

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	June 18, 2019 at 10:30 p.m., at or near 3654 N. Southport Chicago, Illinois
Date/Time of COPA Notification:	June 19, 2019 at 1:25 a.m.
Involved Officer #1:	Nicholas Estrada #13074; Employee # [REDACTED], February 16, 2017; Officer; Unit 008/012/714; [REDACTED], 1990; Male; Hispanic.
Involved Individual #1:	[REDACTED]; [REDACTED], 1991; Female; Hispanic
Case Type:	Domestic Violence

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Estrada #13074	1. It is alleged that on or about June 18, 2019, at approximately 10:30 p.m., at or near the location of 3654 N. Southport, Chicago, Illinois, Officer Estrada engaged in an unjustified verbal altercation with [REDACTED].	NOT SUSTAINED
	2. It is alleged that on or about June 18, 2019, at approximately 10:30 p.m., at or near the location of 3654 N. Southport, Chicago, Illinois, Officer Estrada engaged in an unjustified physical altercation with [REDACTED] causing bruising/laceration to her face.	SUSTAINED
	3. It is alleged that on or about June 18, 2019, at approximately 10:30 p.m., at or near the location of 3654 N. Southport, Chicago, Illinois, Officer Estrada grabbed [REDACTED] by the neck.	NOT SUSTAINED

	<p>4. It is alleged that on or about June 18, 2019, at approximately 10:30 p.m., at or near the location of 3654 N. Southport, Chicago, Illinois, Officer Estrada placed [REDACTED] in a choke hold.</p>	<p>NOT SUSTAINED</p>
	<p>5. It is alleged that on or about June 18, 2019, at approximately 10:30 p.m., at or near the location of 3654 N. Southport, Chicago, Illinois, Officer Estrada placed his hands around the body of [REDACTED] in attempt to force her inside a vehicle.</p>	<p>SUSTAINED</p>

II. SUMMARY OF EVIDENCE¹

On June 18, 2019, [REDACTED] [REDACTED] went to the 019th District Station accompanied by her brother [REDACTED] and reported a domestic incident with Officer Nicholas Estrada, an individual she had a dating relationship with. [REDACTED] relayed they were in the vicinity of 3654 N. Southport in Chicago, Illinois when she and Officer Estrada were engaged in a verbal altercation that turned physical. During this time, Officer Estrada came up behind her and placed her in a choke hold after she refused to get inside an Uber. In a further attempt to place her in a vehicle, Officer Estrada placed his hands around [REDACTED]'s body and physically forced her inside the vehicle. Upon stopping at a traffic signal [REDACTED] attempted to exit the vehicle. Subsequently, Officer Estrada exited and walked around the vehicle and blocked her from exiting with his hands. Due to the commotion, Officer Estrada eventually retreated and walked away in an unknown location. As a result of this incident [REDACTED] suffered with bruising and redness to her face. [REDACTED] reported that during the incident, unknown individuals standing outside observed the incident and attempted to intervene by telling Officer Estrada to stop. She obtained the phone number for one individual. This incident was documented in a Domestic Battery **Case Incident Report** RD# [REDACTED]² and an **Initiation Report**.³

Evidence Technician photographs⁴ of [REDACTED] depict visible redness to her face and facial bruising and/or laceration on the upper left side of her face.

During a **telephone call with [REDACTED] [REDACTED]⁵** on September 5, 2019, she relayed that she has known Officer Estrada for six months, but they had only gone out a few times. On June 18, 2019, Officer Estrada picked her up and they went out drinking. At the end of the night, the two engaged in a verbal altercation. However, she was unable to recall many of the details. Although she did not deny the incident occurred, [REDACTED] refused to provide any information regarding the physical aspect of the encounter. However, she confirmed that she did not require medical

¹COPA 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.

² Att. 2

³ Att. 1

⁴ Att. 5

⁵ Att. 8

attention. ██████ stated that since the incident, she had not spoken with Officer Estrada. ██████ declined to cooperate with COPA's investigation.⁶

During the course of this investigation, COPA contacted ██████,⁷ the brother of ██████. He relayed on June 18, 2019 he received a call from ██████ who was distressed and requested for him to pick her up. Once he arrived at her location, he drove ██████ to the 19th District where she made a report against Officer Estrada. Although he did not witness the incident, he observed marks on her face and neck area. ██████ did not share any details regarding the incident with him.

COPA contacted ██████ via telephone on December 4, 2019. ██████'s phone number was listed as a potential witness on the Case Incident Report. ██████ related that on the date of the incident he was in the area of 3654 N. Southport Ave. after attending a Cubs game. He stated he was with a large group of unknown individuals. ██████ denied observing the incident but stated he overheard arguing. He then saw a girl running towards the curb while crying and observed bystanders consoling her. ██████ understood from what he heard the crowd saying that the woman was involved in a domestic disturbance with a male, but he never saw the male.

COPA obtained a statement from **Officer Gabrielle McEnerney**⁸ on February 19, 2020, who was listed as the reporting officer on the Case Report # ██████ related that she had no independent recollection of the incident and stood by her report authored on the date of incident.⁹

During his statement to COPA on June 9, 2020, **Officer Nicholas Estrada**¹⁰ related that on June 18, 2019 he and his girlfriend, ██████ ██████, attended a Chicago Cubs game at Wrigley Field. After they exited the stadium ██████ became upset and began crying about his activities on social media.¹¹ Simultaneously, he ordered a rideshare from his cell phone. While waiting for the rideshare, ██████ became extremely upset and visibly emotional.¹² Upon arrival of the rideshare, ██████ refused to get inside. As such, he proceeded to walk toward her and put his arms around her shoulder area to convince her to get inside. However, she pulled away and walked in the opposite direction from him. Ultimately, the rideshare left. Shortly thereafter, ██████ returned to him requesting money for a separate cab, but instead, he ordered a second rideshare for them.¹³

When the second rideshare arrived, again ██████ refused to get inside and proceeded to walk away in the opposite direction. Officer Estrada admitted that he picked her up, walked to the vehicle, and physically placed her in the backseat, behind the driver.¹⁴ He then walked around the vehicle and sat in the back-passenger side, and they pulled off. While in motion, ██████ attempted

⁶ Att. 11 * It should be noted that this investigation advanced pursuant to an Affidavit Override approved by the Bureau of Internal Affairs January 27, 2020.

⁷ Att. 7

⁸ Att. 13

⁹ Att. 2

¹⁰ Att. 15, 16

¹¹ Att. 15 at 16:45-17:17, 53:30-54:05, 56:40-57:20/ Att. 16 Pg. 16:19-24, Pg. 17:1-12, Pg.51:3-18, Pg. 53-54

¹² Id. at 19:00-19:55/Id. at Pg.19

¹³ Id. at 21:00-25:55/Id. at Pg.20-25

¹⁴ Id. at 8:40-9:05, 25:55-28:00, 59:58/Id. at Pg.8 14-22, Pg.25:24, 26, 27,28:1-9, Pg.57:9-12

to exit the vehicle by opening the door, which caused her cell phone to fall out onto the street.¹⁵ At that time, the vehicle stopped, he exited and ran around to her side to convince her to stay inside the vehicle. However, ██████ kicked him with her foot in his rib area.¹⁶ Officer Estrada denied having any response to being kicked.¹⁷ He also denied grabbing her by the neck with his hands or placing her in a headlock.¹⁸ Although he denied knowing how ██████ came to have injuries to her face, he confirmed that ██████ did not have a scratch on her face prior to them going out.¹⁹ Officer Estrada suggested that his actions were out of concern for her safety and well-being.²⁰ The pair went their separate ways and there was no further incident. It should be noted, after a two-month separation the couple began dating again and were in a relationship at the time of Officer Estrada's statement to COPA.

COPA attempted to gain **Uber records** related to this incident but was unsuccessful.²¹

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

¹⁵ *Id.* at 9:30-9:55, 30:05-31:00/*Id.* at Pg.8:1-8, Pg.30 19:24, 31

¹⁶ *Id.* at 32:45-35:20/*Id.* at Pg. 34-35

¹⁷ *Id.* at 38:45-39:40/*Id.* at Pg. 39-40

¹⁸ **Att. 15** at 41:40-43:45/ **Att.16.** at Pg. 41:15-24, 42

¹⁹ *Id.* at 56:05-56:13/*Id.* at Pg. 53:9-11

²⁰ *Id.* at 8:35, 24:50-25:53, 40:25-41:30/*Id.* at Pg.8:14-20, Pg. 25, Pg. 40:17-24, 41:1-11

²¹ Att. 19-22

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.

IV. ANALYSIS AND CONCLUSION

COPA finds **Allegation #1** that on June 18, 2019, at approximately 10:30 p.m., at or near the location of 3654 N. Southport, Chicago, Illinois, Officer Nicholas Estrada, # [REDACTED] engaged in an unjustified verbal altercation with [REDACTED] is **Not Sustained**. [REDACTED] reported to CPD and to COPA that she was engaged in a verbal altercation with Officer Estrada. However, [REDACTED] did not elaborate on the details of that verbal altercation. [REDACTED] stated he heard arguing but was similarly unable to recall details of the argument. Officer Estrada denied having an unjustified verbal altercation. Instead, he described the interaction as a misunderstanding regarding his activities of social media at which time [REDACTED] was very upset. Given the lack of clarifying information regarding the verbal altercation, COPA is unable to determine if this altercation was unjustified or merely a heated argument. Therefore, COPA cannot determine based on these facts alone that it is more likely than not that the incident occurred, and Allegation #1 is **Not Sustained**.

COPA finds **Allegations #3 and 4**, on June 18, 2019, at approximately 10:30 p.m., at or near the location of 3654 N. Southport, Chicago, Illinois, Officer Nicholas Estrada, # [REDACTED], the accused grabbed [REDACTED] by the neck and placed her in a chokehold are **Not Sustained**. COPA was unable to obtain cooperation from [REDACTED] or located any witnesses to the physical altercation. Although [REDACTED] had visible injuries, COPA is unable to determine the precise contact that caused these injuries. Officer Estrada denied the allegations that he grabbed [REDACTED] by the neck or placed her in choke hold. Therefore, COPA cannot determine based on these facts alone that it is more likely that not that the accused grabbed her by the neck and placed her in a chokehold, so Allegations #3 and 4 are **Not Sustained**.

COPA finds **Allegations #2 and 5**, that on June 18, 2019, at approximately 10:30 p.m., at or near the location of 3654 N. Southport, Chicago, Illinois, Officer Nicholas Estrada, # [REDACTED], the accused engaged in an unjustified physical altercation with [REDACTED] causing bruising/laceration to her face and used his hands to force her inside of a vehicle are **Sustained**. [REDACTED] did not provide a statement to COPA but did not deny the allegations. She immediately was taken to the 19th District by her brother, who observed her in distress and observed injuries to her face and neck. Upon arriving at the police station, [REDACTED] reported these allegations against Officer Estrada. An evidence technician documented visible redness and an injury to her face immediately after the incident. Officer Estrada confirmed these injuries were not present on her face prior to going out that night. Additionally, although [REDACTED], an independent witness, denied observing the incident, he did corroborate some of the information. [REDACTED] overheard arguing. He then saw a girl running towards the curb while crying and observed bystanders consoling her. [REDACTED] understood from what he heard the crowd saying that the woman was involved in a domestic disturbance with a male.

Officer Estrada He reported that the only time he made physical contact with her was when he hugged [REDACTED] to console her and when he picked her up to place her in a vehicle. Throughout his interview, Officer Estrada reiterated that [REDACTED] did not want to get inside of the Uber with him. Further, he admitted that [REDACTED] repeatedly told him that she did not want to leave with him,

and he physically picked her up and placed her inside the car. Officer Estrada explained that [REDACTED] so desperately wanted to get away from him, that she attempted to exit a moving vehicle. Moreover, after the vehicle stopped and he ran around to her side to “convince” her to stay inside, she kicked him in the front area of his ribs.

Due to [REDACTED]’s immediate reporting of the incident to police, the circumstantial evidence witnessed by [REDACTED] and [REDACTED], and the photographic evidence COPA finds that these allegations are supported by a preponderance of the evidence. Therefore, these allegations are Sustained in violation of Department rules, 2, 3, 8, and 9.

V. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Nicholas Estrada

i. Complimentary and Disciplinary History

- 1. Complimentary:** 1 Crime Reduction Award, 1 Department Commendation, 2 Physical Fitness Awards, 53 Honorable Mentions, 1 Unit Meritorious Performance Award
- 2. Disciplinary:** None

ii. Recommended Penalty, by Allegation

- 1. Allegation No. 2:** 60-day Suspension
- 2. Allegation No. 5:** 60-day Suspension

Domestic violence is a serious offense, especially when committed by a police officer responsible for upholding the law. Officer Estrada did not take full responsibility for his actions and minimized his conduct. Therefore, COPA recommends a 60-day Suspension.

Approved:

[REDACTED]

5/28/2021

Matthew Haynam
Deputy Chief Administrator

Date

Appendix A

Assigned Investigative Staff

Squad#:	9
Investigator:	Chantelle Hill
Supervising Investigator:	Sharday Jackson
Deputy Chief:	Matthew Haynam