

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	August 8, 2019
Time of Incident:	7:00 PM
Location of Incident:	██████████, Chicago, IL
Date of COPA Notification:	August 27, 2019
Time of COPA Notification:	10:47 PM

At approximately 7:00 PM, **Officer Endri Peci (“Officer Peci”)**, Star# 10452, and **Officer Daniel Reyes (“Officer Reyes”)**, Star# 14894, 19th District, received an OEMC dispatch on a domestic disturbance at ██████████. Upon arrival, the officers met the complainant, ██████████ (“██████”), concerning a dispute with his ex-boyfriend ██████████ (“██████”). Before their arrival, a physical altercation occurred between ██████████ and ██████████ regarding ownership of personal property. To avoid having to arrest of them, Officers Peci and Reyes mediated the dispute, results in an agreement where ██████████ would take a mattress and turn over his apartment keys to ██████████.

II. INVOLVED PARTIES

Involved Officer #1:	Endri Peci, Star# 10452, Employee ID# ██████████, Date of Appointment: 04/25/2016, Police Officer, UOA: 19 th District, DOB: ██████████1983, Male White
Involved Officer #2:	Daniel Reyes, Star# 14894, Employee ID# ██████████, Date of Appointment: 02/29/2016, Police Officer, UOA: 16 th District, DOB: ██████████1982, Male White Hispanic
Involved Individual #1:	██████████, ██████████1982, Male White

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Peci	It is alleged that on or about August 6, 2019, at approximately 7:00 PM, at ██████████, Officer Peci:	

	1. Failed to call a supervisor at the request of [REDACTED].	Exonerated
Officer Reyes	It is alleged that on or about August 6, 2019, at approximately 7:00 PM, at [REDACTED], Officer Reyes:	
	1. Failed to call a supervisor at the request of [REDACTED], in violation of Rule 5.	Exonerated
	2. Failed to comply with General Order G02-04, Prohibition Regarding Racial Profiling and Other Biased Policing by making an inappropriate comment to [REDACTED], stating, "I would never give a man a key to my home,".	Not Sustained

IV. APPLICABLE RULES AND LAWS

Rules

- Rule 2:** Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 5:** Failure to perform any duty.

General Orders

- General Order 02-04:** Prohibition Regarding Racial Profiling and Other Bias Based Policing.

V. INVESTIGATION

a. **Interviews**

On August 29, 2019, **Complainant**, [REDACTED] (“[REDACTED]”) gave COPA an audio-recorded interview.¹ At approximately 7:15 PM, August 6, 2019, [REDACTED] came home to find an ex-boyfriend, [REDACTED] (“[REDACTED]”), removing a mattress from the apartment.² The individual did not have permission to be in the home. An argument ensued, resulting in a 911 call and police

¹ Attachment 5

² The spelling of [REDACTED]’s name was obtained from Attachment 7, the OEMC Event Query.

arriving at the location. While waiting for the police to arrive, ██████ removed all items belonging to ██████ from the residence, placing them outside. While outside, **Officers Endri Peci (“Officer Peci”), Star# 10452, and Daniel Reyes (“Officer Reyes”), Star# 14894**, both of the 19th District, arrived on the scene. The officers entered the apartment and asked ██████ and ██████ the nature of their problem. While discussing the dispute with the officers, ██████ learned that ██████ still had a key to the apartment. The officers spent the majority of the time negotiating with the two so that ██████ could get his key back and ██████ could take the mattress. Officers Peci and Reyes’s offer a solution to make ██████ leave, but not force him to give the house key to ██████, and for the parties to resolve the mattress issue in civil court. ██████ found this unacceptable. Officers Peci and Reyes proposed other alternatives that ██████ also found unacceptable. Believing the officers were getting annoyed, ██████ requested a supervisor to the location. ██████ felt threatened by one of the officers saying, “I can get a supervisor, but it’s not going to be a nice conversation like this.”³ The officer informed ██████ that since both parties wanted to press charges against the other, they could be both arrested. Additionally, while jailed, he would accumulated fees from Animal Control boarding his dog. Facing this situation and believing a supervisor was not coming, ██████ took the key and ██████ the mattress.

While one officer followed ██████ and the mattress to a van, another stayed with ██████ on the back porch. ██████ believed the officers bullied him in making a choice. He told the officer what they did was wrong, and ██████ should not have a key. The officer responded, “I would never give a dude a key to my place.”⁴ ██████ responded to the officer, “Well, he’s my lover. Of course, I would give him a key.”⁵ The officer repeated his statement to ██████. ██████ responded to the officer, saying, “So you would give your girlfriend a key to your home, right?”⁶ The officer said, “Well, yeah.”⁷ ██████ told the officer his situation with ██████ was similar. ██████ said to the officer, “Don’t say it like that, don’t belittle me like that.”⁸ ██████ took the officer’s statement as an anti-LGBT comment. Afterward, the officers left only to return ten to fifteen minutes later. He answered the front door, thinking the officers had returned to apologize. Instead, it was to return his identification. After doing so, the officers left. After his experience, ██████ said he does not feel safe dialing 911 if there was a problem in his home.

On October 15, 2020, **Officer Paci** gave COPA an audio-recorded statement.⁹ On August 6, 2019, at approximately 7:00 PM, Officers Paci and Reyes responded to an Office of Emergency Management (OEMC) call of a domestic disturbance at ██████. Upon arrival, Officer Paci noticed several bags of clothing and personal belongings in the apartment building’s front yard. Outside in the front yard, Officer Paci talked to the caller, the complainant ██████. ██████

³ Id at 7:27

⁴ Id at 8:52

⁵ Id at 9:01

⁶ Id at 9:19

⁷ Id at 9:23

⁸ Id at 9:25

⁹ Attachment 15

told the officer his ex-boyfriend, identified as [REDACTED], had gained entry into his apartment with a key and was removing items without his permission. [REDACTED] wanted [REDACTED] removed from the apartment and his key returned. Because [REDACTED] had not forced entry, Officer Paci believed [REDACTED] had a right to be in the apartment. After listening to the disputants, Officer Paci concluded [REDACTED], who did not reside at the apartment, wanted to end the relationship and remove his personal belongings from the location. Afterward, [REDACTED] would give [REDACTED] the key.

[REDACTED] did not want [REDACTED] to remove anything from the apartment, other than the those items left in the front yard and the key's return. At one point, [REDACTED] requested a supervisor. Officer Paci told [REDACTED] there was no problem calling for a supervisor on scene, except they might disapprove of him and Officer Reyes being there a prolonged time "trying to make everyone happy."¹⁰ Officer Paci also told [REDACTED] the supervisor might propose an outcome not agreeable to either party. [REDACTED], wanting to bring an end to the argument, agreed to [REDACTED] taking the mattress and returning the key to him. Officer Paci did not know if the possibility of arrest influenced [REDACTED]'s decision not to call a supervisor. Officer Paci escorted [REDACTED] with the mattress from the apartment to a moving van and retrieved the apartment key. Upon his return, Officer Paci received verification from [REDACTED] he had the correct key. Officer Paci then returned the key to [REDACTED]. Officer Reyes remained with [REDACTED] on the back patio while Paci escorted [REDACTED] to the moving van. Afterward, Officers Paci and Reyes stood by while [REDACTED] secured his back gate and rear door to his home and left the location.

Officer Paci and Officer Reyes spent approximately forty minutes mediating the dispute. Officer Paci describes [REDACTED]'s demeanor as "very agitated, very argumentative."¹¹ He could not comment on [REDACTED]'s behavior since his interaction was mainly with [REDACTED].

On October 16, 2019, **Officer Reyes** gave COPA an audio recorded statement.¹² On August 6, 2019, at approximately 7:00 PM, Officer Reyes and Officer Paci responded to an Office of Emergency Management (OEMC) call of a domestic disturbance at [REDACTED]. Upon arrival, Officer Reyes noticed several bags of clothes and miscellaneous items on the front lawn. [REDACTED] was waiting for the officers at the front entrance. He looked disheveled and upset and wanting his ex-boyfriend, identified as [REDACTED] [REDACTED], out of the residence. Upon entering the apartment, Officer Reyes saw items moved around and what looked to have been a physical altercation. Officer Paci mainly spoke with [REDACTED], and Officer Reyes spoke directly to [REDACTED]'s ex-boyfriend [REDACTED]. [REDACTED] was very animated, saying he wanted his mattress from the apartment and then would leave. At first, [REDACTED] refused, but eventually agrees to let [REDACTED] have the mattress in exchange for the apartment key. Because he possessed apartment keys, Officer Reyes believed [REDACTED] had the right to be there. Thinking he was receiving unfair treatment by the officers, [REDACTED] requested Officer Paci call a supervisor to the location. Officer Paci responded to

¹⁰ Attachment 15 at 12:35

¹¹ Id at 16:12

¹² Attachment 16

█████ regarding alternatives available to resolve the dispute. He told █████ he would contact a supervisor, but the outcome might not be what he wanted. █████ did not respond to Officer Peci. While Officer Peci escorted █████ from the apartment with the mattress, Officer Reyes remained with █████ on the back porch. █████ was very upset about █████ taking the mattress and not happy about █████ having apartment keys. Officer Reyes said to █████, “I would never give a man keys.”¹³ █████ responded to Officer Reyes’ comment as “if offended.”¹⁴ Officer Reyes’s statement was not to make fun of █████. Working in the 19th District, Officer Reyes has encounter people of different races, ethnicities, and sexual orientations. He has never faced allegations of making disparaging remarks or comments towards citizens regarding their race, ethnicity, or sexual orientation. His comment to █████ was not a judgment statement about him or his lifestyle. Shortly after that, Officer Peci returned and gave █████ the apartment keys in █████’s possession.

b. Digital Evidence

The **body-worn camera (BWC) video of accused Officer Peci** shows him and Officer Reyes arriving at █████. As Officer Peci walks towards the address, his BWC shows miscellaneous items in a large plastic bag on the front lawn. The officers are let through the front gate by an individual who identifies himself as █████, the complainant █████’s first name. Officer Peci informs █████ their interaction is being audio and video recorded. █████ responds, “Perfect.”¹⁵ █████ tells Officers Peci and Reyes he had just gotten home, and his ex-boyfriend, identified as █████, got into his house. █████ says he did not know how █████ got into the home, saying, “he [█████] didn’t have keys to my awareness. I think he had sketchy keys made at some point.”¹⁶ He further states █████ is trying to remove items from the home. █████ leads the officers up the stairs and into the apartment, where they met █████.

There is a discussion regarding why █████ was in the apartment, how he gained entrance and what took place prior to the officers arrival on scene. The BWC shows the attempts by the officers to mediate the dispute and the agreement that is eventually re4ached between █████ and █████.

Officer Peci’s BWC video shows █████ requesting a supervisor.¹⁷ Officer Peci tells █████ he will call for one. Officer Peci tells █████ that the supervisor, after evaluating the situation, may direct that both he and █████ be arrested on cross complaints for assault and Animal Control would take custody of the dog in the apartment. At this juncture, █████ asks Officer Peci if he is allowed to record the incident. Officer Peci tells █████ he is permitted to do so. █████ activates his cellphone to record the incident. The parties reach an agreement on the dispute and Officer Peci escorts █████ out of the building with the mattress and Officer Reyes remains with █████. Officers Peci returns to Officer Reyes and █████ and returns the key to █████, after which he and

¹³ Attachment 16 at 18:03

¹⁴ Id at 18:09

¹⁵ Attachment 11 at 2:26

¹⁶ Id at 2:38

¹⁷ Id at 26:40

Reyes walk to the front of the apartment building, standing by as [REDACTED] retrieved his personal effects on the front lawn, completing the event.

The **body-worn camera (BWC) video of accused Officer Reyes** substantially mirrors the events in [REDACTED]'s apartment captured by Officer Peci's BWC video. Officer Peci escorts [REDACTED] with the mattress to the moving van to get the keys, while Officer Reyes stays with [REDACTED] on his back porch. Officer Reyes' BWC video shows [REDACTED] agitated about how the officers resolved the dispute between him and [REDACTED]. As [REDACTED] raises his voice, Officer Reyes suggests he lower it because the neighbors might hear. [REDACTED] responds, "I could give a fuck about my neighbors right now."¹⁸ [REDACTED] tells Officer Reyes, "It seems fucked up you guys would leave this man [REDACTED] with keys to my house. That was one of the options you presented."¹⁹ [REDACTED] says to Officer Reyes, "Would you let that dude with keys to your house?"²⁰ Officer Reyes replied, "I would never give a dude a key to my house. That's different."²¹ [REDACTED] emphatically responds, "You know what I mean, and please don't be fuckin' [pause] you know what I mean."²² Officer Reyes responds, "You know what I mean."²³ [REDACTED] says to Officer Reyes, "I don't appreciate comments like that."²⁴ Officer Reyes responds, "I would never give anyone keys to my house, though."²⁵ [REDACTED] posits to Officer Reyes he would give a key to his girlfriend. Officer Reyes replies to [REDACTED] he would not. [REDACTED] responds, "If you were with a girl for two and a half years, you would never give her a key to your house?"²⁶ Officer Reyes replied, "Maybe. That's probably different. I probably be living with her right now."²⁷

Officer Reyes' BWC video shows Officer Peci returning to the back porch, asking [REDACTED] to inspect the keys. [REDACTED] responds, "Would that make a difference right now? Would that get that mattress back in my house?" Officer Peci says, "No, not right now. But it will help your [court] case later on." [REDACTED] responds, "Thank you, officers," and closes his back door.²⁸ Officer Reyes' BWC video shows him and Officer Peci observing [REDACTED] take his personal belongings from the front lawn and into the moving van. [REDACTED] tells Officers Peci and Reyes, "Sorry, officers, and thank you for your help."²⁹

c. Documentary Evidence

¹⁸ Attachment 10 at 29:43

¹⁹ Id at 30:22

²⁰ Id at 30:35

²¹ Id at 30:37

²² Id at 30:41

²³ Id at 30:47

²⁴ Id at 30:48

²⁵ Id at 30:49

²⁶ Id at 31:01

²⁷ Id at 31:08

²⁸ Id at 31:35

²⁹ Id at 35:27

The **Officer of Emergency Management and Communications (OEMC) Event Query Report**³⁰ reveals at approximately 7:09 PM, August 6, 2019, Officers Peci and Reyes, Beat# 19-12, the 19th District, received a police-run on a domestic disturbance at [REDACTED]. At approximately 7:17 PM, the officers arrived at the location. At approximately 8:42 PM, Officers Peci and Reyes reported clear of the scene.

VI. LEGAL STANDARD

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.

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 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 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 (2016). 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.* at ¶ 28.

VII. ANALYSIS

1. *Failed to call a supervisor at the request of* [REDACTED].

In his audio-recorded COPA interview, [REDACTED] alleges Officer Peci and Reyes failed to call a supervisor, at his request, to [REDACTED] for resolving his dispute with his ex-boyfriend [REDACTED]. Officer Peci’s BWC video shows [REDACTED] requests a supervisor.³¹ Officer Peci tells [REDACTED] he will call for one. However, Officer Peci mentions the supervisor, after evaluating the situation, may direct both disputants arrested on cross complaints for assault and that Animal

³⁰ Attachment 7

³¹ Attachment 16 at 26:40

Control would take custody of the dog in the apartment. [REDACTED] activates his cellphone to record the incident, saying to Officer Peci, “What are you proposing happens right now?”³² [REDACTED] volunteers to take the mattress without the bed frame, forgive the \$400 [REDACTED] owes him, and return the apartment keys. Officer Peci asks [REDACTED], “Is that fine with you?”³³ [REDACTED] responds, “Okay, fine, fine, fine.”³⁴ Thus [REDACTED] accepted [REDACTED]’s offer of his keys for the mattress and forgiveness of the outstanding debt, alleviating Officer Peci from calling a supervisor. Based upon clear and convincing evidence, COPA exonerates Officers Peci and Reyes from failure to call a supervisor at [REDACTED]’s request.

2. Failed to comply with General Order G02-04, Prohibition Regarding Racial Profiling and Other Biased Policing by making an inappropriate comment to [REDACTED], stating, “I would never give a man a key to my home.”

Chicago Police Department members making:

Routine or spontaneous law enforcement decisions, such as investigatory stops and arrests, may not use race, ethnicity, color, national origin, ancestry, religion, disability, gender, gender identity, **sexual orientation** (emphasis added), marital status, parental status, military discharge status, financial status, or lawful sources of income, except that officers may rely on the listed characteristics in a specific suspect description.³⁵

Officer Reyes’ BWC video shows Officer Peci escorting [REDACTED] with the mattress from the apartment. Officer Reyes stays with [REDACTED] on his back porch. Officer Reyes’ BWC video shows even though [REDACTED] agreed with [REDACTED]’s proposal to resolve the dispute, he appeared highly agitated at the outcome. [REDACTED] tells Officer Reyes, “It seems fucked up you guys would leave this man [REDACTED] with keys to my house. That was one of the options you presented.”³⁶ [REDACTED] says to Officer Reyes, “Would you let that dude with keys to your house?”³⁷ Officer Reyes replied, “I would never give a dude a key to my house. That’s different.”³⁸ In his COPA interview, Officer Reyes stated working in the 19th District he encounters people of different races, ethnicities, and sexual orientations. He has never faced allegations of disparaging remarks or comments towards citizens regarding their race, ethnicity, or sexual orientation. His comment to [REDACTED] was not a judgment statement about him or his lifestyle. Officer Reyes’ BWC shows no disparaging remarks he directed to [REDACTED] about lifestyle or sexual orientation. Based upon clear and convincing evidence, COPA makes a finding of Not Sustained for Officer Reyes from the allegation of failed to comply with General Order G02-04, Prohibition Regarding Racial Profiling and Other Biased Policing, by making an inappropriate comment to [REDACTED], as there is insufficient evidence

³² Id at 28:57

³³ Id at 28:17

³⁴ Id at 28:19

³⁵ General Order G02-24

³⁶ Id at 30:22

³⁷ Id at 30:35

³⁸ Id at 30:37

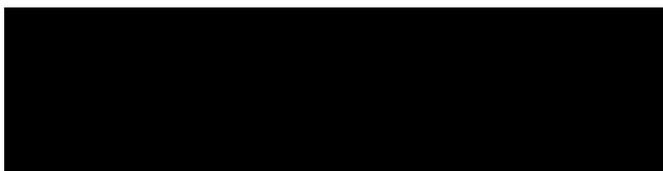
to prove that the alleged, inappropriate comments made by Officer Reyes,' to [REDACTED], were comments made regarding [REDACTED]'s sexual orientation.

VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Peci	It is alleged that on or about August 6, 2019, at approximately 7:00 PM, at [REDACTED], Officer Peci: 1. Failed to call a supervisor at the request of [REDACTED], in violation of Rule 5.	Exonerated
Officer Reyes	It is alleged that on or about August 6, 2019, at approximately 7:00 PM, at [REDACTED], Officer Reyes: 1. Failed to call a supervisor at the request of [REDACTED], in violation of Rule 5. 2. Failed to comply with General Order G02-04, Prohibition Regarding Racial Profiling and Other Biased Policing by making an inappropriate comment to [REDACTED], stating, "I would never give a man a key to my home," in violation of Rule 2.	Exonerated Not Sustained

Approved:



Angela Hearts-Glass
 Deputy Chief Investigator

5-27-2021

Date

Appendix A

Assigned Investigative Staff

Squad#:	12
Investigator:	Mark A. Glenn
Supervising Investigator:	Andrew Dalkin
Deputy Chief Administrator:	Angela Hearts-Glass