

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	December 30, 2019 at approximately 8:10pm [REDACTED] Chicago, IL 60655
Date/Time of COPA Notification:	December 30, 2019 at 11:34pm
Involved Officer #1:	Kerry Pozulp, Star #7776, Employee ID#[REDACTED], Date of Appointment October 31, 2005, Police Officer, Unit of Assignment 001, DOB [REDACTED], 1982, Male, White
Involved Officer #2:	Tara Murdoch, Star #1922, Employee ID#[REDACTED], Date of Appointment October 30, 2006, Sergeant, Unit of Assignment 022, DOB: [REDACTED], 1982, Female, White
Involved Officer #3:	Michael Devine, Star #4080, Employee ID#[REDACTED], Date of Appointment August 1, 1994, Police Officer, Unit of Assignment 022, DOB: [REDACTED], 1969, Male, White
Involved Officer #4:	Angelica Castaneda, Star #13253, Employee ID#[REDACTED], Date of Appointment January 17, 2017, Police Officer, Unit of Assignment 022, DOB: [REDACTED], 1979, Female, White
Involved Officer #5	Ronald Lis, Star #19106, Employee ID#[REDACTED], Date of Appointment December 2, 1996, Police Officer, Unit of Assignment 017, DOB: [REDACTED], 1964, Male, White
Involved Individual #1:	[REDACTED] DOB [REDACTED], 1983, Female, White
Involved Individual #2:	[REDACTED] DOB [REDACTED], 1954, Female, White
Case Type:	Domestic Violence

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Kerry Pozulp	1. On or about December 30, 2019 at approximately 8:10 PM, at or near [REDACTED] Chicago, IL Officer Kerry Pozulp struck [REDACTED] with an open hand without justification.	NOT SUSTAINED

<p>2. On or about December 30, 2019 at approximately 8:10 PM, at or near ██████████ Chicago, IL Officer Kerry Pozulp took ██████████ cell phone without permission.</p>	<p>NOT SUSTAINED</p>
<p>3. On or about December 30, 2019 at approximately 8:30 PM, at or near ██████████ Chicago, IL Officer Kerry Pozulp made verbal threats to harm ██████████</p>	<p>NOT SUSTAINED</p>
<p>4. On or about December 30, 2019 at approximately 8:30 PM, at or near ██████████ Chicago, IL Officer Kerry Pozulp made verbal threats to harm ██████████</p>	<p>NOT SUSTAINED</p>

II. SUMMARY OF EVIDENCE¹

COPA was notified via **Initiation Report²** that it was alleged that on December 30, 2019, at approximately 8:10 p.m. Officer Kerry Pozulp (hereafter Officer Pozulp) engaged in a verbal altercation with his ██████████, ██████████ (hereafter ██████████) inside a vehicle and stated words to her to the effect of “get the fuck out of my car.” ██████████ exited the vehicle and proceeded to walk home, then leaned her head inside the passenger side window and requested her phone. Officer Pozulp then struck ██████████ with an open hand across her left cheek. Unknown neighbors heard the altercation, asked ██████████ if she needed help and she responded yes. When police were called, Officer Pozulp fled the scene. A supervisor, Sgt. Tara Murdoch (hereafter Sgt. Murdoch) arrived on scene and was met by ██████████ (hereafter ██████████) who is the mother of ██████████ and a witness of the incident. ██████████ related that ██████████ left to retrieve her cell phone from Officer Pozulp. ██████████ contacted ██████████ and told her to meet officers at the 22nd District to report the incident. This incident was documented in an **Original Case Incident Report(RD# ██████████)**³ that was generated as a simple domestic battery report.

An additional **Original Case Incident Report (RD# ██████████)**⁴ was generated as a harassment by electronic means report. The report related that after Officer Pozulp fled the scene, Officer Pozulp made verbal threats to harm both ██████████ and ██████████ via telephone call. The threat made ██████████ fear for her safety.

An **OEMC Event Query⁵** documents that ██████████ called police to report her daughter being abused by her husband, who is a Chicago police officer. ██████████ related that she was

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. 5

³ Att. 8

⁴ Att. 6

⁵ Att. 12

threatened by her daughter's husband and they both had been drinking.⁶ [REDACTED] further related that [REDACTED] had taken her phone, so she relocated to 7 Eleven to use a phone to call 911.

An additional **OEMC Event Query**⁷ documents a neighbor called police to report that they saw a female being pushed around by a male across the street from their location.⁸

COPA attempted to obtain statements from [REDACTED] and [REDACTED] but was unsuccessful. Therefore, an **Affidavit Override**⁹ was obtained.

COPA obtained **Body Worn Camera (BWC)** footage from the incident.¹⁰ BWC reveals [REDACTED] speaking with Sgt. Murdoch and two responding officers.¹¹ [REDACTED] relates that Officer Pozulp is a very dangerous person, and he once told her that he was going to kill her daughter, cut her up, and put her somewhere [REDACTED] would never find her.¹² [REDACTED] further relates that [REDACTED] and Officer Pozulp had been drinking, [REDACTED] came home with a red mark across her face and informed [REDACTED] that Officer Pozulp had slapped her and took her phone.¹³ [REDACTED] states that [REDACTED] then took [REDACTED] phone and left to find Officer Pozulp and retrieve her own phone. A responding officer allows [REDACTED] use their department cell phone to call her daughter, who stated she was on her way back to the house. [REDACTED] agrees to meet the officers at the police station, and all officers and [REDACTED] relocate to meet her there. There is no BWC footage capturing the officer's interaction with [REDACTED] at the police station.

COPA interviewed **Officer Kerry Pozulp** on October 27, 2021.¹⁴ Officer Pozulp related that he has been married to [REDACTED] for about five years and they have one daughter together. They had an argument regarding inappropriate things that [REDACTED] found on his cell phone. On December 30, 2019 they met at a bar to discuss their marriage while [REDACTED] was at home with their child. He related that they were at the bar for approximately three hours, and he had about three drinks, while [REDACTED] had seven or eight drinks. Their conversation at the bar became loud, and they went into his vehicle to continue the conversation while driving home. In the vehicle, the conversation between them was very intense and [REDACTED] was yelling and screaming at Officer Pozulp. He asked her to get out of the car when they were about two houses north of their house. [REDACTED] then stood by the passenger window of the vehicle and repeatedly asked him for her cell phone. [REDACTED] thought Officer Pozulp took his phone, even though he repeatedly told her he did not have it. He described [REDACTED] as intoxicated, yelling and crying, but coherent. She stood next to the vehicle for approximately five to ten minutes attempting to retrieve her phone. He never saw anyone in the area, but he heard a neighbor yell to them asking what was going on. He did not respond to the neighbor, and he could not recall if [REDACTED] responded. He denied striking her or making contact

⁶ It is unclear who [REDACTED] reported had been drinking.

⁷ Att. 11

⁸ Multiple attempts were made to contact the neighbor who called police, including several phone calls, a letter sent via certified mail, and a canvass which resulted in a business card being left in the mailbox.

⁹ Att. 24 & 25

¹⁰ Att. 3, 13, 15

¹¹ COPA recognized that Sgt. Murdoch did not activate her BWC in a timely manner, but an allegation was not served regarding the late activation.

¹² Att. 3 at 0:30-0:40

¹³ Id. at 0:41-0:48

¹⁴ Att. 31

with any part of her body. He related that she was in possession of her phone the entire time and did not realize it.

Officer Pozulp drove to his parent's house to allow him and [REDACTED] to calm down from the situation. Either on his way to his parent's house or when he arrived there, he received a call from [REDACTED] and answered. [REDACTED] favored her daughter's side of the story and was upset about what was going on between him and [REDACTED]. He related that the phone call became intense, and he hung up on her. Officer Pozulp denied making any threat to [REDACTED] or [REDACTED] on the phone call.

Officer Pozulp drove back to his residence at approximately 3:00 a.m. because he was unable to sleep and felt awful about what was happening in his marriage. When he arrived home, he spoke with [REDACTED] in the living room, where he apologized to her for the content that was on his phone.¹⁵ They went to bed about an hour later. When they woke up, [REDACTED] informed him that she made a mistake and filed police reports against him.¹⁶ She told him that she was intoxicated, and she hardly remembered the incident.

COPA interviewed **Sgt. Tara Murdoch**¹⁷ on September 9, 2020.¹⁸ Sgt. Murdoch related that on December 30, 2019, she was in a patrol car when [REDACTED] pulled up next to her. [REDACTED] informed Sgt. Murdoch that her daughter, [REDACTED] had been in an altercation with her son-in-law, who is a Chicago police officer. They then relocated to [REDACTED] residence and another squad car arrived (now known as Officer Lis and Officer Devine). Sgt. Murdoch spoke with [REDACTED] and the child in the vehicle, while the other two officers attempted to see if anyone was at the house of the accused. [REDACTED] related that [REDACTED] had taken her cell phone, so she did not have a phone to call her daughter to inquire about her location. [REDACTED] related that Officer Pozulp had contacted her through some sort of audio call on her iPad, and he threatened her. Sgt. Murdoch gave [REDACTED] her department phone to use to call [REDACTED] and [REDACTED] related she was on her way back and would be at the house in five minutes. Sgt. Murdoch then asked [REDACTED] if she wanted to meet them at the police station instead of coming back to the house, to which she agreed. They all relocated to the police station, and [REDACTED] arrived at the station alone.

Once inside the station, they relocated to the youth office in the district where Officer Castaneda agreed to speak with both victims to complete police reports. Sgt. Murdoch was present in the room to hear [REDACTED] statement being taken, and [REDACTED] left the station and returned home because [REDACTED] child needed to go to bed. Sgt. Murdoch recalled [REDACTED] stating that she and her husband had spent time together during the day, but they got into an altercation on their way home. [REDACTED] exited the car and her phone remained in the car. When she leaned into the car to get her phone, Officer Pozulp made physical contact with her and she was unable to get her phone back. Someone on the street asked if she was alright and if she wanted them to call the police, to which she replied yes. Officer Pozulp then fled the scene, and [REDACTED] took [REDACTED] phone and left the scene herself in another vehicle. Sgt. Murdoch did not observe any injuries,

¹⁵ Att. 31 at 11:40-12:25, Officer Pozulp originally stated he "apologized for a bunch of things", and when asked to clarify he stated he apologized for the inappropriate things on his cell phone.

¹⁶ Officer Pozulp related that this was the first time he learned that police were called.

¹⁷ At the time of the incident and her interview, Sgt. Murdoch was using her maiden name, Sgt. Tara Richardson.

¹⁸ Att. 1

marks, or bruises on [REDACTED]. She described [REDACTED] demeanor as annoyed and [REDACTED] demeanor as frantic. She stated [REDACTED] almost seemed relieved because she was in a safe place and was able to speak with them in confidence, knowing Officer Pozulp was not going to arrive there to prevent any conversation from occurring. Sgt. Murdoch did not recall [REDACTED] crying at all, and the officers never discovered which neighbor called the police.

COPA interviewed **Officer Angelica Castaneda** (hereafter Officer Castaneda) on October 14, 2020.¹⁹ Officer Castaneda related that she was approached by Sgt. Murdoch and asked to write a report related to a domestic incident that involved an off-duty officer. [REDACTED] met her at the station and went through the details of what occurred. Officer Castaneda could not recall specific details of what [REDACTED] related to her. Officer Castaneda related that [REDACTED] seemed calm, and she did not observe any injuries on her. [REDACTED] did not mention any past abuse with her husband. Officer Pozulp never arrived at the district that night, and Officer Castaneda never spoke with him regarding this incident.

COPA interviewed responding **Officer Ronald Lis** (hereafter Officer Lis) on September 23, 2020.²⁰ Officer Lis related that him and his partner, Officer Michael Devine, ran into Sgt. Murdoch while on patrol. Sgt. Murdoch informed them that she had contacted the victim's mother, [REDACTED] and she was going to meet them at Officer Pozulp's address. When they arrived, Sgt. Murdoch, [REDACTED] and [REDACTED] child were all on scene, but he never saw the child. He and his partner went to the door of the home to make sure Officer Pozulp was not present. The house appeared to be vacant. They observed no lights on and no one answered the door. He described [REDACTED] demeanor as upset, but nothing out of the ordinary. Officer Lis never saw [REDACTED] or Officer Pozulp.

COPA interviewed responding **Officer Michael Devine** (hereafter Officer Devine) on September 24, 2020.²¹ Officer Devine related the same basic facts that Officer Lis related during his statement regarding the incident.

COPA obtained a **Case Supplementary Report** regarding RD# [REDACTED].²² The reporting detective of the report, Detective Theresa Floyd (hereafter Detective Floyd), spoke to [REDACTED] on December 31, 2019. [REDACTED] related that while in the vehicle with her husband, a verbal altercation occurred concerning money. At some point during the argument [REDACTED] told Officer Pozulp that she wanted to get out of the vehicle, and she exited and began walking toward their home. [REDACTED] related that Officer Pozulp followed behind her in the vehicle, and once in front of their home, she went to the vehicle when she realized that she left her cell phone in it. She related she started yelling loudly as she was upset and intoxicated. Officer Pozulp tossed her phone towards her and initially, [REDACTED] stated it hit her in the face, and then she corrected herself and said he tossed it on the passenger seat. The loud commotion then caused her neighbor to ask her if she wanted her to call the police, to which she replied "no." [REDACTED] told Officer Pozulp to leave her alone, and he left the scene. Her mother, [REDACTED] was inside the residence babysitting her child, and heard the commotion and came outside. [REDACTED] related that in her intoxicated state she thought Officer

¹⁹ Att. 23

²⁰ Att. 2

²¹ Att. 4

²² Att. 27

Pozulp had left in the vehicle with her phone still inside it. She asked [REDACTED] for her cell phone to call her husband, and then left in her vehicle to locate him. She returned a short time later and realized her phone was in her pocket. [REDACTED] stated she falsely told [REDACTED] that the altercation turned physical when Officer Pozulp slapped her across the face with an open hand. She also falsely told the reporting officers that information when she relocated to the police station. [REDACTED] repeatedly stated she was intoxicated and upset, and as a result she overreacted, and falsely stated Officer Pozulp hit her. She denied having any physical altercations with Officer Pozulp and stated they only have verbal altercations.

Detective Floyd also spoke with [REDACTED] on December 31, 2019. [REDACTED] related that she temporarily lives with [REDACTED] and Officer Pozulp. She was babysitting her grandchild when she heard a commotion and went outside to see what it was. She was met by her daughter, [REDACTED] who appeared to be intoxicated and upset about Officer Pozulp leaving in his vehicle with her cell phone. [REDACTED] asked [REDACTED] to use her phone to call her husband, and she took the phone and got in her vehicle to locate Officer Pozulp. [REDACTED] was afraid and concerned about what was happening, and she relocated to 7 Eleven to find someone to call the police. [REDACTED] then returned home and when police arrived, she used their phone to call her cell phone, which [REDACTED] was in possession of. They then relocated to the police station, and she was separated from [REDACTED] while giving statements regarding the incident to officers. When asked if she witnessed any physical altercation between her [REDACTED] and Officer Pozulp, [REDACTED] related she had not.

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 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 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.

IV. ANALYSIS AND CONCLUSION

COPA finds **Allegation #1**, that on or about December 30, 2019 at approximately 8:10 PM, at or near ██████████ Chicago, IL Officer Kerry Pozulp struck ██████████ with an open hand without justification, is **Not Sustained**. ██████████ reported conflicting narratives to the police on the night of the incident and the day after. In her conversation with Detective Floyd, the day after the incident, ██████████ repeatedly stated she was intoxicated and upset. As a result, she overreacted and falsely stated Officer Pozulp hit her. Officer Pozulp denied striking ██████████ or making contact with any part of her body. In addition, the responding officers did not see any visible injuries on ██████████. Therefore, COPA finds this 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 December 30, 2019 at approximately 8:10 PM, at or near ██████████ Chicago, IL Officer Kerry Pozulp took ██████████ cell phone without permission, is **Not Sustained**. ██████████ originally reported that Officer Pozulp drove away with her phone in the vehicle. When speaking with Detective Floyd the next day, ██████████ related Officer Pozulp tossed her phone towards her and initially stated it hit her in the face. She then stated he tossed it on the passenger seat. She then thought he drove away with it in the vehicle and left to attempt to locate Officer Pozulp and her phone. She also related that she returned a short time later when she realized her phone was in her pocket. Officer Pozulp related in his statement that ██████████ phone was in her pocket throughout the incident, and he never saw it. Therefore, COPA finds this allegation is Not Sustained, as there is insufficient evidence to prove or disprove the incident occurred as alleged.

COPA finds **Allegations #3 and 4**, that on or about December 30, 2019 at approximately 8:30 PM, at or near ██████████ Chicago, IL Officer Kerry Pozulp made verbal threats to harm ██████████ and ██████████ are **Not Sustained**. ██████████ reported that after Officer Pozulp fled the scene, he called her through an iPad and made verbal threats to harm her and ██████████. Officer Pozulp stated ██████████ called him after he left the residence, and he answered. During that call ██████████ favored her daughter’s side of the story and was upset about what was going on between him and ██████████. He related that the phone call became intense, and he hung up on her. Officer Pozulp denied making any type of threat to ██████████ or ██████████ on the phone call. Therefore, COPA finds these allegations are Not Sustained, as there is insufficient evidence to prove or disprove that Officer Pozulp made verbal threats to ██████████ and ██████████.

Approved:

██████████

Sharday Jackson

Deputy Chief Administrator

January 24, 2022

Date