orders requires [sic] a chase. Why even put yourself in a position to be 2nd guessed. Even on viewing something only requires an attempt like walking toward offender.

⁸ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁹ Attachments 30, 33.

¹⁰ On September 26, 2017, Officer Catanzara posted a photograph of himself in uniform, standing in front of a CPD vehicle and holding an American flag, with a sign in front of him stating, “I stand for the Anthem, I love the American flag, I support my president and the 2nd Amendment.” The photograph was widely disseminated both online and in traditional media. *See, e.g.,* Mitchell Armentrout & Sam Charles, *Photo Shows CPD Officer Holding Flag, Supporting Trump*, CHI. SUN TIMES (Sept. 27, 2017), <https://chicago.suntimes.com/2017/9/27/18341540/photo-shows-cpd-officer-holding-flag-supporting-trump>. This incident was investigated by the Bureau of Internal Affairs and is not part of COPA’s current investigation.

¹¹ Attachment 31, p. 2.

¹² Catanzara Tr. 8:10. Attachment 33.

¹³ Catanzara Tr. 9:7–8. Attachment 33.

He runs, let him go unless it involves the police or family.”¹⁴ Officer Catanzara explained that he believes the Department does not want police officers to engage in vehicular or foot chases because these events sometimes, very rarely, tend into bad circumstances that cause the City to “pay out millions of dollars when someone makes true or false allegations,”¹⁵ and that he was simply advocating for police officers giving City officials what they want.

Officer Catanzara acknowledged that on December 1, 2016, he also posted an image on Facebook overlaid with language linking riots and looting in American cities to “blue” areas “full of unemployed social parasites who get free housing, food and health care.”¹⁶ Officer Catanzara explained that he made this post, “Because it’s true. . . . There’s no riots in rural Wyoming. They’re all in urban cities democratically ran throughout the country.”¹⁷ Officer Catanzara further explained that the referenced urban areas received many handouts, leading to a lack of personal responsibility, culminating in looting.¹⁸

Officer Catanzara acknowledged that on January 22, 2017, he also posted a reply¹⁹ to a comment on his Facebook page from a person using the name [REDACTED] who he characterized as a “troll” who was attempting to provoke him.²⁰ In his reply, Officer Catanzara asked, “Is it too late to abort [REDACTED] the stupidity of some humans like her only prove the saying...the best part dripped down her moms [sic] leg.”²¹ Officer Catanzara explained that he viewed “[h]er opinions expressed there and before that pretty much dictate that, in my opinion, she's a pretty low IQ individual. And there was nothing -- no logic was ever going to change her mind.”²² Officer Catanzara did not remember the context in which his exchange with [REDACTED] took place, but asserted, “I wouldn’t have wrote it unless I felt that it was deserved for whatever ridiculous statements were made prior.”²³

Officer Catanzara acknowledged that on January 30, 2017, he also posted a comment on Facebook stating, “Savages they all deserve a bullet,” in a comment thread discussing a video that he had posted on his page.²⁴ Officer Catanzara explained that the video depicted a woman being stoned to death under Sharia law after being convicted of adultery following a rape. He further explained that he did not believe all Muslims deserved a bullet – only the “Sharia law

¹⁴ Attachment 31, p. 4.

¹⁵ Catanzara Tr. 10:11–12. Attachment 33.

¹⁶ Attachment 31, p. 6.

¹⁷ Catanzara Tr. 11:18–20. Attachment 33. (Officer Catanzara’s analysis of factors pertinent to relative levels of violence in communities was limited to the superior demographics of rural Wyoming.)

¹⁸ While Officer Catanzara did not explain the basis of his statement, he was apparently contrasting the criminal “urban” conduct he described with the worthier comportment of rural beneficiaries of “handouts.”

¹⁹ Attachment 31, p. 8.

²⁰ Catanzara Tr. 14:13–15. Attachment 33.

²¹ Attachment 31, p. 8.

²² Catanzara Tr. 13:15–19. Attachment 33.

²³ *Id.* 19:7–9.

²⁴ Attachment 31, pp. 10–11. Officer Catanzara captioned his original post, “This is the reason MANY Americans are leary [sic] of a large segment of Muslim’s [sic] especially those who support Sharia law. For those of you liberal blind sheep who dontvgrasp [sic] the reality ofbwhats [sic] before us...watch the whole video. This is the life many want to bring to this country. Deny reality all you want!” *Id.*, p. 11.

savages that think it's okay to stone somebody to death for getting raped. It's a pretty archaic way of thinking.”²⁵

Officer Catanzara acknowledged that on January 30, 2017, he also wrote an email message to Chicago Public Schools (“CPS”) officials identifying himself as a CPD officer assigned to Hubbard High School.²⁶ In the email message, Officer Catanzara alerted the CPS officials to what he categorized as racially motivated discrimination by Hubbard High School staff, describing alleged violations of CPS and high-school athletic association rules involving the recruitment of student-athletes from outside district boundaries. Specifically, Officer Catanzara alleged that African American athletes from outside the district were being brought in, to the detriment of in-district Hispanic students. When asked why he identified himself as a CPD officer, Officer Catanzara explained, “I had mentioned it simply **to give credence to the fact of who I am**, that I have firsthand knowledge in case they were thinking I was just some crazy dude off the street sending them email. That I am the policeman assigned to the school, I do see this stuff firsthand.” (emphasis added).²⁷ Officer Catanzara also admitted, “Looking back . . . I know you’re not supposed to identify yourself as a police officer in most circumstances. But like I said, it was more to lend credence to the following paragraphs that came afterwards.”²⁸

Officer Catanzara acknowledged that he also posted a Facebook comment on October 21, 2017, in response to a comment made by ██████████. Officer Catanzara’s post stated, “Totally . . . put the lotion in the basket!!” and was accompanied by a partially nude image of the character “Buffalo Bill” from the movie “The Silence of the Lambs.”²⁹ Officer Catanzara explained that he posted the image in response to a comment that someone else had made about ██████████ residing in his mother’s basement, similar to the way that Buffalo Bill hid in a basement. Officer Catanzara further explained that his intent was to make fun of ██████████ although he did not consider the image he posted to be obscene.

INTENTIONALLY LEFT BLANK

²⁵ Catanzara Tr. 20:12–15. Attachment 33.

²⁶ Attachment 31, p. 13.

²⁷ Catanzara Tr. 23:10–15. Attachment 33.

²⁸ *Id.* at 23:17–21.

²⁹ Attachment 31, pp. 15–16.

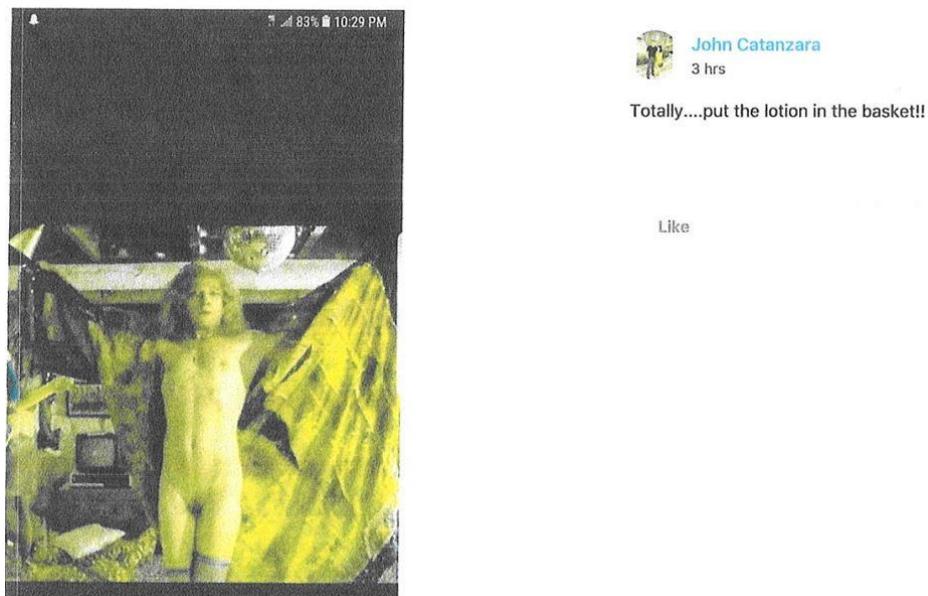


Figure 1. Facebook comment with attached image of “Buffalo Bill” posted by Officer Catanzara.

Officer Catanzara acknowledged that he also posted a Facebook comment on November 16, 2017, stating, “Blow me. You know you want to,”³⁰ in response to a comment posted by [REDACTED]. Officer Catanzara explained that he was being facetious when he posted the comment and that he reacted to [REDACTED] continued comments by implying that [REDACTED] was sexually attracted to him. Officer Catanzara admitted that he was referring to a sexual act when he used the phrase, “Blow me.”

Officer Catanzara acknowledged that he also posted a Facebook comment on November 16, 2017, stating “Ok loser now that you attack people on my page you will now be blocked. Keep listening for that knock on the door,”³¹ in response to a comment posted by [REDACTED]. Officer Catanzara explained that [REDACTED] had been posting comments on his [Officer Catanzara’s] Facebook page that he believed were vulgar, threatening, and slanderous, and that his comment was referencing a potential lawsuit against [REDACTED]. “Well, when you get served with a lawsuit, they come knock on your door and serve you with a lawsuit, right?”³² Officer Catanzara denied that he was threatening violence against [REDACTED] and denied that he was encouraging others to commit violence against [REDACTED].

Officer Catanzara acknowledged that he also posted a Facebook comment on October 15, 2017, in which he called superior CPD members “spineless.”³³ Officer Catanzara explained that he posted the comment in the context of a larger conversation with [REDACTED] regarding [REDACTED] purported attempts to get Officer Catanzara fired. Officer Catanzara attempted to explain that others had tried, and failed, to fire him previously: “Because I’ve had spineless commanders, including up to the first deputy superintendent, former Al Wysinger. I’ve been taken to the police

³⁰ Attachment 31, pp. 18–19.

³¹ *Id.* at 21.

³² Catanzara Tr. 33:12–14. Attachment 33.

³³ Attachment 31, p. 23.

board three times over petty-ass nonsense. So they are spineless because it's another do as I say, not as I do mentality."³⁴

Officer Catanzara acknowledged that he also posted a Facebook comment on October 15, 2017, stating, "[REDACTED] would you like to make a bet that you and your pathetic friends attempts to get any results will be as useless as the little bit of extra skin you have in your pants? I'll even give you odds!"³⁵ Officer Catanzara again explained that he made his comment in the context of a larger conversation regarding [REDACTED] attempts to have him fired. Officer Catanzara admitted that he was referring to [REDACTED] testicles, or lack thereof, in making the comment: "[A]s the saying goes on the street, [he] has no balls because he's anonymously keyboarding from home in Virginia."³⁶

Officer Catanzara acknowledged that on October 11, 2017, he also shared a Facebook post about a high-school cheerleading squad and also acknowledged that on October 15, 2017, he made a comment under the cheerleading post stating, "You're making me get pretty thick to [REDACTED] I love you so much."³⁷ Officer Catanzara explained that he shared the cheerleading post because he believed the display put on by the cheerleaders was disgusting. When asked if he was referring to sexual arousal when he posted, "You're making me get pretty thick," Officer Catanzara admitted that he was "probably" referring to sexual arousal, but "in a sarcastic tone."³⁸

Officer Catanzara acknowledged that on October 18, 2017, he also posted a Facebook comment stating, in part, "Lmao... Yeah join it so you can all group spank it together."³⁹ Officer Catanzara explained that he was responding to a group of people who were making disparaging comments about him on Facebook. Officer Catanzara categorized the other commenters as trolls and said, "[I]t almost seems like these guys almost get sexually aroused trolling people's Facebook pages and that's how they get off."⁴⁰ Officer Catanzara also admitted that he was referring to masturbation when he used the phrase "group spank it."

Officer Catanzara admitted that on December 15, 2017, he also re-posted an image on Facebook depicting himself, in CPD uniform and holding an American flag, with a text box underneath stating, "Rahm Free City 2019 Make Chicago Great Again DRAIN THE CITY HALL SWAMP"⁴¹ Officer Catanzara explained that someone else had edited the photograph to add the text, but Officer Catanzara posted the image on his Facebook page after receiving it from the third party. Officer Catanzara explained that the statement in the text box was not political; rather, he characterized the statement as apolitical and patriotic. Officer Catanzara also admitted that the phrase "Rahm Free City" was a reference to the then-current mayor of Chicago, although he categorized the phrase as a personal opinion and not a political statement. Officer

³⁴ Catanzara Tr. 37:2–7. Attachment 33.

³⁵ Attachment 31, p. 25.

³⁶ Catanzara Tr. 38:14–16. Attachment 33.

³⁷ Attachment 31, p. 27.

³⁸ Catanzara Tr. 39:21–22. Attachment 33.

³⁹ Attachment 31, p. 29.

⁴⁰ Catanzara Tr. 41:10–12. Attachment 33.

⁴¹ Attachment 31, p. 31.

Catanzara also reiterated that someone else had inserted the text in the image, and he only re-posted the image because he thought it was funny.

Officer Catanzara admitted that on February 1, 2018, he also posted a comment on his Facebook page describing what he categorized as hypocrisy within the CPD.⁴² Officer Catanzara explained that he posted the comment in response to a speech that Mayor Emanuel delivered at a city council meeting where the mayor encouraged the police “to break the code of silence.”⁴³ The mayor’s speech inspired Officer Catanzara to speak out about wrongdoing that he had witnessed within the Department.

Officer Catanzara admitted that on February 3, 2018, he also posted two comments on his Facebook page describing additional incidents that he categorized as hypocrisy within the CPD.⁴⁴ Officer Catanzara denied that the comments were disrespectful towards CPD management and reiterated that he was truthfully describing his experiences.

b. Documentary Evidence

An **Initiation Report**⁴⁵ authored by Commander Ronald Pontecore, dated September 28, 2017, documents that the commander received an email message from ██████████ (██████████ the CPS Chief Safety and Security Officer, alerting the commander to concerns regarding Officer Catanzara, who was assigned as the school resource office at Hubbard High School. ██████████ specifically drew the commander’s attention to Catanzara’s social-media posts, which may have been perceived as bigoted and racially motivated. ██████████ also drew the commander’s attention to an email message sent by Officer Catanzara to the CPS Deputy Director of Sports wherein

⁴² Attachment 31, pp. 33–34. Officer Catanzara’s comment recounts an incident where, he alleges, a lieutenant and a commander conspired to retaliate against him after he disputed the lieutenant’s accusation that he was sitting idle while assigned to patrol. The comment categorizes the lieutenant’s actions as “a pathetic attempt to flex his authority.” *Id.* at 33.

⁴³ Catanzara Tr. 45:19–20. Attachment 33.

⁴⁴ Attachment 31, pp. 36–38; 40–42. Officer Catanzara’s first post on February 3, 2018, recounted an incident where Officer Catanzara alleged that a CPD captain unlawfully threatened and coerced a liquor store owner. After two officers under the captain’s command issued tickets to the liquor store owner, Officer Catanzara appeared in court as a witness for the store owner, the tickets were dismissed. Officer Catanzara also described encouraging the store owner to file a complaint against the captain and described how the captain attempted to obstruct the investigation of the complaint. The store owner’s complaint against the captain was eventually sustained, but the captain did not face serious discipline; Officer Catanzara described speaking out to the first deputy superintendent, and in public at a police board meeting, regarding this perceived injustice. Officer Catanzara concluded his first post by stating that there is “almost ZERO accountability in the department.” *Id.* at 37. In Officer Catanzara’s second post on February 3, 2018, he recounted another incident where he alleged that a number of high-ranking CPD members refused to initiate a complaint, at Officer Catanzara’s request, against then-Superintendent of Police Jody Weis after Weis was found in contempt of court in a federal proceeding. Officer Catanzara recounted being dumbfounded that CPD’s “unit in charge of integrity . . . were refusing to do their job!” *Id.* at 40. Officer Catanzara then appeared at a public meeting of the police board and aired his allegation against the superintendent and against the members who had refused to initiate a complaint against the superintendent. After speaking at the police board meeting, Officer Catanzara recounted meeting with the First Deputy Superintendent, who also refused to act on Officer Catanzara’s complaint: “[H]e said try them again and walked away DOING NOTHING! The #2 guy refused to do his job and the street cop is expected to think its all onthe [sic] up and up at 35th and Mich.” *Id.* at 41.

⁴⁵ Attachment 13.

Officer Catanzara identified himself as a CPD member and alleged that CPS employees were engaging in improper and racist student-athlete recruitment practices.

An **email message**⁴⁶ from John Catanzara, dated September 14, 2017, addressed to various CPS and Illinois High School Association (“IHSA”) officials calls attention to a previous email sent by Officer Catanzara on January 30, 2017, and declares, “Its [sic] disgraceful that no action was taken or even a response to the original email after 8 months.”⁴⁷ The text of the January 30, 2017, email is copied in the body of the September 14, 2017, email. In the earlier email, Officer Catanzara begins by identifying himself as a CPD officer assigned to Hubbard High School and as the former coach of the school’s girls’ cross-country team. Officer Catanzara writes that the school’s athletic director has an agenda to promote the interests of African American students from outside the school district at the expense of local Hispanic students. Officer Catanzara further alleges that the athletic director’s actions constitute illegal recruitment of athletes from outside the district and violate both CPS policy and IHSA rules.

Screen-capture images of various social-media posts and comments Officer Catanzara admitted making were obtained directly by COPA from **Facebook**.⁴⁸ These posts and comments and were also obtained from **Commander Pontecore as attachments to his initiation report**.⁴⁹ Additional social-media posts, comments, and photographs purportedly made by Officer Catanzara were received from third-party complainant [REDACTED] **via U.S. Mail**.⁵⁰ Where relevant to the allegations against Officer Catanzara, these posts, comments, and photographs are discussed in Section V.a of this report, above.

VI. ANALYSIS

a. Standard of Proof

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 allegations 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.

⁴⁶ Attachment 5.

⁴⁷ *Id.*, p. 1.

⁴⁸ Attachment 8.

⁴⁹ Attachment 6.

⁵⁰ Attachments 18, 19.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed complied with Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (“A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.”). If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, 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 offense. *See, e.g., People v. Coan*, 2016 IL App (2d) 151036. Clear and Convincing can be 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.* ¶ 28.

b. Legal Standard

i. First Amendment – Speech by Government Employees may be subject to regulation.

The First Amendment to the United States Constitution provides that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”⁵¹ When an individual is employed by the government, the government has broader powers to regulate that government employee/individual’s speech as compared with the government’s power to regulate the speech of citizens in general.⁵² In many circumstances, the government may discipline a government employee for speech that would otherwise be protected by the First Amendment if made by a private citizen who is not employed by the government.⁵³ “When someone who is paid a salary so that she will contribute to an agency’s effective operation begins to do or say things that detract from the agency’s effective operation, the government employer must have some power to restrain [them].”⁵⁴

The United States Supreme Court has held that the First Amendment does not protect a government employee’s speech made “pursuant to their official duties.”⁵⁵ Furthermore, speech that is not made pursuant to the government employee’s official duties is protected by the First Amendment only when such speech involves “a matter of public concern, and the employee’s

⁵¹ U.S. CONST. amend. I.

⁵² *Waters v. Churchill*, 511 U.S. 661, 671 (1994) (“The government as employer . . . has far broader powers than does the government as sovereign.”) (internal citations and quotations omitted).

⁵³ *Id.* at 672 (“[E]ven many of the most fundamental maxims of our First Amendment jurisprudence cannot reasonably be applied to speech by government employees.”).

⁵⁴ *Id.* at 675.

⁵⁵ *Garcetti v. Ceballos*, 547 U.S. 410, 421–22 (2006).

interest in expressing herself” will “not be outweighed by any injury the speech could cause to the interest of the State, as an employer, in promoting the efficiency of the public services it performs through its employees.”⁵⁶ Absent the most unusual of circumstances, the First Amendment does not protect the speech of a government employee when the government “employee speaks not as a citizen upon matters of public concern, but instead as an employee upon matters only of personal interest.”⁵⁷ Thus, the determination of whether a government employee’s the speech is protected by the First Amendment triggers a three-part analysis: (1) is the speech made pursuant to the government employee’s official duties; (2) does the speech address a matter of public concern and (3) does the interest of government employee in expressing his or her own views outweigh the government’s interest in workplace efficiency. As an initial matter, COPA applies each of these standards to Officer Catanzara’s speech in the many Facebook posts and email messages at issue.

ii. Is the Speech Made Pursuant to the Government Employee’s Official Duties?

The controlling factor in the *Garcetti* inquiry is whether the speech “owes its existence to a government employee’s professional responsibilities.”⁵⁸ The inquiry is a practical one that is not governed by the job description or the location of the speech.⁵⁹ Neither COPA nor Officer Catanzara contends that any of the statements at issue were made pursuant to Officer Catanzara’s professional responsibilities as a CPD member. Instead, all parties agree that the statements were made while Officer Catanzara was off duty and speaking for himself.⁶⁰ Because Officer Catanzara’s statements were not made pursuant to his official duties, his statements could potentially be protected by the First Amendment. Thus, we must assess if the speech was of a matter of public concern and/or weigh if the Government’s interest in maintaining workplace efficient outweighs the interest of the government employee.

iii. Does the Speech Address a Matter of Public Concern?

Speech addresses a matter of public concern if it can be “fairly considered as relating to any matter of political, social, or other concern to the community.”⁶¹ “Whether an employee’s speech addresses a matter of public concern must be determined by the content, form, and context of a given statement, as revealed by the whole record.”⁶² While motive is relevant, “personal aspect contained within the motive of the speaker does not necessarily remove the speech from the scope

⁵⁶ *Waters*, 511 U.S. at 668 (O’Connor, J., concurring) (internal citations and quotations omitted).

⁵⁷ *Connick v. Myers*, 461 U.S. 138, 147 (1983) (internal citation omitted).

⁵⁸ *Callahan v. Fermon*, 526 F.3d 1040, 1044 (7th Cir. 2008) (quoting *Garcetti*, 547 U.S. at 421).

⁵⁹ *Id.*

⁶⁰ While Officer Catanzara was not speaking in his capacity as a CPD member, he did identify himself as a CPD member – either explicitly or implicitly – in the communications at issue, as discussed further below.

⁶¹ *Connick*, 461 U.S. at 146.

⁶² *Id.* at 147.

of public concern.”⁶³ Here, some of Officer Catanzara’s statements could, at least arguably, be addressing matters of public concern. Other statements made by Officer Catanzara clearly reflect only matters of personal interest and do not touch on any potential public concern. Whether each statement that is the subject of an allegation addresses a matter of public concern is discussed below. Statements that address matters of public concern are protected by the First Amendment but could still subject Officer Catanzara to discipline based on the balancing test described next. On the other hand, statements that address only matters of personal interest are not protected by the First Amendment and could subject Officer Catanzara to discipline if they violate the relevant CPD rules and directives.

iv. Does the Interest of the Government Employee in Expressing His or Her Own Views Outweigh the Government’s Interest in Workplace Efficiency?

The Seventh Circuit considers seven factors when balancing the government employee’s First Amendment interests against the government’s interest in workplace efficiency including:

(1) whether the statement would create problems in maintaining discipline by immediate supervisors or harmony among co-workers; (2) whether the employment relationship is one in which personal loyalty and confidence are necessary; (3) whether the speech impeded the employee's ability to perform her daily responsibilities; (4) the time, place, and manner of the speech; (5) the context in which the underlying dispute arose; (6) whether the matter was one on which debate was vital to informed decision making; and (7) whether the speaker should be regarded as a member of the general public.⁶⁴

Furthermore, “the burden of caution employees bear with respect to the words they speak will vary with the extent of authority and public accountability the employee's role entails.”⁶⁵ ***Law enforcement officers are “subject to greater First Amendment restraints than most other citizens.”***⁶⁶ “[A] police department has a more significant interest than the typical government employer in regulating the speech activities of its employees in order to promote efficiency, foster loyalty and obedience to superior officers, maintain morale, and instill public

⁶³ *Marshall v. Porter County Plan Comm'n*, 32 F.3d 1215, 1219 (7th Cir. 1994).

⁶⁴ *Caruso v. Deluca*, 81 F.3d 666, 670 (7th Cir. 1996) (internal citations and quotations omitted). The government is not required to prove actual harm; rather the government may consider the potential disruptiveness of the speech. *Id.* at 671; *see also Pappas v. Giuliani*, 290 F.3d 143, 151 (2d Cir. 2002) (“The employer's interest in discharging the employee is demonstrated if the employee's statements create a significant risk of harm, regardless whether that harm actually materializes.”).

⁶⁵ *Rankin v. McPherson*, 483 U.S. 378, 390 (1987).

⁶⁶ *See McMullen v. Carson*, 754 F.2d 936, 938 (11th Cir. 1985) (citing *Kelley v. Johnson*, 425 U.S. 238 (1978)).

confidence."⁶⁷ Courts have routinely held that police departments may terminate a police officer for biased speech without violating the First Amendment.⁶⁸ While the reason for the adverse employment action must be based on concern “for disruption, rather than some other, impermissible motive,” nonetheless, “Where a Government employee's job quintessentially involves public contact, the Government may take into account the public's perception of that employee's expressive acts in determining whether those acts are disruptive to the Government's operations.”⁶⁹

c. CPD Directives on Social-Media Usage and Political Activity

i. Personal Use of Social media

Section five (V) of CPD General Order G09-01-06 governs members’ personal use of social media outlets:

- A. When using social media, Department members should be mindful that their communications become part of the worldwide electronic public domain. Department members should be aware that privacy settings and social media sites are subject to constant modifications, and they should never assume that personal information posted on such sites is protected or secure.
- B. Department members should expect that any information that they create, transmit, download, exchange, or discuss that is available online in a public forum may be accessed by the Department without prior notice.
- C. Department members are prohibited from posting, displaying, or transmitting:

⁶⁷ *Tyler v. City of Mountain Home, Ark.*, 72 F.3d 568, 570 (8th Cir. 1995) (internal quotation marks and citations omitted); see also *Breuer v. Hart*, 909 F.2d 1035, 1040 (7th Cir. 1990) (“The initial, and often determinative, question is whether the speech interferes with the employee’s work or with the efficient and successful operation of the office.”) (quoting *Knapp v. Whitaker*, 757 F.2d 827, 842 (7th Cir. 1985)).

⁶⁸ See *Lalowski v. City of Des Plaines*, 789 F.3d 784 (7th Cir. 2015) (affirming the dismissal of an officer’s Section 1983 lawsuit and finding that the government’s “interests in running an efficient and effective police department outweighed [the officer’s] speech interests, even in relation to his statements that directly addressed matters of public concern.”); *Pappas v. Giuliani*, 290 F.3d 143 (2d Cir. 2002) (affirming the dismissal of an officer’s Section 1983 lawsuit and finding that the officer’s racist diatribes, although anonymous, had a high capacity to impair the effective functioning of the police department and to incite anger and discord among other police officers); *Eaton v. Harsha*, 505 F. Supp. 2d 948 (D. Kan. 2007) (granting summary judgment and finding that the City of Topeka Police Department did not violate the officers’ First Amendment rights when it discharged them for racially offensive emails to an African-American writer).

⁶⁹ *Locurto v. Giuliani*, 447 F.3d 159, 179–80 (2d Cir. 2006) (“[O]ne's right to be a police officer or firefighter who publicly ridicules those he is commissioned to protect and serve is far from absolute. Rather, it is tempered by the reasonable judgment of his employer as to the potential disruptive effects of the employee's conduct on the public mission of the police and fire departments.”).

1. any communications that discredit or reflect poorly on the Department, its missions or goals.
2. content that is disparaging to a person or group based on race, religion, sexual orientation, or any other protected class.
3. Department information, records, documents, video recordings, audio recordings, or photographs to which they have access as a result of their employment without the written permission from the Office of News Affairs or the Office of the Superintendent.
4. any references to any other Department member's employment by the Department without that person's consent.
5. any intellectual property of the Department or the City of Chicago without the specific authorization of the Superintendent or his/her designee. Department or City of Chicago intellectual property includes but is not limited to logos, uniforms, official photographs, audio/video files, or any text documents (paper or electronic).
6. any information representing themselves as an official spokesperson of the Department and the City of Chicago unless specifically authorized by the Superintendent or his/her designee.⁷⁰

ii. Off-Duty Political activity

Section II.C of CPD Employee Resource E01-15 governs off-duty political activity by Department members:

The Department shall not prohibit a sworn member from, or discriminate against, his or her engaging in political activities or campaigning while off duty, provided that the sworn member does not:

1. wear a uniform or any part thereof which would identify the individual as a Chicago Police Officer, or use property (including facilities, vehicles, equipment, records, documents, video recordings, audio recordings, or photographs) of the Chicago Police Department;
2. display or otherwise lead others believe he or she is carrying a badge, baton, or gun;
3. hold himself/herself out as a Chicago Police Officer.
EXCEPTION: A truthful response to a legitimate question shall not be a violation of this section.⁷¹

d. Analysis of the Allegations

Officer Catanzara's Facebook Posts and Email Messages

⁷⁰ General Order G09-01-06 § V (Aug. 7, 2014). Attachment 38.

⁷¹ Employee Resource E01-15 § II.C (May 22, 2015). Attachment 42.

Officer Catanzara acknowledged that his personal Facebook page, which was publicly available, received additional attention after September 28, 2017, when a photograph of Officer Catanzara was widely publicized across the internet. Both before and after that incident, Officer Catanzara interacted on his Facebook page with individuals – apparently unknown to him – who were critical of his posts and his stated views on controversial topics of personal interest. As an off-duty CPD member, Officer Catanzara had rights under the First Amendment to speak his mind on topics of public concern. But Officer Catanzara was still bound by the Rules and Regulations of the Chicago Police Department and by all relevant CPD directives. We need look no further than the Police Code of Ethics adopted by the Department, which states in part:

As a law enforcement officer, my fundamental duty is to serve mankind...and to respect the Constitutional rights of all men to liberty, equality and justice. I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self restraint;... I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions... I recognize the badge of my office as a symbol of public faith, and accept it as a public trust to be held so long as I am true to the ethics of the police service.⁷²

As analyzed below for each sustained allegation, Officer Catanzara was a known member of the Chicago Police Department, indeed he drew attention to his status to “give credence to” his statements. Officer Catanzara’s profile was public and he posted comments that were political, violent, commented negatively on religion and publicly criticized the department. In each post, Officer Catanzara violated the Department’s policy on social media with statements that are not protected by the First Amendment. COPA finds that in applying the Seventh Circuit’s balancing test, specifically the case law that codifies the standard for law enforcement, Officer Catanzara’s speech is not protected because his posts specifically impede the Department’s ability to maintain internal order and promote impartial policing to the public. In sum, each of the sustained allegations contains statements that are not protected by the First Amendment and even assuming, *arguendo*, the statements were protected; they violate the Department’s policy for social media and are outweighed by the Department’s interest in maintaining an efficient workplace.

Allegation 1, that on November 22, 2016, Officer Catanzara made a statement on Facebook that used offensive language and advocated killing people, by stating, “Wtf its seriously time to kill these motherfuckers” is **sustained**. Officer Catanzara acknowledged publishing the post where he advocated the killing of shooting suspects. COPA finds that the speech in question addressed a matter of public concern, as Officer Catanzara was commenting on a high-profile story that made national headlines. Therefore, the speech is afforded First Amendment protections and is subject to the balancing test described in section b.iv. *supra*, weighing Officer Catanzara’s interest in freedom of expression against the Department’s interest in efficiently running their workplace.

⁷² Rules and Regulations of the Chicago Police Department, art. I.B.3 (Apr. 16, 2015).

Public trust is undermined when law enforcement officers refer to any group, even criminals, in such vile and disparaging terms. Additionally, advocating for the suspect's death undermines a duty to uphold the law. Officer Catanzara's response that the comment expressed that the death would be through lawful means is unconvincing, as the use of the death penalty in Illinois was stayed in 2003 and abolished in 2011.⁷³ His public expression of violence and punishment outside the structures of the criminal justice system fail to satisfy the aforementioned balancing test in his favor, and violates Rule 2 (impeding the Department's efforts to achieve its policy and goals and bringing discredit upon the Department), Rule 3 (failing to promote the Department's efforts to implement its policy or accomplish its goals), and Rule 6 (disobedience of the Department's written directive on the use of social media outlets).⁷⁴ Consequently, the Department's interest in workplace efficiency outweighs Officer Catanzara's interest in expression, and the result is unprotected speech that amounts to a clear violation of the aforementioned Department Rules.

Allegation 2, that on or about November 25, 2016, Officer Catanzara made a statement on Facebook that encouraged other Department members to stop chasing offenders is **sustained**. While perhaps less so than the comments from Allegation 1, COPA finds that the speech from Allegation 2 also addressed a matter of public concern. Here, Officer Catanzara's comment was intended to criticize Department policy and practice. In many instances, Department policy can become a matter of public concern. Out of an abundance of deference to Officer Catanzara's First Amendment rights, COPA will extend the accompanying protections afforded to speech related to matters of public concern and analyze them under the aforementioned balancing test.

Officer Catanzara implied that officers were opening themselves up to Department criticism or harm by engaging in car or foot chases. He specified that officers should not engage in a chase unless the incident involved other police or their own family. This comment directly contradicts specific Department directives on engaging in police pursuits,⁷⁵ and this comment also directly encourages inequitable police services and advocates for an improper work stoppage or slowdown. Officer Catanzara's public advocacy for improper and inequitable conduct on the part of his fellow officers clearly frustrates the Department's interest in workplace efficiency. In fact, the speech encourages insubordination among his fellow officers. So much so, that any interest he would have to express his opinions is greatly outweighed by the potential harm he brings to the Department. Accordingly, his statement violates Rule 2 (impeding the Department's efforts to achieve its policy and goals and bringing discredit upon the Department), Rule 3 (failing to promote the Department's efforts to implement its policy or accomplish its goals), Rule 6 (disobedience of the Department's written directive on the use of social media outlets), and Rule 53 (encouraging the participation of others in a slowdown or other such concerted action against the Department), and cannot hide behind the First Amendment.

Allegation 3, that on or about December 1, 2016, Officer Catanzara shared a picture on Facebook that was disrespectful to public benefit recipients is **sustained**. Similar to Allegation 2,

⁷³ The death penalty has also been outlawed since at least 1964 in the state where the crime in question was committed. *See* MICH. CONST. art. IV, § 46 (effective Jan. 1, 1964).

⁷⁴ *See* General Order G09-01-06, § V.C. Attachment 38.

⁷⁵ *See* General Order G03-03-01, Emergency Vehicle Operations – Pursuits. Attachment 40.

the speech in question could be reasonably construed as addressing a matter of public concern, even if it serves only to disparage a group of people. In this case, public benefit recipients can be relevant to larger public policy issues that are often the matter of local and national debate. As a result, Officer Catanzara's Facebook post is subject to the balancing test. However, as a police officer, Officer Catanzara is required to apply the laws objectively and fairly toward all citizens. Officer Catanzara's post clearly expresses his personal bias against individuals who receive public aid, as well as urban residents generally. In particular, referring to a group of people that he is duty-bound to serve and protect as "social parasites" tips the balancing test in clear favor of the Department's interests. Public expressions of such sentiment brings discredit upon the Department and expresses an inability to provide police services objectively, thereby violating Rule 2 (impeding the Department's efforts to achieve its policy and goals and bringing discredit upon the Department), Rule 3 (failing to promote the Department's efforts to implement its policy or accomplish its goals), and Rule 6 (disobedience of the Department's written directive on the use of social media outlets).

Allegation 4, that on or about January 22, 2017, Officer Catanzara made an obscene statement on Facebook directed to a member of the public, by stating, "Is it too late to abort [REDACTED] (sic)...the stupidity of some humans like her only prove the saying...the best part dripped down her moms (sic) leg," is **sustained**. Unlike any of the prior allegations, this comment is no more than vitriol directed at a private citizen. In his interview with COPA, Officer Catanzara did not offer a nexus between his statement and any matter of public concern. Indeed, there is no evidence to suggest that his speech was anything other than matters of personal interest. Consequently, the comments are not afforded First Amendment protections and the accompanying balancing test. Rather, the only relevant inquiry is whether they violate Department policy. To that end, Officer Catanzara's comment is categorically obscene and brings discredit to the Department. Moreover, the comment is disparaging toward its target in violation of the Department's social media policy. Officer Catanzara's obscene statement on Facebook violates Rule 2 (impeding the Department's efforts to achieve its policy and goals and bringing discredit upon the Department), Rule 3 (failing to promote the Department's efforts to implement its policy or accomplish its goals), Rule 6 (disobedience of the Department's written directive on the use of social media outlets), and Rule 8 (disrespect or maltreatment of any person, while on or off duty).

Allegation 5, that on or about January 30, 2017, Officer Catanzara made a statement on Facebook that was biased against Muslims, by stating, "Savages they all deserve a bullet", is **sustained**. The full text of Officer Catanzara's post expressed his fear and bias against Muslims, specifically Muslims in this county. While Officer Catanzara spoke out against Sharia law, he contextualized the video through the lens of a generalized fear of Muslims. Similar to Officer Catanzara's statements about public aid recipients, his statements toward Muslims is debatably a matter of public concern, even if it is largely disparaging. Therefore, the balancing test will again be conducted to determine if the speech remains protected. Officer Catanzara's public expression of support for violence against Muslims calls into question his ability to provide equitable and unbiased police service and violates Rule 2 (impeding the Department's efforts to achieve its policy and goals and bringing discredit upon the Department), Rule 3 (failing to promote the Department's efforts to implement its policy or accomplish its goals), and Rule 6 (disobedience of the Department's written directive on the use of social media outlets). The clear and egregious

violation of Department policies by this speech demonstrates the need for the Department's interests to outweigh that of Officer Catanzara. As a result, the balancing test as applied here does not allow for protection of the aforementioned statements about the Muslim community.

Allegation 6, that on or about January 30, 2017, at approximately 10:55 a.m., Officer Catanzara attempted to influence others' actions about a non-police matter by referencing his official position as a Chicago Police Officer is **sustained**. In this instance, Officer Catanzara was communicating with school officials on a matter of public concern, and he is therefore afforded a balanced consideration of his interest of expression against his employer's interest. However, his speech again so impedes the Department's mission and responsibilities that it cannot be protected. Officer Catanzara admitted that he is aware he should generally not identify as an officer in non-police matters. His email messages urged the school district and the high school athletic association to act on infractions he believed were occurring. After identifying himself as an officer, his call for action carried, at the very least, an appearance of impropriety, and violated Rule 4 (conduct or action taken to use the official position for personal gain or influence). Officer Catanzara even admitted that he identified himself as such to give "credence" to his message. At worst, the speech in question purports to carry the authority and implications therein of the entire Chicago Police Department.

Allegation 7, that on or about or about October 21, 2017, Officer Catanzara posted an obscene photograph on Facebook is **not sustained**. Due to the evidentiary insufficiency of this allegation, it is irrelevant that this was likely speech on a private matter that would not be afforded First Amendment protections. Officer Catanzara's post was crude and could tend to bring discredit upon the Department. However, as alleged, COPA cannot make the legal finding that the post was obscene.⁷⁶ The photograph posted by Officer Catanzara may have not quite risen to the level of "obscene" as defined by Illinois law, because it did not depict or describe a sexual act, excretory function, or lewd exhibition of the genitals. While the post was crude and certainly intended to disparage ██████████ based on the allegations as served on Officer Catanzara, the allegation is **not sustained**.

Allegation 8, that on or about November 16, 2017, at approximately 9:33 a.m., Officer Catanzara made an obscene statement on Facebook directed to a member of the public, by stating, "Blow me. You know you want to" is **sustained**. Much like his other personal spat on social media in Allegation 4, the speech here is not related to a matter of public concern and is therefore not afforded First Amendment protections. Officer Catanzara's post was obscene, brought discredit to the Department, and is disparaging toward its target, in violation of the Department's social media policy. In context, the comment implies a negative and biased sentiment toward homosexuality, which calls into question Officer Catanzara's ability to police impartially and without prejudice or bias. Officer Catanzara's obscene statement on Facebook violates Rule 2 (impeding the Department's efforts to achieve its policy and goals and bringing discredit upon the Department), Rule 3 (failing to promote the Department's efforts to implement

⁷⁶ See 720 ILCS 5/11-20(b) ("Any material or performance is obscene if: (1) the average person . . . would find that, taken as a whole, it appeals to the prurient interest; and (2) the average person . . . would find that it depicts or describes, in a patently offense way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibitions of the genitals; and (3) taken as a whole, it lacks serious literary, artistic, political or scientific value.").

its policy or accomplish its goals), Rule 6 (disobedience of the Department's written directive on the use of social media outlets), and Rule 8 (disrespect or maltreatment of any person, while on or off duty).

Allegation 9, that on or about November 16, 2017, at approximately 3:58 p.m., Officer Catanzara directed a threat to a member of the public on Facebook, by stating, "Ok loser now that you attack people on my page you will be blocked. Keep listening for that knock on the door" is **sustained**. Here again, Officer Catanzara is engaged in a personal dispute unrelated to any matter of public concern, and therefore his speech is analyzed solely under Department policy without a First Amendment balancing test. As a police officer, Officer Catanzara's comments carry strong implications that he has the power and ability to carry out what may be a benign threat by someone else. In context, the target of the statement was critical of Officer Catanzara's statements specifically because he was an officer. Whatever Officer Catanzara actually meant by his statement, he knew or should have known that the recipient would likely interpret the "knock on the door" as a threat of violence. Officer Catanzara's threatening statement on Facebook violates Rule 2 (impeding the Department's efforts to achieve its policy and goals and bringing discredit upon the Department), Rule 3 (failing to promote the Department's efforts to implement its policy or accomplish its goals), Rule 6 (disobedience of the Department's written directive on the use of social media outlets), and Rule 8 (disrespect or maltreatment of any person, while on or off duty).

Allegation 10, that on or about October 15, 2017, at approximately 2:34 p.m., Officer Catanzara posted a statement on Facebook that was disrespectful to CPD management, by calling superior officers "spineless" is **sustained**. In the context of this statement, Officer Catanzara was referring to prior disciplinary action taken against him by superior officers. As such, the speech was regarding a matter of private interest and is not subject to a balancing test analysis. Officer Catanzara violated Department policy by publicly undermining superior officers. Officer Catanzara was, and is, allowed to publicly criticize the Department, but he must still follow Department directives. Rule 32 prohibits the use of "defamatory language, abusive language, invective or epithets" when an officer speaks publicly about the Department because this type of language tends to impair discipline and undermine public confidence in the Department or its personnel. Officer Catanzara therefore violated Rule 32 when he referred to superior officers as "spineless" on Facebook, and also violated Rule 2 (impeding the Department's efforts to achieve its policy and goals and bringing discredit upon the Department), Rule 3 (failing to promote the Department's efforts to implement its policy or accomplish its goals), and Rule 6 (disobedience of the Department's written directive on the use of social media outlets).

Allegation 11, that on or about October 15, 2017, Officer Catanzara made an obscene statement on Facebook directed to a member of the public, by stating, "Steve would you like to make a bet that you and your pathetic friends attempts to get any results will be as useless as the little bit of skin you have in your pants? I'll even give you odds!" is **sustained**. Once more, Officer Catanzara is engaged in sophomoric argumentation on the internet that relates entirely to a private interest. Such speech is not granted the protections of the First Amendment or a weighing of interests. Officer Catanzara's reference to "the little bit of skin you have in your pants" was obscene and brought discredit to the Department and was also disparaging toward its target in violation of the Department's social media policy. Officer Catanzara's obscene

statement on Facebook violates Rule 2 (impeding the Department's efforts to achieve its policy and goals and bringing discredit upon the Department), Rule 3 (failing to promote the Department's efforts to implement its policy or accomplish its goals), Rule 6 (disobedience of the Department's written directive on the use of social media outlets), and Rule 8 (disrespect or maltreatment of any person, while on or off duty).

Allegation 12, that on or about October 15, 2017, at approximately 2:32 p.m., Officer Catanzara made an obscene statement on Facebook directed to a member of the public, by stating, "You're making me get pretty thick to (sic) Steve I love you so much" is **sustained**. Again, speech of this nature does not relate to a public concern and is examined only in light of Department rules and regulations. The statement was clearly a reference to sexual arousal and brought discredit to the Department and was also disparaging toward its target in violation of the Department's social media policy. Officer Catanzara's obscene statement on Facebook violates Rule 2 (impeding the Department's efforts to achieve its policy and goals and bringing discredit upon the Department), Rule 3 (failing to promote the Department's efforts to implement its policy or accomplish its goals), Rule 6 (disobedience of the Department's written directive on the use of social media outlets), and Rule 8 (disrespect or maltreatment of any person, while on or off duty).

Allegation 13, that on or about October 18, 2017, Officer Catanzara made an obscene statement on Facebook directed to a member of the public, by stating, "Lmao... Yeah join it so you can all group spank it together..." is **sustained**. Any reasonable interpretation of speech referencing group masturbation would conclude that it was not a matter of public concern. COPA does so here and will therefore apply an analysis without the balancing test. The statement was clearly a reference to a sexual act and brought discredit to the Department and was also disparaging toward its target in violation of the Department's social media policy. Officer Catanzara's obscene statement on Facebook violates Rule 2 (impeding the Department's efforts to achieve its policy and goals and bringing discredit upon the Department), Rule 3 (failing to promote the Department's efforts to implement its policy or accomplish its goals), Rule 6 (disobedience of the Department's written directive on the use of social media outlets), and Rule 8 (disrespect or maltreatment of any person, while on or off duty).

Allegation 14, that on December 15, 2017, Officer Catanzara posted a photograph on Facebook that depicted him in CPD uniform and making a political statement is **sustained**. By their very nature, political statements address a matter of public concern. As a result, the photograph in question amounts to speech that is subject to the balancing test. However, the nature and content of this speech fall squarely in favor of the Department's interests. In particular, the picture leaves no question that Officer Catanzara is a police officer and should *not* be regarded as speech by a member of the general public. Officer Catanzara's post shows him in uniform, by a marked CPD vehicle, promoting a political message. While Officer Catanzara contends the photograph was edited by a third party, he admits that he posted the image on Facebook and he admits that it contained an obviously political message. Regardless of who created the image originally, Officer Catanzara is responsible for images that he chose to post on his Facebook page. By posting the image, Officer Catanzara violated Rule 42 by participating in a partisan political campaign or activity and violated Rule 6 (disobedience of the Department's written directive on off-duty political activity).

Allegation 15, that on or about February 1, 2018, at 5:56 p.m., Officer Catanzara posted a statement on Facebook that was disrespectful to CPD management is **sustained**. Because the posting concerned CPD management, it is debatably a matter of public concern and will therefore be examined pursuant to the balancing test. However, Officer Catanzara's speech fails to satisfy the balancing test in his favor. Officer Catanzara violated Department policy by publicly undermining superior officers and publicly naming them rather than going through the proper channel. Officer Catanzara was, and is, allowed to publicly criticize the Department, but he must still follow Department directives. Rule 32 prohibits the use of "defamatory language, abusive language, invective or epithets" when an officer speaks publicly about the Department because this type of language tends to impair discipline and undermine public confidence in the Department or its personnel. Officer Catanzara therefore violated Rule 32 when he referred to a superior officer as "pathetic" on Facebook, and also violated Rule 2 (impeding the Department's efforts to achieve its policy and goals and bringing discredit upon the Department), Rule 3 (failing to promote the Department's efforts to implement its policy or accomplish its goals), and Rule 6 (disobedience of the Department's written directive on the use of social media outlets).

Allegation 16, that on or about February 3, 2018, at approximately 12:04 a.m., Officer Catanzara posted a statement on Facebook that was disrespectful to CPD management is **sustained**. Similar to the analysis for Allegation 15 above, the speech here is also related to a matter of public concern and is outweighed by the Department's workplace efficiency interests. Officer Catanzara violated department policy by publicly undermining superior officers and publicly naming them rather than going through the proper channel. Even if, as Officer Catanzara contends, he was truthfully describing his experiences, he was obligated to follow Department directives when posting on Facebook. When Officer Catanzara concluded his post by stating that there is "almost ZERO accountability in the Department," he was engaging in invective rather than providing a factual account of his experiences. Rule 32 prohibits the use of "defamatory language, abusive language, invective or epithets" when an officer speaks publicly about the Department because this type of language tends to impair discipline and undermine public confidence in the Department or its personnel. Officer Catanzara therefore violated Rule 32 and also violated Rule 2 (impeding the Department's efforts to achieve its policy and goals and bringing discredit upon the Department), Rule 3 (failing to promote the Department's efforts to implement its policy or accomplish its goals), and Rule 6 (disobedience of the Department's written directive on the use of social media outlets).

Allegation 17, that on or about February 3, 2018, at approximately 5:00 p.m., Officer Catanzara posted a statement on Facebook that was disrespectful to CPD management is **sustained**. For the same reasons as Allegations 15 and 16 above, this speech is not protected after a weighing under balancing test, even though it relates to a matter of public concern. Officer Catanzara violated Department policy by publicly undermining superior officers and publicly naming them rather than going through the proper channel. Even if, as Officer Catanzara contends, he was truthfully describing his experiences, he was obligated to follow Department directives when posting on Facebook. When Officer Catanzara stated that superior officers were "refusing to do their job!" and "DOING NOTHING!" he was engaging in invective rather than providing a factual account of his experiences. Rule 32 prohibits the use of "defamatory language, abusive language, invective or epithets" when an officer speaks publicly

about the Department because this type of language tends to impair discipline and undermine public confidence in the Department or its personnel. Officer Catanzara therefore violated Rule 32 and also violated Rule 2 (impeding the Department’s efforts to achieve its policy and goals and bringing discredit upon the Department), Rule 3 (failing to promote the Department’s efforts to implement its policy or accomplish its goals), and Rule 6 (disobedience of the Department’s written directive on the use of social media outlets).

VII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer John Catanzara, Jr.	1. It is alleged that on or about November 22, 2016, Officer Catanzara made a statement on Facebook that used offensive language and advocated killing people, by stating, “Wtf its seriously time to kill these motherfuckers,” in violation of Rules 2, 3, and 6.	Sustained / Separation
	2. It is alleged that on or about November 25, 2016, Officer Catanzara made a statement on Facebook that encouraged other department members to stop chasing offenders, in violation of Rules 2, 3, 6, and 53.	Sustained / Separation
	3. It is alleged that on or about December 1, 2016, Officer Catanzara shared a picture on Facebook that was disrespectful to public benefit recipients, in violation of Rules 2, 3, and 6.	Sustained / Separation
	4. It is alleged that on or about January 22, 2017, Officer Catanzara made an obscene statement on Facebook directed to a member of the public, by stating, “Is it too late to abort ██████(sic)...the stupidity of some humans like her only prove the saying...the best part dripped down her moms (sic) leg,” in violation of Rules 2, 3, 6, and 8.	Sustained / Separation
	5. It is alleged that on or about January 30, 2017, Officer Catanzara made a statement on Facebook that was biased against Muslims, by stating, “Savages they all deserve a bullet,” in violation of Rules 2, 3, and 6.	Sustained / Separation
	6. It is alleged that on or about January 30, 2017, at approximately 10:55 a.m., Officer Catanzara	Sustained / Reprimand

attempted to influence others' actions about a non-police matter by referencing his official position as a Chicago Police Officer, in violation of Rule 4.

7. It is alleged that on or about or about October 21, 2017, Officer Catanzara posted an obscene photograph on Facebook.

Not Sustained

8. It is alleged that on or about November 16, 2017, at approximately 9:33 a.m., Officer Catanzara made an obscene statement on Facebook directed to a member of the public, by stating, "Blow me. You know you want to," in violation of Rules 2, 3, 6, and 8.

Sustained /
Separation

9. It is alleged that on or about November 16, 2017, at approximately 3:58 p.m., Officer Catanzara directed a threat to a member of the public on Facebook, by stating, "Ok loser now that you attack people on my page you will be blocked. Keep listening for that knock on the door," in violation of Rules 2, 3, 6, and 8.

Sustained /
Separation

10. It is alleged that on or about October 15, 2017, at approximately 2:34 p.m., Officer Catanzara posted a statement on Facebook that was disrespectful to CPD management, by calling superior officers "spineless," in violation of Rules 2, 3, 6, and 32.

Sustained /
Separation

11. It is alleged that on or about October 15, 2017, Officer Catanzara made an obscene statement on Facebook directed to a member of the public, by stating, "Steve would you like to make a bet that you and your pathetic friends attempts to get any results will be as useless as the little bit of skin you have in your pants? I'll even give you odds!" in violation of Rules 2, 3, 6, and 8.

Sustained /
Separation

12. It is alleged that on or about October 15, 2017, at approximately 2:32 p.m., Officer Catanzara made an obscene statement on Facebook directed to a member of the public, by stating, "You're making me get pretty thick to (sic) Steve I love you so much," in violation of Rules 2, 3, 6, and 8.

Sustained /
Separation

<p>13. It is alleged that on or about October 18, 2017, Officer Catanzara made an obscene statement on Facebook directed to a member of the public, by stating, “Lmao...Yeah join it so you can all group spank it together...” in violation of Rules 2, 3, 6, and 8.</p>	<p>Sustained / Separation</p>
<p>14. It is alleged that on December 15, 2017, Officer Catanzara posted a photograph on Facebook that depicted him in CPD uniform and making a political statement, in violation of Rules 6 and 42.</p>	<p>Sustained / Separation</p>
<p>15. It is alleged that on or about February 1, 2018, at 5:56 p.m., Officer Catanzara posted a statement on Facebook that was disrespectful to CPD management, in violation of Rules 2, 3, 6, and 32.</p>	<p>Sustained / Separation</p>
<p>16. It is alleged that on or about February 3, 2018, at approximately 12:04 a.m., Officer Catanzara posted a statement on Facebook that was disrespectful to CPD management, in violation of Rules 2, 3, 6, and 32.</p>	<p>Sustained / Separation</p>
<p>17. It is alleged that on or about February 3, 2018, at approximately 5:00 p.m., Officer Catanzara posted a statement on Facebook that was disrespectful to CPD management, in violation of Rules 2, 3, 6, and 32.</p>	<p>Sustained / Separation</p>

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Catanzara

i. Complimentary and Disciplinary History

Officer Catanzara has eighteen (18) honorable mentions, one (1) complimentary letter, one (1) crime reduction ribbon, two (2) crime reduction awards, and three (3) emblems of recognition for physical fitness. Officer Catanzara has no sustained disciplinary charges fully adjudicated within the time periods specified by the relevant collective bargaining agreement.

ii. Recommended Penalty, by Allegation

Each section below organizes Allegations against Officer Catanzara into generalized groupings to recommend commensurate discipline. However, the detrimental impact Officer Catanzara’s speech has on the Department’s ability to achieve its policies is pervasive throughout all of the Allegations, regardless of their grouping. In many of his communications, Officer Catanzara very publicly expressed unambiguous bias and animosity toward various minority groups, as well as insubordination toward his employer. This speech is especially problematic in a city and police department as diverse as Chicago. People of different

backgrounds and identities, with varying race, religion, and socioeconomic class, etc., need to trust and work with the City's police department. Speech of the sort exhibited by Officer Catanzara breaks down that trust and frustrates the Department's ability to effectively serve its residents.

1. Allegation Nos. 1 through 5

Each allegation has been analyzed separately. However, COPA does consider the pattern of repeated violations within the current investigation, as well as Officer Catanzara's lack of remorse and continued insistence that his behavior was proper and justified. Importantly, Officer Catanzara's speech displays his fundamental inability to uphold the Department's code of conduct and Department objectives. As stated by the United States Department of Justice, "CPD will not be able to convince residents in these [marginalized] neighborhoods that it cares, no matter how earnestly it launches community policing initiatives, if it does not take a stronger, more effective stance against unnecessarily demeaning and divisive officer conduct."⁷⁷ Moreover, Officer Catanzara's statements have the potential to create problems in maintaining the discipline and harmony in the Department. Department members are as diverse as Chicago itself and include many of the same groups Officer Catanzara openly disparages including Muslims, Black and Gay people. Officer Catanzara's speech proves his inability to serve the public impartially and therefore COPA recommends separation for Officer Catanzara.

2. Allegation No. 6

While Officer Catanzara was assigned as a school resource officer, the City of Chicago Office of Inspector General found that CPD failed to provide proper guidance to school resource officers on how they should interact with CPS officials.⁷⁸ Officer Catanzara sent his email messages while off duty and from his personal email account, but the email messages did concern matters that were occurring in the school where he was assigned. It was inappropriate for Officer Catanzara to reference his position as a Chicago police officer while attempting to influence the actions of school officials, and Officer Catanzara violated Rule 4 (action taken to use his official position for personal influence) by doing so. Therefore, he violated the rule, but the Department potentially contributed to his mistake by failing to provide appropriate guidance. Under these circumstances, COPA recommends a reprimand for this allegation.

3. Allegation Nos. 8 through 17

In addition to the reasons articulated above in allegations 1 through 5, in the statements addressed in allegations 8 through 17 Officer Catanzara publicly criticized the Department, specifically implying that the Department fails to discipline command officers for misconduct and ignores complaints. The Department's social media policy forbids speech that discredits or reflects poorly on the Department or its missions. Officer Catanzara cannot be trusted to support

⁷⁷ U.S. DEP'T OF JUSTICE, INVESTIGATION OF THE CHICAGO POLICE DEPARTMENT 148 (2017). Attachment 43.

⁷⁸ CHI. OFFICE OF INSPECTOR GEN., REVIEW OF THE CHICAGO POLICE DEPARTMENT'S MANAGEMENT OF SCHOOL RESOURCE OFFICERS 9 (2018) ("No formal written guidance exists specifying the roles and responsibilities of SROs."). Attachment 44.

the Department's mission by either the Department or the community, and therefore COPA recommends separation.

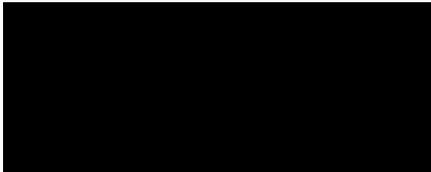
Approved:



June 30, 2020

Andrea Kersten
Deputy Chief Administrator

Date



June 30, 2020

Sydney Roberts
Chief Administrator

Date

Appendix A

Assigned Investigative Staff

Squad#:	█
Major Case Specialist:	██████████
Supervising Investigator:	████████████████████
Deputy Chief Administrator:	Andrea Kersten