

**SUMMARY REPORT OF INVESTIGATION**

Date/Time/Location of Incident:	March 5, 2020, and March 7, 2020 [REDACTED] and [REDACTED]
Date/Time of COPA Notification:	March 7, 2020, at approximately 3:10am
Involved Officer #1:	Jaime Acosta, Star #16462, Employee ID#[REDACTED], Date of Appointment: December 14, 2015, Police Officer, Unit of Assignment 010, DOB: [REDACTED], 1990, Male, White Hispanic
Involved Officer #2:	Jeffrey Aldrich, Star #1862, Employee ID#[REDACTED], Date of Appointment: September 5, 1995, Sergeant, Unit of Assignment 003, DOB: [REDACTED], 1970, Male, White
Involved Officer #3	Kevin Benson Jr, Star #11393, Employee ID#[REDACTED], Date of Appointment: June 29, 2015, Police Officer, Unit of Assignment 008, DOB: [REDACTED], 1990, Male, White
Involved Officer #4	William Murphy, Star #17808, Employee ID#[REDACTED], Date of Appointment: June 26, 2006, Police Officer, Unit of Assignment: 008, DOB: [REDACTED], 1974, Male, White
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1989, Female, White Hispanic
Case Type:	Domestic Violence

**I. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Officer Jaime Acosta	1. On or about March 5, 2020, at approximately 8:44 PM, at or near [REDACTED] Officer Jaime Acosta failed to return the minor child he has in common with [REDACTED] in accordance with the parameters of a lawful court order.	SUSTAINED
	2. On or about March 5, 2020, at approximately 8:44 PM, at or near [REDACTED] Officer Jaime Acosta poured water on [REDACTED] without justification.	SUSTAINED

	<p>3. On or about March 7, 2020, at approximately 1:39 AM, at or near [REDACTED] Officer Jaime Acosta entered [REDACTED] residence in violation of a court order.</p>	<p>SUSTAINED</p>
<p>Sgt. Jeffrey Aldrich</p>	<p>1. On or about March 5, 2020, at approximately 8:48 p.m. at or near [REDACTED] Sgt. Jeffrey Aldrich failed to file an initiation report after receiving allegations of misconduct against Officer Jaime Acosta.</p> <p>2. On or about March 5, 2020, at approximately 8:48 p.m. at or near [REDACTED] Sgt. Jeffrey Aldrich failed to capture an incident on body worn camera in violation of Special Order S03-14.</p>	<p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p>
<p>Officer Kevin Benson Jr.</p>	<p>1. On or about March 5, 2020, at approximately 8:48 p.m. at or near [REDACTED] Officer Kevin Benson Jr. failed to fully capture an incident on body worn camera in violation of Special Order S03-14.</p> <p>2. On or about March 5, 2020, at approximately 8:48 p.m. at or near [REDACTED] Officer Kevin Benson Jr. failed to fully and/or properly document [REDACTED] allegations against Officer Jaime Acosta.</p> <p>3. On or about March 5, 2020, at approximately 8:48 p.m. at or near [REDACTED] Officer Kevin Benson Jr. failed to fully inform the responding sergeant of the allegations made against Officer Jaime Acosta.</p>	<p>SUSTAINED</p> <p>SUSTAINED</p> <p>SUSTAINED</p>
<p>Officer William Murphy</p>	<p>1. On or about March 5, 2020, at approximately 8:48 p.m. at or near [REDACTED] Officer William Murphy failed to fully capture an incident on body worn camera in violation of Special Order S03-14.</p> <p>2. On or about March 5, 2020, at approximately 8:48 p.m. at or near [REDACTED] Officer William Murphy failed to fully and/or properly</p>	<p>SUSTAINED</p> <p>SUSTAINED</p>

	<p>document [REDACTED] allegations against Officer Jaime Acosta.</p> <p>3. On or about March 5, 2020, at approximately 8:48 p.m. at or near [REDACTED] Officer William Murphy failed to fully inform the responding sergeant of the allegations made against Officer Jaime Acosta.</p>	<p>SUSTAINED</p>
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**II. SUMMARY OF EVIDENCE<sup>1</sup>**

COPA was notified of an incident involving [REDACTED] (hereafter [REDACTED] and Chicago Police Officer Jaime Acosta (hereafter Officer Acosta) via an **Initiation Report<sup>2</sup>** on March 7, 2020. The report listed [REDACTED] who is an [REDACTED], as the complainant and Officer Acosta as the accused. Both the Initiation Report and the **Original Case Incident Report (RD# JD [REDACTED])<sup>3</sup>** relate that [REDACTED] and Officer Acosta were in the process of [REDACTED]. [REDACTED] had a **Court Order<sup>4</sup>** signed by a Cook County judge that gave her [REDACTED]. [REDACTED]<sup>5</sup> related that when she was arriving home on March 7, 2020, she witnessed [REDACTED] Officer Acosta, inside the house near a window that was previously broken off its hinges. [REDACTED] stated Officer Acosta then fled in an unknown white vehicle. A supervisor was requested to the scene, and Officer Acosta returned to the scene, of his own volition. [REDACTED] did not want to pursue an arrest at that time, but she wanted the incident documented. [REDACTED] was also advised of how to obtain an Order of Protection.

An **OEMC Event Query<sup>6</sup>** and **911 call<sup>7</sup>** further document that on March 7, 2020, at approximately 1:39 AM [REDACTED] called 911 to report [REDACTED] climbing through her window and, she believed, he was going to flee in a white vehicle.

**Body Worn Camera<sup>8</sup>** (BWC) footage from March 7, 2020, shows a window on the front of the house that is open and taken off its hinges, with the bottom edge on the ground.<sup>9</sup> The house alarm is heard going off upon the responding officer’s arrival to the home. [REDACTED] is not at the home when the officers initially arrive but arrives shortly after. [REDACTED] tells the responding officers that as she was arriving home, she saw Officer Acosta peeking out of the window from inside the house and climbing out of the window, so she drove away.<sup>10</sup> [REDACTED] relates that Officer Acosta knew the cameras on the house would not capture him if he went through the window. [REDACTED] kept

<sup>1</sup>COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence.

<sup>2</sup> Att. 5

<sup>3</sup> Att. 4

<sup>4</sup> Att. 59

<sup>5</sup> The court order was signed by a judge on February 10, 2020.

<sup>6</sup> Att. 8

<sup>7</sup> Att. 54

<sup>8</sup> Att. 18-20

<sup>9</sup> Att. 20 at 3:03-3:17

<sup>10</sup> Id. at 33:35-33:50, 34:01-34:05

driving, and Officer Acosta walked to her car and told her he just wanted to talk to her.<sup>11</sup> [REDACTED] is emotional and tells the officers she did not want to have to get an order of protection against him because he is an officer, but it was now getting to a point where he was not understanding that his actions were unacceptable. [REDACTED] states Officer Acosta attempted to come in the door, but she recently changed the code to the front door.<sup>12</sup>

Officer Acosta suddenly returns to the scene approximately 15 minutes after the responding officers arrived and states that he drove by and saw that the window was broken and stopped to try to fix it.<sup>13</sup> [REDACTED] states that the window had been broken for a long time and Officer Acosta was aware of that. Officer Acosta states [REDACTED]  
[REDACTED]<sup>14</sup> Officer Acosta denies entering the house and explains that he was only trying to fix the window [REDACTED] so he wants it to be safe.<sup>15</sup> The responding officer explains to Officer Acosta that there is no logical reason for why he would need to drive down her street at that time of night.<sup>16</sup> The sergeant on scene reads the court order on [REDACTED] phone and confirms that [REDACTED]. The sergeant then told [REDACTED] that she could have Officer Acosta arrested, but [REDACTED] chooses not to have him arrested.<sup>17</sup> It should be noted that [REDACTED] tells the female responding officer in private that Officer Acosta had been calling her all day and called her from an unknown phone number pretending to be someone else.<sup>18</sup> She further relates that he sent her a text message at 1:11 AM, asking [REDACTED] "You're out partying. You can't even let me know [REDACTED] [...]" She stated he had also come by her house earlier that day and dropped off flowers. The responding officer provided [REDACTED] with information of how to obtain an Order of Protection.<sup>19</sup>

Throughout the course of COPA's investigation, additional incidents involving [REDACTED] and Officer Acosta were discovered.<sup>20</sup> **OEMC Event Queries**<sup>21</sup> and **911 call recordings**<sup>22</sup> record multiple calls to 911 on March 5, 2020. At approximately 8:44 PM, [REDACTED] called police to report a custody dispute at [REDACTED] and stated that [REDACTED] was refusing to return [REDACTED] in violation of their court order.<sup>23</sup> She then called police again at approximately 8:49 PM, to report that Officer Acosta brought her son outside, threw water onto her face and entered her vehicle each time she attempted to leave, preventing her from leaving.<sup>24</sup> At the beginning of

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<sup>11</sup> Id. at 33:55-34:01

<sup>12</sup> Id. at 4:19-4:25

<sup>13</sup> Id. at 17:10-17:45

<sup>14</sup> Id. at 21:14-21:30

<sup>15</sup> Id. at 19:24-19:30

<sup>16</sup> Id. at 20:51-21:06, 26:05-26:20

<sup>17</sup> Id. at 27:31-28:30

<sup>18</sup> Id. at 35:01-35:51

<sup>19</sup> Id. 47:30-47:55

<sup>20</sup> COPA discovered and investigated incidents involving Officer Acosta and [REDACTED] from January 2, 2020, January 20, 2020, January 21, 2020, and January 28, 2020. No allegations were served for these allegations due to the lack of sufficient evidence to serve allegations without a statement from [REDACTED]

<sup>21</sup> Att. 21-23

<sup>22</sup> Att. 53, 55-56

<sup>23</sup> Att. 23

<sup>24</sup> Id. and Att. 21

that call, ██████ can be heard saying, “You threw water on my face,” before speaking to the 911 dispatcher.<sup>25</sup> Officer Acosta also called the police at approximately 8:56 PM and reported that ██████ was throwing rocks at his window and door.<sup>26</sup>

COPA obtained **BWC footage**<sup>27</sup> from this incident. Upon the arrival of the responding officers, ██████ approaches them while wiping her face and glasses off.<sup>28</sup> ██████ tells Officer Benson that Officer Acosta refused to ██████ mother’s home, which was the arranged location to exchange the child pursuant to the court order. ██████ relates that Officer Acosta alleged that she was not at her mother’s home and was with someone else. However, she stated she was at her mother’s home ██████<sup>29</sup> Officer Acosta told ██████ that she would have to ██████, which was not the agreed location ██████. Officer Acosta told ██████ that if she did not come ██████ three minutes, he would keep ██████, so ██████ agreed to pick him up.<sup>30</sup> When ██████ arrived at Officer Acosta’s residence, he refused to hand over ██████ so ██████ told him she was going to call the police. Officer Acosta then gave ██████ went into ██████ car, picked up a water bottle and threw water onto her.<sup>31</sup> ██████ relates to the responding officers that there was water in her vehicle because of his actions.

Officer Acosta tells Officer Murphy that ██████ is a police officer and carries a gun, so he would not go in her car and pour water on her. Officer William Murphy (hereafter Officer Murphy) notes that ██████ has water on her glasses. Officer Acosta further states that he was trying to put ██████ because ██████ went out with her friends. Officer Acosta relates that if ██████ was working tonight, he was supposed to ██████, but because ██████ was going out with friends, he should have been the first option for ██████<sup>32</sup> Officer Acosta tells Officer Murphy that ██████ was at his home outside of ██████ and he told her that he would not wake ██████

One of the responding officers, Officer Kevin Benson Jr. (hereafter Officer Benson) states that he knows Officer Acosta and needed to remove himself from the call to avoid any conflict of interest.<sup>33</sup> Both Officer Benson and Officer Murphy deactivate their BWC prior to calling for a supervisor to respond to the scene. The OEMC Event Query<sup>34</sup> reveals that Sgt. Jeffrey Aldrich (hereafter Sgt. Aldrich) responded to the call as well, but no BWC footage was found for him, and an initiation report was not completed for the allegations of misconduct against Officer Acosta.

The **Original Case Incident Report (RD# JD ██████)**<sup>35</sup> for an Offense ██████ bearing from March 5, 2020, documents the dispute over ██████

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<sup>25</sup> Att. 56

<sup>26</sup> Att. 22

<sup>27</sup> Att. 26-27

<sup>28</sup> Att. 26 at 2:33-3:09

<sup>29</sup> Id. at 3:22-3:54

<sup>30</sup> Id. at 3:54-4:01

<sup>31</sup> Id. at 4:01-4:17

<sup>32</sup> This is not documented ██████

<sup>33</sup> Att. 26 at 8:59-9:15

<sup>34</sup> Att. 23

<sup>35</sup> Att. 24

Officer Acosta and ██████████ but does not document any information regarding Officer Acosta throwing water onto ██████████ face. The case report also includes Sgt Aldrich as part of the report.

According to the **Agreed Court Order**, ██████████ and Officer Acosta were to alternate their two days off work to allow for p ██████████. The order further reads, “all ██████████ shall be at the maternal grandmother’s home.”<sup>36</sup> Additionally, on days where Officer Acosta worked, he was to have parenting time from 6:00 PM – 8:15 PM. The order also provides that ██████████ and Officer Acosta were to be flexible with each other with respect to ██████████. Lastly, ██████████ was permitted to ██████████.<sup>37</sup>

COPA attempted to obtain a statement from ██████████ but was unsuccessful. Therefore, an **Affidavit Override**<sup>38</sup> was obtained.

The Chicago Police Department Bureau of Internal Affairs (BIA) interviewed ██████████ on March 31, 2020, relative to the criminal investigation into the March 7, 2020, incident. ██████████ related essentially the same information that she related to the responding officers on BWC. ██████████ added that although the court order stated that she had to turn over the keypad code to the residence, he was not allowed to come into the house without them agreeing beforehand through their attorneys to set up a date and time for him to move his belongings. On March 7, 2020, at approximately 1:00 AM, ██████████ had not given Officer Acosta permission to come into the residence. ██████████ drove by, observed him, and did not say anything to him. She drove around the block and called 911. ██████████ related that she did not wish to pursue criminal charges, but she did want him to be spoken to about the incident. ██████████ stated there had been no incidents since March 7, 2020.

COPA interviewed **Officer Jaime Acosta**<sup>40</sup> on July 27, 2021. Officer Acosta related that ██████████ in 2017 and ██████████ in January of 2020, two months prior to the alleged incidents. ██████████ at the time of the incidents. Officer Acosta worked on March 5, 2020, and after work, ██████████ from 6:00 PM to 8:15 PM. He picked up ██████████ home and drove to his grandfather’s residence, where he was staying at during that time. ██████████ mother’s home, ██████████, is in Justice, Illinois which is approximately a 25-minute drive away. He planned to drop the child back off in Justice at 8:15 PM, but ██████████ requested to pick ██████████ from Officer Acosta’s grandfather’s home. The court order states they are supposed to be flexible with each other regarding picking up and ██████████ so Officer Acosta was trying to be accommodating and agreed. He asked ██████████ to pick him up at a reasonable time, which would be before the drop off time of 8:15 PM, because ██████████ between 8:00 and 8:30 PM. Officer Acosta fell asleep ██████████ sometime after 7:30 PM. He stated his intention was to keep the child overnight and to return him to ██████████ mother’s home as soon as he woke up. Officer Acosta did not see an issue with that, because ██████████ was scheduled to work that night, and her scheduled work shift was 11:00 PM to 7:00 AM.

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<sup>36</sup> Att. 59 at 2

<sup>37</sup> Id. at 3

<sup>38</sup> Att. 14 & 62

<sup>39</sup> Att. 41

<sup>40</sup> Att. 71

Officer Acosta stated he was woken up by his grandfather, who informed him that [REDACTED] was outside throwing pebbles at the window and ringing the doorbell repeatedly.<sup>41</sup> He went to the door and [REDACTED] yelled at him that she was going to call the police. He told her that she already [REDACTED], so she might as well take him. He went back to his room to get [REDACTED] and brought them outside. Officer Acosta did not hear [REDACTED] call the police, and he assumed she made the call while he was inside gathering [REDACTED]. He did not recall if he called the police himself that night. Officer Acosta related that many times when exchanging the child, he would enter [REDACTED] vehicle for the purpose of putting the child into the car seat for her but could not recall if he entered her vehicle that night. He only recalled having access to his [REDACTED] not any water bottles. Officer Acosta denied pouring water onto [REDACTED]. He described [REDACTED] demeanor that night as vindictive and aggressive, but he could not recall if she had been crying.

When asked about the incident on March 7, 2020, Officer Acosta related that he is a veteran and has a hard time sleeping at night. It was not uncommon for him to go to the gym late at night, and he would drive by the [REDACTED] often, even after he moved out in January 2020. He explained that he owned the house prior [REDACTED] and he had a protective instinct because he still cared for [REDACTED] and knew that [REDACTED] in that home. He was also aware that there were issues with a window on the front of the house being broken, and he wanted it to be safe for them. Officer Acosta could not recall if he drove by the house on his way home from the gym, but he recalled that he was in workout clothing. Prior to the incident, he put a temporary fix on the broken window of the house by using tape and paper to secure the window tightly. Officer Acosta related that he knew that [REDACTED] would be at work that night because they shared the same day off group, and she worked all night.

As he drove by the house on March 7, 2020, at approximately 1:30 AM, Officer Acosta noticed the window was off its hinges, so he got out of his vehicle to fix it. He jumped up onto the ledge of the window and pulled the window down, checked the back of the frame, moved the frame hinges back into place, and attempted to put it back up. At that time, [REDACTED] drove by and saw him, told him she was going to call the police and yelled profanities at him. He then stopped trying to fix the window, got in his vehicle and drove away. Officer Acosta related that he returned to the house and tried to tell the responding officers his side of the story. Officer Acosta reiterated that he had possession of a physical key to the side door of the home and knew the key code combination, so there would be no reason for him to go through the window. He also stated that the RING camera could see the window area on the front of the house because it was a wide-angle camera. Officer Acosta denied ever entering the residence that night and stated only his hands may have been inside near the frame of the window when attempting to repair it. He further denied the allegation related to this incident, stating the [REDACTED] the residence.

COPA interviewed **Sgt. Jeffrey Aldrich**<sup>42</sup> on July 20, 2021. Sgt. Aldrich related that on March 5, 2020, he was contacted by Officer Benson either via telephone or a message on the

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<sup>41</sup> Officer Acosta's grandfather has since passed away, therefore COPA was unable to obtain his statement of the incident.

<sup>42</sup> Att. 63

portable data terminal (PDT). Officer Benson asked Sgt. Aldrich for advice regarding knowing the off-duty officer involved at the scene and trying to avoid any conflict of interest. Sgt. Aldrich arrived at the scene, and Officer Benson informed him of the child custody issues. Officer Benson did not inform Sgt. Aldrich of any allegations made against Officer Acosta. Sgt. Aldrich advised Officer Benson that he would need to create a report to document the incident, but there would not be any conflict of interest. Sgt. Aldrich did not recall speaking to Officer Murphy and believes Officer Murphy was speaking to [REDACTED] when Sgt. Aldrich was on scene. Sgt. Aldrich never spoke to or saw [REDACTED] because she remained in her vehicle, but Officer Acosta approached Sgt. Aldrich and told him that [REDACTED] had thrown rocks at his window.

Sgt. Aldrich related that he did not activate his BWC for this incident because he was called to the scene for advice via an officer, not through dispatch. He was speaking to officers and not the public, and through his understanding of the policies regarding BWC, that does not warrant activating his BWC. Sgt. Aldrich did not plan to speak to anyone at the scene other than the responding officers and he did not expect Officer Acosta to approach him. Sgt. Aldrich related that if serious allegations had been made to him against Officer Acosta, he would have initiated a log number to document that.

COPA interviewed **Officer Kevin Benson Jr.**<sup>43</sup> (Officer Benson) on July 22, 2021. Officer Benson related that on March 5, 2020, he and his partner, Officer Murphy, were dispatched to a call, and when they arrived on scene, they both spoke to [REDACTED] related to the officers that Officer Acosta had dumped water on her. Officer Benson stated did not observe any evidence that water had been spilled on her. While he did observe her wiping her glasses, he believed the moisture he observed were tears rather than water, as she was crying. Officer Benson did not observe the inside of her vehicle. [REDACTED] related to Officer Benson that she was going through a child custody issue with Officer Acosta, and he read the court order on her cell phone. After reading the court order, Officer Benson believed Officer Acosta was in [REDACTED] [REDACTED] stated she wanted the incident documented. Officer Acosta related to Officer Murphy that his window was damaged, and neither Officer Murphy nor Officer Benson observed any damage to the residence.

Officer Benson related that Officer Acosta is an acquaintance of his, and he reached out to a supervisor to ask for advice to avoid any conflict of interest. His immediate supervisor that day was unavailable, so Officer Benson reached out to Sgt. Aldrich either through a cell phone call or a police computer aided dispatch (PCAD) message. Officer Acosta spoke with Sgt. Aldrich and demanded a report for criminal damage to property, but Sgt. Aldrich stated that there was no damage to document. Officer Benson did not recall if anyone on scene informed Sgt. Aldrich of the allegation that Officer Acosta threw water onto [REDACTED]

Officer Benson did not recall if he or Officer Murphy completed the case report regarding this incident. When asked why the allegation made against Officer Acosta was not included in the narrative of the case report, he responded that there was no evidence that water was thrown about her person. When asked if it is necessary to have evidence to inform a supervisor of an allegation made against a department member, he stated it is not. Officer Benson related that he deactivated his BWC because from his understanding at the time of the incident, they were able to ask a

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<sup>43</sup> Att. 66

supervisor for advice without the BWC being activated if they were not around the parties involved at the scene. Officer Benson related that he is now aware that officers are required to keep the BWC activated for the entirety of the event. Officer Benson forgot to reactive the BWC when Sgt. Aldrich arrived because there was a lot occurring at the scene at the time.

COPA interviewed **Officer William Murphy**<sup>44</sup> on July 22, 2021. Officer Murphy related a similar account as Officer Benson. Officer Murphy acknowledged that he should have kept his BWC activated for the entirety of the incident to comply with the special order. Officer Murphy could not recall if anyone on scene informed Sgt. Aldrich of the allegation involving water being thrown, but he could not think why they would not have informed him. Officer Murphy stated that he wrote the case report regarding the incident. There was not a mention of the water being thrown on ██████ because there was not substantial evidence to prove the allegation. When asked if evidence is necessary to document an allegation of misconduct, Officer Murphy responded that it is not. Officer Murphy stated he forgot to reactive the BWC when Sgt. Aldrich arrived at the scene.

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

**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal 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 the proposition ... is true” *Id.* at 28.

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<sup>44</sup> Att. 65

#### IV. ANALYSIS AND CONCLUSION

##### a. Officer Jaime Acosta

COPA finds **Allegations #1** and **2** that on or about March 5, 2020, at approximately 8:44 PM, at or near [REDACTED] Officer Jaime Acosta failed to return the minor child [REDACTED] in accordance [REDACTED] and poured water on [REDACTED] without justification are **Sustained**. COPA finds [REDACTED] account of the events on March 5, 2020, to be more credible.

First, [REDACTED] told the responding officers that Officer Acosta refused to [REDACTED] at the maternal grandmother's home, which is the [REDACTED]. When Officer Acosta told [REDACTED] that she needed to pick up [REDACTED] overnight, she reluctantly agreed to pick [REDACTED] up at Officer Acosta's home. When [REDACTED] arrived, Officer Acosta initially refused to hand over [REDACTED] to [REDACTED] states pick up and drop off are to take place at [REDACTED] mother's home at 8:15 PM. On scene, Officer Acosta claims he did not drop off [REDACTED] because [REDACTED] was out with friends and the court order states that he should be the first option to watch the child. COPA does not see this language in the court order. He also tells responding officers that he was going to allow [REDACTED] to pick up [REDACTED] if she arrived before 8:30 PM, but she arrived after that. Officer Acosta's account to COPA is different from his account to responding officers in that to COPA, Officer Acosta claimed that it was [REDACTED] suggestion that she pick up [REDACTED] rather than have Officer Acosta drop [REDACTED] off at her mother's. In sum, by all accounts Officer Acosta did not drop [REDACTED] at the maternal grandmother's home at 8:15 PM.

Additionally, Officer Acosta denies pouring water on [REDACTED]. However, [REDACTED] calls 911 for a second time on March 5, 2020, to report that he poured water on her and can be heard telling him, "You poured water on me." Additionally, BWC shows [REDACTED] wiping her face and glasses off. On BWC, Officer Murphy tells Officer Acosta that [REDACTED] has water on her and COPA finds this on scene observation reliable. [REDACTED] also tells the responding officers that they can look inside her vehicle to see evidence of water being poured.

Based on a preponderance of the evidence, COPA finds [REDACTED] account more credible. Furthermore, COPA finds that not returning [REDACTED]. Therefore, COPA finds these allegations are Sustained, in violation of rules 1, 8 and 9.

COPA finds **Allegation #3** that on or about March 7, 2020, at approximately 1:39 AM, at or near [REDACTED] Officer Jaime Acosta entered [REDACTED] residence [REDACTED] is **Sustained**. The BWC clearly shows a window on the front of the house that appeared to be broken off its hinges and propped up on the ground. Additionally, BWC captured the sound of the house alarm upon the arrival of responding officers. [REDACTED] told responding officers that she saw Officer Acosta peeking out and climbing out the window from inside the residence as she was arriving home. [REDACTED] story on the night of the incident was consistent with her statement to BIA, where she stated she saw him inside her residence without her permission. Officer Acosta's account is not plausible. Officer Acosta was aware the window had been broken

for multiple months, so it is not reasonable for him to decide to fix it in the middle of the night when she was not home. Furthermore, Officer Acosta's initial departure from the scene after [REDACTED] observes him demonstrate a consciousness of guilt that he was not supposed to be at the residence. [REDACTED] Officer Acosta was [REDACTED]. Therefore, COPA finds the allegation is sustained, in violation of rules 1, 8, and 9. based on a preponderance of the evidence.

**b. Officer Kevin Benson Jr. and Officer William Murphy**

COPA finds **Allegation #1** that on or about March 5, 2020, at approximately 8:48 p.m. at or near [REDACTED] Officer Kevin Benson Jr. and Officer William Murphy failed to fully capture an incident on body worn camera in violation of Special Order S03-14 is **Sustained**. Both Officer Benson and Officer Murphy admitted that they forgot to reactivate their BWC when Sgt. Aldrich arrived on the scene. Their BWC should have been activated for the duration of their time on scene because they were actively on the scene of a call for a law-enforcement related activity and still interacting with the parties involved. Both Officers Benson and Murphy mentioned in their statements that they now realize they should have kept their BWC activated or at least reactivated it when Sgt. Aldrich arrived, and they plan to keep it on for the entirety of the event for all future calls. Therefore, COPA finds the allegation is sustained, in violation of rules 2, 3, and 6, based on a preponderance of the evidence.

COPA finds **Allegation #2** that on or about March 5, 2020, at approximately 8:48 p.m. at or near [REDACTED] Officer Kevin Benson Jr. and Officer William Murphy failed to fully and/or properly document [REDACTED] allegations against Officer Jaime Acosta is **Sustained**. Both Officers Benson and Murphy acknowledged that [REDACTED] made an allegation against Officer Acosta and that it was not documented in the case report. Both officers stated the allegation was not included in the case report because they did not have substantial evidence of the allegation. Officer Benson could not recall if he or his partner wrote the case report, but Officer Murphy stated he wrote it. However, both officers had an obligation to ensure the allegation was documented. Therefore, COPA finds the allegation is sustained, in violation of rules 2, 3, 6, and 22, based on a preponderance of the evidence.

COPA finds **Allegation #3** that on or about March 5, 2020, at approximately 8:48 p.m. at or near [REDACTED] Officer Kevin Benson Jr. and Officer William Murphy failed to fully inform the responding sergeant of the allegations made against Officer Jaime Acosta is **Sustained**. Both Officers Benson and Murphy stated in their interviews they could not recall if they informed Sgt. Aldrich of the allegation made against Officer Acosta regarding throwing water onto [REDACTED] Sgt. Aldrich stated he was not informed of such an allegation, and if he were he would have initiated a log number. Both officers deactivated their BWC prior to Sgt. Aldrich arriving, so there is no footage of them informing him of the allegation. Because [REDACTED] was making an allegation against an individual known to them to be a police officer, both officers had an obligation to report the allegation to a sergeant. Therefore, COPA finds the allegation is sustained, in violation of rules 2, 3, 6, and 22, based on a preponderance of the evidence.

**c. Sergeant Jeffrey Aldrich**

COPA finds **Allegation #1** on or about March 5, 2020, at approximately 8:48 p.m. at or near [REDACTED] Sgt. Jeffrey Aldrich failed to file an initiation report after receiving allegations of misconduct against Officer Jaime Acosta is **Not Sustained**. Sgt. Aldrich related in his statement that Officer Benson informed him of the [REDACTED] e when he arrived on scene and believed he was only responding to provide advice. Sgt. Aldrich stated that he was never informed of any allegations against Officer Acosta, and if he were, he would have initiated a log number. Both Officers Benson and Murphy could not recall if they informed Sgt. Aldrich of the allegation made against Officer Acosta regarding throwing water onto [REDACTED] Furthermore, Sgt. Aldrich denied speaking to [REDACTED] directly. Therefore, COPA finds the allegation is not sustained, as there is insufficient evidence to prove or disprove the incident occurred as alleged.

COPA finds **Allegation #2** that on or about March 5, 2020, at approximately 8:48 p.m. at or near [REDACTED] Sgt. Jeffrey Aldrich failed to capture an incident on body worn camera in violation of Special Order S03-14 is **Not Sustained**. Sgt. Aldrich related in his statement that he was called to the scene by Officer Benson to provide advice on how to avoid a conflict of interest, so his intention was to only speak to the officers at the scene and not to any parties involved. Sgt. Aldrich denied speaking with [REDACTED] or initiating a conversation with Officer Acosta. Furthermore, as previously discussed, there is insufficient evidence to show that Sgt. Aldrich was aware of [REDACTED] allegations, while on scene. Sgt. Aldrich related that typically when he speaks to a fellow officer about advice, he does not activate his BWC. If Sgt. Aldrich was aware of [REDACTED] allegations, then his response on scene should have been more than just an advisory role and his BWC should have been activated. However, since there is insufficient evidence to demonstrate that he was aware of her allegations, there is similarly insufficient evidence to prove or disprove this allegation occurred as alleged. Therefore, the allegation is Not Sustained.

## V. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

### a. Officer Jaime Acosta

#### i. Complimentary and Disciplinary History

1. **Complimentary:** 1 Crime Reduction Award (2019), 2 Annual Bureau Award of Recognitions, 1 Attendance Award, 5 Complimentary Letters, 8 Department Commendations, 1 Physical Fitness Award, 186 Honorable Mentions, 1 Honorable Mention Ribbon Award, 2 Joint Operations Awards, 1 Life Saving Award, 1 Military Service Award, 3 Police Officer of the Month Awards, 1 Problem Solving Award, 1 Outside Governmental Agency Award, 2 Special Commendations, 2 Top Gun Arrest Awards, 1 Traffic Stop of the Month Award, 1 Unit Meritorious Performance Award
2. **Disciplinary:** Reprimand 2020 (Court Appearance Violation Log #560944), Reprimand 2020 (Court Appearance Violation Log #560883), Reprimand 2020 (Preventable Accident Log #560567)

#### ii. Recommended Penalty, by Allegation

██████████ is a serious offense, especially when committed by a police officer responsible for upholding the law. Officer Acosta did not take full responsibility for his actions and minimized his conduct. Furthermore, entering the residence and not ██████████ ██████████ Furthermore, COPA finds Officer Acosta's entry into the residence in the middle of the night particularly troubling and arguably a felony act. Therefore, COPA recommends a range of a 180--day suspension through Separation.

**b. Officer Kevin Benson Jr.**

**i. Complimentary and Disciplinary History**

- 1. Complimentary:** 1 Crime Reduction Award (2019), 1 Chicago Police Leadership Award, 1 Department Commendation, 2 Physical Fitness Awards, 11 Honorable Mentions, 1 Life Saving Award
- 2. Disciplinary:** Reprimand 2017 (Neglect of Duty/Conduct Unbecoming Log #1084591), Reprimand 2020 (Court Appearance Violation Log #560828)

**ii. Recommended Penalty, by Allegation**

Officer Benson's actions were not in accordance with the Department's policies. Furthermore, his actions impeded and had the potential to prevent an investigation into an allegation of officer misconduct. However, COPA has considered Officer Benson's overall candor during his statement. Therefore, COPA recommends a 30-day suspension.

**c. Officer William Murphy**

**i. Complimentary and Disciplinary History**

- 1. Complimentary:** 2 Crime Reduction Awards (2009, 2019), 2 Attendance Recognition Awards, 4 Complimentary Letters, 3 Department Commendations, 1 Deployment Operations Center Award, 10 Physical Fitness Awards, 66 Honorable Mentions, 1 Honorable Mention Ribbon Award, 1 Life Saving Award, 1 NATO Summit Service Award, 1 Problem Solving Award, 1 Superintendent Award of Valor, 1 Other Award
- 2. Disciplinary:** None

**ii. Recommended Penalty, by Allegation**

Officer Murphy's actions were not in accordance with the Department's policies. Furthermore, his actions impeded and had the potential to prevent an investigation into

an allegation of officer misconduct. However, COPA has considered Officer Murphy's overall candor during his statement. Therefore, COPA recommends a 30-day suspension.

Approved:



9/27/2021

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Matthew Haynam  
*Deputy Chief Administrator – Chief Investigator*

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Date



9/27/2021

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Andrea Kersten  
*Interim Chief Administrator*

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Date

**Appendix A**

Assigned Investigative Staff

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<b>Squad#:</b>	9
<b>Investigator:</b>	Casey Guthrie
<b>Supervising Investigator:</b>	Sharday Jackson
<b>Deputy Chief Administrator:</b>	Matthew Haynam