

**SUMMARY REPORT OF INVESTIGATION****I. EXECUTIVE SUMMARY**

Date of Incident:	April 5, 2019
Time of Incident:	9:19 am
Location of Incident:	[REDACTED]
Date of COPA Notification:	April 9, 2019
Time of COPA Notification:	10:00 am

On April 5, 2019, at or about 9:19 am, at or near [REDACTED] Officer Jennifer Finnegan (formerly Uzubell) responded to a landlord/tenant dispute. It was reported that the manager of the building, [REDACTED] cut the electricity to the living area of the single-family home, except for the basement. Because there was no heat, the caller had to take her [REDACTED] somewhere else to stay. Mr. [REDACTED] denied he cut the electricity and claimed Com Ed was responsible because Ms. [REDACTED] failed to pay the electric bill. By the time Officer Finnegan arrived, the electricity had already been off for three days.

Officer Finnegan issued two Administrative Notices of Violation, one for turning off the electricity, and one for managing a dilapidated building.

**II. INVOLVED PARTIES**

Involved Officer #1:	Jennifer Finnegan (formerly Uzubell), star # 16637, employee ID# [REDACTED], Date of Appointment June 19, 2000, PO, Unit of Assignment 016, DOB [REDACTED], 1969, Female, race W.
Involved Officer #2:	Edwin Caraballo, star # 1268, employee ID# [REDACTED], Date of Appointment October 25, 1999, Sergeant, Unit of Assignment 015, DOB [REDACTED], 1968, Male, race S.
Witness Officer #1:	Richard Pellerano, star# 19165, employee ID# [REDACTED], Unit of Assignment 015, Male, <i>Deceased</i> .
Involved Individual #1:	[REDACTED] DOB [REDACTED], 1976, Male, race B.
Witness Individual #2:	Ms. [REDACTED] (tenant), Female, race B.

### III. ALLEGATIONS

Officer	Allegation	Finding
Officer Jennifer Uzubell	<p>It is alleged that on April 5, 2019, at about 9:19 am, at [REDACTED] Officer Jennifer Finnegan:</p> <ol style="list-style-type: none"> <li>1. Wrote Administrative Notices of Violations against [REDACTED] that contained false allegations.</li> <li>2. Threatened to arrest [REDACTED] without justification.</li> <li>3. Displayed an aggressive demeanor against [REDACTED] without justification.</li> <li>4. Falsely accused [REDACTED] of turning off the electricity at the building in question to others.</li> <li>5. Threatened to turn off her body worn camera so [REDACTED] could not prove he had working smoke detectors and carbon monoxide detectors.</li> <li>6. Deactivated her body worn camera before the end of the incident.</li> <li>7. Behaved in an unprofessional manner when she continuously accused [REDACTED] of being a slum lord.</li> </ol>	<p>UNFOUNDED</p> <p>SUSTAINED</p> <p>UNFOUNDED</p> <p>NOT SUSTAINED</p> <p>UNFOUNDED</p> <p>UNFOUNDED</p> <p>SUSTAINED</p>
Sergeant Edwin Caraballo	<p>It is alleged that on April 5, 2019, at about 9:19 am, at [REDACTED] Sergeant Edwin Caraballo:</p> <ol style="list-style-type: none"> <li>1. Forced [REDACTED] to open the electrical breaker box cover at the location in question, which was inappropriate.</li> <li>2. Took a complaint on scene from [REDACTED] [REDACTED] and failed to file an initiation report.</li> </ol>	<p>UNFOUNDED</p> <p>SUSTAINED</p>

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#### IV. APPLICABLE RULES AND LAWS

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##### Rules

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1. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings about discredit upon the Department.
  2. Rules and Regulations of the Chicago Police Department: I (B)(3)(c), (B)(13).
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##### General Orders

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1. G08-01-02 (II)(B)(5) *Specific Responsibilities Regarding Allegations of Misconduct*
  2. G04-01 (IV)(2) *Preliminary Investigations*
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##### Special Orders

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1. S03-14 *Body Worn Cameras*
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##### State Law

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1. 725 ILCS 5/107-2 (1)(c) *Arrest by Peace Officer*
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#### V. INVESTIGATION<sup>1</sup>

##### a. Interviews

[REDACTED]  
On August 26, 2019, at about 10:24 am, Mr. [REDACTED] was interviewed at COPA regarding an incident that occurred on April 5, 2019, at approximately 9:19 am, at or near [REDACTED]  
[REDACTED]

According to Mr. [REDACTED] on the day in question, he and the owner of the building had been granted an Order of Possession as part of the process for evicting the tenants. They were waiting on the Sheriff to come and remove the tenants when Mr. [REDACTED] visited the property. When he arrived, there was some commotion regarding a lack of power.<sup>3</sup> Mr. [REDACTED] explained to the tenants that the lack of power was due to an unpaid Com Ed bill, which was in the tenant's name. The tenants called the police to get the power reinstated.

When Officer Uzubell (who will be referred to under her married name, Officer Finnegan) arrived on scene, Mr. [REDACTED] recognized her as an officer who had previously responded to a call in which he was involved. He felt that on this day Officer Finnegan was prejudice against him based on that previous call.<sup>4</sup> Mr. [REDACTED] claimed that he filed a complaint against Officer Finnegan at that time, but later dropped it when an unknown sergeant spoke to him and said he would speak

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<sup>1</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>2</sup> [REDACTED] Interview-Att. 19.

<sup>3</sup> [REDACTED] Interview-Att. 19 at 03:05.

<sup>4</sup> [REDACTED] Interview-Att. 19 at 03:50.

with his officers about tenant/landlord issues.<sup>5</sup> Mr. [REDACTED] stated that Officer Finnegan grabbed him and pushed him up against a vehicle to obtain his identification.<sup>6</sup> He was not searched.

It was alleged that on this date, Officer Finnegan was immediately aggressive with Mr. [REDACTED] when she arrived and immediately made the accusation that he cut the power to the property and threatened to arrest him.<sup>7</sup> Mr. [REDACTED] stated that he did not cut the power and asked for a sergeant. When the sergeant arrived, he called Com Ed and found the power was cut off due to an unpaid bill, at which time he refused to arrest Mr. [REDACTED].<sup>8</sup>

Mr. [REDACTED] also alleged that Sergeant Caraballo “made him” open the electrical box to expose the wiring to see if it was tampered with, which was inappropriate and dangerous, and then threatened to arrest him for not cooperating.<sup>9</sup> A tenant, Mr. [REDACTED] and Department members were all in the basement at the time.<sup>10</sup>

The tenants alleged that there were no working smoke/carbon monoxide detectors in the property.<sup>11</sup> When Mr. [REDACTED] pressed the button to the detector to test the system, Officer Finnegan said, “I’m going to turn off my camera so you can’t prove this.” Mr. [REDACTED] left the building, located the sergeant, and told him Officer Finnegan was attempting to jail him. Mr. [REDACTED] stated that he then saw Officer Finnegan turn off her camera.<sup>12</sup> Sergeant Caraballo then told Officer Finnegan to get rid of the tickets she wrote regarding the power, the smoke/carbon monoxide detectors, and the dilapidated building. Mr. [REDACTED] later said that Sergeant Caraballo told him to go to court.<sup>13</sup>

Mr. [REDACTED] told investigators that Sergeant Caraballo invited him to file a complaint with him, which he claimed a desk sergeant told him was improper procedure.<sup>14</sup> Mr. [REDACTED] then contacted COPA.

#### PO JENNIFER FINNEGAN (formerly UZUBELL)<sup>15</sup>

On July 21, 2021, at about 3:08 pm, Officer Jennifer Finnegan was interviewed at COPA regarding an incident that occurred on April 5, 2019, at approximately 9:19 am, at or near [REDACTED]  
[REDACTED]

According to Officer Finnegan, she believed that she was responding to a landlord-tenant call but did not recall the specifics of the transmission. When she arrived on scene, she recognized

<sup>5</sup> [REDACTED] Interview-Att. 19 at 04:00.

<sup>6</sup> [REDACTED] Interview-Att. 19 at 14:00. Mr. [REDACTED] later changed the story and said Officer Finnegan told him to go to the car and wait as she wrote the tickets (16:55). He also stated he gave her his ID.

<sup>7</sup> [REDACTED] Interview-Att. 19 at 04:30.

<sup>8</sup> [REDACTED] Interview-Att. 19 at 04:55. At 13:30 Mr. [REDACTED] then said Officer Finnegan and Sergeant Caraballo both called Com Ed.

<sup>9</sup> [REDACTED] Interview-Att. 19 at 05:25 and 12:00.

<sup>10</sup> [REDACTED] Interview-Att. 19 at 12:20.

<sup>11</sup> [REDACTED] Interview-Att. 19 at 06:55-07:25.

<sup>12</sup> [REDACTED] Interview-Att. 19 at 18:38.

<sup>13</sup> [REDACTED] Interview-Att. 19 at 19:35. He was ultimately given the ANOVs relating to the power and smoke/carbon monoxide detector.

<sup>14</sup> [REDACTED] Interview-Att. 19 at 08:15.

<sup>15</sup> Finnegan Interview-Att. 40. It should be mentioned that Officer Finnegan was out on medical leave for several months and was interviewed as soon as she was available.

the complainant, Mr. [REDACTED] from a call she responded to at an earlier time at [REDACTED].<sup>16</sup> It was said that CAPS Officer Jorje Nunoz was very familiar with Mr. [REDACTED] and received complaints about the condition of the building, i.e., broken windows, lack of heating, and structural issues.<sup>17</sup> Officer Finnegan also relayed that the woman from [REDACTED] had to take her [REDACTED] to a hotel because there was no heat.<sup>18</sup>

When the investigator asked Officer Finnegan why she turned off her body worn camera while she was still in the house inspecting the smoke and carbon monoxide detectors, she responded that she felt the call ended, once she wrote the Administrative Notices of Violations (ANOVs) for Mr. [REDACTED]. In fact, when Mr. [REDACTED] complained about the ANOVs, Officer Finnegan told Mr. [REDACTED] to address his concerns to Sergeant Caraballo.<sup>19</sup> At no time did she feel she should turn her camera back on.

Next, Officer Finnegan was asked about her comments that Mr. [REDACTED] was a slum lord. She went on to define a slum lord as a landlord with a dilapidated house who took advantage of people for his own gain and who were unfamiliar with landlord/tenant issues.<sup>20</sup> She also mentioned that she felt Mr. [REDACTED] intimidated the women who rented from him. For these reasons, she believed Mr. [REDACTED] was a slum lord. She told the tenants and others on the scene that Mr. [REDACTED] was a slum lord to make them aware that he had a history and did not only take advantage of the tenants of this particular building, and that he would blame the tenants for the issues at the building and tell others he lives at the property when he does not.<sup>21</sup> She felt that others should know about people in the district that exhibit this type of behavior.

The next allegation involved the ANOVs that were issued to Mr. [REDACTED]. He received one ANOV because it was alleged that he turned off the electricity in the residence, and one for managing or controlling a dilapidated property.<sup>22</sup> She wrote the violation for the electricity based on what a tenant told her, which was that all of the utilities were in her name rather than that of the landlord, and based on a visual inspection of the electrical meter.<sup>23</sup> Mr. [REDACTED] was also alleged to be the only person with access to the breaker box.<sup>24</sup> She did not, however, have evidence that it was actually Mr. [REDACTED] who turned off the electricity, but relied on the tenant's accusation, which she repeated to others, including the officers on scene.<sup>25</sup> She went on to say later that to her, it was a ninety-nine percent probability, but she did not see him do it.<sup>26</sup> The violation for managing or controlling a dilapidated property was based on the officer's visual inspection of the building.

<sup>16</sup> Finnegan Interview-Att. 40 at 08:58.

<sup>17</sup> Finnegan Interview-Att. 40 at 10:03.

<sup>18</sup> Finnegan Interview-Att. 40 at 12:45.

<sup>19</sup> Finnegan Interview-Att. 40 at 17:00.

<sup>20</sup> Finnegan Interview-Att. 40 at 22:43.

<sup>21</sup> Finnegan Interview-Att. 40 at 25:30.

<sup>22</sup> Finnegan Interview-Att. 40-Officer Finnegan also wrote ANOVs for not having Smoke or Carbon Monoxide detectors, but Sergeant Caraballo rejected those ANOVs after he performed an inspection and determined them operational. BWC Caraballo-Att. 9 at 01:47-02:46 and 03:32.

<sup>23</sup> Finnegan Interview-Att. 40 at 34:00.

<sup>24</sup> Finnegan Interview-Att. 40 at 47:30.

<sup>25</sup> Finnegan Interview-Att. 40 at 35:38 and 45:43.

<sup>26</sup> Finnegan Interview-Att. 40 at 46:00.

Officer Finnegan stated that when she had questions about building code violations, she sought the advice of Officer/FTO Carla Jackson. In this case, Officer Finnegan was told to give Mr. [REDACTED] thirty minutes to turn the electricity back on or he could be arrested.<sup>27</sup> According to Officer Finnegan, this was a quality-of-life issue.<sup>28</sup> Officer Finnegan said that she normally investigated before writing an ANOV, and on this day went to the back of the house to be sure the electricity had been turned off. The other officers on the scene turned switches on and off and apparently there now was power.<sup>29</sup> Later in the interview Officer Finnegan stated that the electricity for the house did, in fact, turn on after the officers flipped the switch.<sup>30</sup> And when she went to check the operation of the smoke/carbon monoxide detectors, it did not seem those worked very well, but she trusted what the tenants said about the situation.

Officer Finnegan believed Mr. [REDACTED] turned off the electricity since the utilities were all placed in the name of a tenant, and because when the officers were in the back of the house and flipped an electrical switch, the meter began to run. She based the ANOV for managing a dilapidated building on her own personal inspection.

Mr. [REDACTED] alleged that Officer Finnegan unjustly displayed an aggressive attitude toward him. Officer Finnegan responded to the allegation and said that an officer needed to be authoritative.<sup>31</sup> Her experience was that Mr. [REDACTED] “over-talked” and interrupted her and she needed to control the situation, which included verbally cutting him off if necessary. She also felt that he was dishonest with her at times and blamed others for the issues.<sup>32</sup> She did not, however, feel any hostility toward Mr. [REDACTED].

Officer Finnegan denied she told Mr. [REDACTED] that she would turn off her BWC so he could not prove the smoke detectors worked.<sup>33</sup>

#### SERGEANT EDWIN CARABALLO<sup>34</sup>

On September 28, 2020, at about 9:14 am, Sergeant Edwin Caraballo was interviewed at COPA regarding an incident that occurred on April 5, 2019, at approximately 9:19 am, at or near [REDACTED]

According to Sergeant Caraballo, he responded to a call concerning a tenant/landlord dispute about a power shut off at the property in question. Mr. [REDACTED] said there was a problem with the electrical box and that the power outage was an issue properly addressed to Com Ed. Sergeant Caraballo also spoke with the parties who were on the porch who told him Mr. [REDACTED] turned off the power.

<sup>27</sup> Finnegan Interview-Att. 40 at 27:36.

<sup>28</sup> Finnegan Interview-Att. 40 at 37:50.

<sup>29</sup> Finnegan Interview-Att. 40 at 32:15.

<sup>30</sup> Finnegan Interview-Att. 40 at 48:55. (The only electricity that was visibly working was in the basement, not in the main living area of building.)

<sup>31</sup> Finnegan Interview-Att. 40 at 40:30.

<sup>32</sup> Finnegan Interview-Att. 40 at 43:00.

<sup>33</sup> Finnegan Interview-Att. 40 at 49:30.

<sup>34</sup> Caraballo Interview-Att. 37.

Sergeant Caraballo obtained entry to the basement electrical breaker box to perform an inspection. When he arrived in the basement, he saw power in the basement which led him to believe that Mr. [REDACTED] in some way manipulated the box and turned off the power upstairs. He did not force Mr. [REDACTED] to open the breaker box, in fact, the sergeant explained that either he or another officer opened the box by removing the two screws (in two of four openings).<sup>35</sup> In order to test the breakers, he looked to see if any of the switches were “tripped”. One of the officers then flipped some of the switches, went upstairs, and found the power was still not on.<sup>36</sup> There was only power in the basement. There were also a couple of disconnected wires in the box, but Sergeant Caraballo did not know whether they led to the power for the tenants upstairs.<sup>37</sup> The box was then closed.

After Sergeant Caraballo was finished in the basement, he was approached by Mr. [REDACTED] to file a complaint against Officer Finnegan. Mr. [REDACTED] told Sergeant Caraballo that Officer Finnegan threatened to arrest him and that he was being harassed.<sup>38</sup> When the investigator asked Sergeant Caraballo if he took a complaint from Mr. [REDACTED] he initially said that he took his information. He later said that he did not file the report because Mr. [REDACTED] had not been arrested, and because he believed the harassment involved getting tickets.<sup>39</sup> He went on to explain that they do not open a CR for the receipt of tickets. The sergeant did agree, however, that Mr. [REDACTED] reasonably believed he filed a complaint on the scene, and felt that in hindsight, he probably should have filed the initiation report.<sup>40</sup>

### b. Digital Evidence

#### BODY WORN CAMERA (BWC)<sup>41</sup>

Officer Finnegan announced event number 04088 over her radio and reported that there was a disturbance involving a landlord at [REDACTED]. When she arrived at the scene, she exited her vehicle and was approached by a black male, now known as [REDACTED] the caretaker of the property in question. Mr. [REDACTED] told the officer that he came over to check on the building and was accused of turning off the lights by the tenants. Officer Finnegan then mentioned that she had dealt with Mr. [REDACTED] before.<sup>42</sup>

An unidentified black woman, now known as the [REDACTED] of the caller, approached Officer Finnegan and said her [REDACTED], now known as Ms. [REDACTED] is renting a room from Mr. [REDACTED]. In a conversation with Officer Pellerano, Mr. [REDACTED] stated that the lights had been off for three days.<sup>43</sup> He denied turning them off, denied being in charge of the building, and explained that the tenants are responsible for paying their own light bill. He also told the officer that Ms. [REDACTED] was an “unknown squatter.”<sup>44</sup>

<sup>35</sup> Caraballo Interview-Att. 37 at 11:50 and 13:29.

<sup>36</sup> Caraballo Interview-Att. 37 at 12:50.

<sup>37</sup> Caraballo Interview-Att. 37 at 14:00.

<sup>38</sup> Caraballo Interview-Att. 37 at 10:15.

<sup>39</sup> Caraballo Interview-Att. 37 at 15:55.

<sup>40</sup> Caraballo Interview-Att. 37 at 18:55-20:30.

<sup>41</sup> Investigator also reviewed BWC for Officer Trujillo but found no additional or relevant evidence.

<sup>42</sup> BWC Finnegan-Att. 5 at 01:03.

<sup>43</sup> BWC Pellerano-Att. 9 at 05:00.

<sup>44</sup> BWC Pellerano-Att. 9 at 10:20.

Officer Finnegan made a radio call and asked for a sergeant to come to the scene because Mr. [REDACTED] was being uncooperative. The unidentified black woman, believed to be Ms. [REDACTED], approached Officer Finnegan who told the woman Mr. [REDACTED] was a slum lord, and that there was a buildings officer that has taken buildings from him.<sup>45</sup>

The unidentified black woman then explained that the landlord put the lights in her [REDACTED] name, and that he rented rooms in the house. She told the officer Mr. [REDACTED] turned the lights off from downstairs.<sup>46</sup> Officer Finnegan walked over to the complaining tenant and said, "Let me explain something to you, hon, he's a slum lord."<sup>47</sup> The officer then told the tenant she would write him a citation, and that he had to turn the lights back on because she was going to make him go through the court system.<sup>48</sup>

Very shortly thereafter, Officer Finnegan asked Mr. [REDACTED] for his identification because she was going to write a citation against him for turning off the lights in the building. Mr. [REDACTED] claimed that he did not turn off the lights. Officer Finnegan then went on to tell Officer Whalen that Mr. [REDACTED] was a slum lord, explained that he put the electric bill for the entire property in the female tenants' name, and turned off the electricity from the electrical box.<sup>49</sup> As she prepared to write violations against Mr. [REDACTED] a sergeant contacted her. During the conversation she told the sergeant, among other things, that she had dealt with Mr. [REDACTED] before and that he was a slum lord.<sup>50</sup>

Officer Finnegan then called Field Trainer Officer (FTO) Department member Carla Jackson to ask how to write the tickets regarding this situation. She told Ms. Jackson that [REDACTED] [REDACTED] a slum lord they had dealt with before, turned off the electricity to the building in question.<sup>51</sup> She went on to say that after someone was evicted from the basement, Mr. [REDACTED] put up a door so nobody to get to the breaker box.

Once the conversation was over, Officer Finnegan made her way back to the basement door located at the rear of the house. Officer Finnegan told Mr. [REDACTED] based on her conversation with FTO Jackson, that he had thirty minutes to turn the power back on or he would receive an Administrative Notice of Violation (ANOV) and/or be arrested for refusing to do so.<sup>52</sup> By this time Sergeant Caraballo was on the scene. He asked Mr. [REDACTED] who turned off the power, to which he responded that Com Ed turned it off for nonpayment.<sup>53</sup> Mr. [REDACTED] also disclosed he was in the process of evicting Ms. [REDACTED]<sup>54</sup> Ms. [REDACTED] however, stated that when she contacted Com Ed, they confirmed the lights were still on.<sup>55</sup>

<sup>45</sup> BWC Finnegan-Att. 5 at 02:45.

<sup>46</sup> BWC Finnegan-Att. 5 at 03:25.

<sup>47</sup> BWC Finnegan-Att. 5 at 03:50.

<sup>48</sup> BWC Finnegan-Att. 5 at 03:58.

<sup>49</sup> BWC Finnegan-Att. 5 at 05:08.

<sup>50</sup> BWC Finnegan-Att. 5 at 07:30.

<sup>51</sup> BWC Finnegan-Att. 5 at 14:18.

<sup>52</sup> BWC Finnegan-Att. 5 at 18:38.

<sup>53</sup> BWC Caraballo-Att. 7 at 03:03-03:18.

<sup>54</sup> BWC Caraballo-Att. 7 at 04:05.

<sup>55</sup> BWC Caraballo-Att. 7 at 04:40. Meaning the lights were not turned off for non-payment.

Sergeant Caraballo said that before they made any decision, they needed to gain access to the basement and look at the breaker box. Once access was gained, the sergeant looked at the breaker box, checked some of the switches. He determined that two of the switches were tripped and that there was power in the basement based on working lights.<sup>56</sup> However, there was still no power in the first and upper floors of the house. Sergeant Caraballo told Mr. [REDACTED] that either he or the owner of the building, [REDACTED], who spoke with him on the phone, needed to call Com Ed and get an electrician to fix what Mr. [REDACTED] kept referring to as a malfunction.<sup>57</sup> He told Ms. [REDACTED] that she needed to contact Com Ed again as well.

Officer Finnegan wrote ANOVs for turning off the electricity, for failure to have carbon monoxide detectors, for failure to have smoke detectors, and for managing a dilapidated. Mr. [REDACTED] signed all four ANOVs. Officer Finnegan then asked Ms. [REDACTED] to show her the smoke detector. They went into the building, where Mr. [REDACTED] tested the detector, just as it began to beep as though it were operational.<sup>58, 59</sup> Right after that, she deactivated her BWC and left the building. Mr. [REDACTED] then ran out of the residence and yelled, "Oh my god, oh my god, (inaudible) that was amazing, (inaudible) turned the camera off before we could verify the smoke detector."<sup>60</sup> Mr. [REDACTED] at this point, was only issued the ANOVs for turning off the electricity and for managing a dilapidated property.

As Sergeant Caraballo attempted to depart, Mr. [REDACTED] approached him and said he wanted to file a complaint against Officer Finnegan for harassment, and false accusations about having a remote to turn off the smoke/carbon monoxide detector and falsification of police documents.<sup>61</sup> It was decided that Sergeant Caraballo would take the complaint on the scene. The sergeant took Mr. [REDACTED] information which was written on a blue card and told him someone would contact him.<sup>62</sup>

### c. Documentary Evidence

#### ADMINISTRATIVE NOTICES OF VIOLATION(ANOV)<sup>63</sup>0

- ANOV# [REDACTED]-Violation of MCC 5-12-100 Landlord and Tenant Ordinance

Written on 04/05/2019 at 9:19 am

Respondent: [REDACTED]

Turned off the electricity at [REDACTED]

Disposition: City Non-Suit

- ANOV# [REDACTED]-Violation of MCC 8-4-91 Managing or Controlling a Dilapidated Property

<sup>56</sup> BWC Caraballo-Att. 7 at 11:00.

<sup>57</sup> BWC Caraballo-Att. 7 at 23:03.

<sup>58</sup> BWC Finnegan-Att. 5 at 50:20.

<sup>59</sup> BWC Caraballo-Att. 6 at 01:40-Mr. [REDACTED] tested the detectors for Sergeant Caraballo shortly after Officer Finnegan left the residence. The detector let out a loud beep, as it did when Officer Finnegan was there.

<sup>60</sup> BWC Pellerano-Att. 9 at 50:24.

<sup>61</sup> BWC Caraballo 2-Att. 6 at 04:35.

<sup>62</sup> BWC Caraballo 2-Att. 6 at 07:00.

<sup>63</sup> ANOVs Att. 1.

Written on 04/05/2019 at 9:19 am

Respondent: [REDACTED]

Building has a missing front door; broken window and the overhang is rotted out.

Disposition: City Non-Suit

## 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

While analyzing the recorded interview of Mr. [REDACTED] his credibility came into question when he offered evidence that was disproven by BWC, and when he gave conflicting accounts of relevant events. For example, Mr. [REDACTED] told investigators that Officer Finnegan grabbed him and pushed him up against a vehicle to obtain his identification. This statement was proven false based on BWC footage. The truth is, Mr. [REDACTED] refused to provide Officer Finnegan with his ID, but then agreed to turn it over to Officer Pellegrino. He also stated that a sergeant called Com Ed and found out the power was cut off due to an unpaid bill and thereafter refused to arrest Mr. [REDACTED]. This statement was also proven false based on BWC. It was Mr. [REDACTED] who asserted the electricity was turned off due to an unpaid bill, and the sergeant neither called Com Ed nor refused to arrest Mr. [REDACTED].

Another claim made by Mr. [REDACTED] was that Sergeant Caraballo not only “made him” open the electrical box to expose the wiring to see if it was tampered with, which he felt inappropriate and dangerous. Again, based on BWC, it was Sergeant Caraballo who opened the electrical box not Mr. [REDACTED]. In doing so, he checked to see if any of the circuit breakers were tripped and found that only the lights to the basement would operate. The Sergeant also took off the face plate, only attached by 2 of the 5 or more possible screws, but did not touch anything. Furthermore, Sergeant Caraballo did not threaten to arrest him for not opening the breaker box.<sup>64</sup>

Lastly, Mr. [REDACTED] first asserted that the power to the building was turned off by Com Ed because Ms. [REDACTED] did not pay the bill. Apparently, Mr. [REDACTED] and Ms. [REDACTED] had struck some sort of deal where she would put the electric bill in her name, which she agreed to, but it was unclear as to who was expected to pay the bill. Later, he contradicted himself when he asserted that the power issue was, in fact, some sort of malfunction. In addition, at one point in his conversations with Department members, he claimed that Ms. [REDACTED] whom he was in the process of evicting, was an “unknown squatter” in the building; however, Mr. [REDACTED] and Ms. [REDACTED] both stated that they came to some sort of an agreement about the electric bill when they negotiated her rental terms.

#### PO JENNIFER FINNEGAN

1. COPA finds Allegation #1, that on April 5, 2019, at about 9:19 am, at [REDACTED] Officer Jennifer Finnegan wrote Administrative Notices of Violations against [REDACTED] that contained false allegations, is not supported by the evidence and is **Unfounded**.

Allegations involving only difference of opinion between a Department member and a member of the public as to whether an Administrative Notice of Ordinance Violation Citation (ANOV), Ordinance Complaint, Personal Service Citation, or Violation Notice should have been issued, absent of an allegation of misconduct, will not be subject to a Complaint Investigation. G08-01-02 (II)(B)(5) *Specific Responsibilities Regarding Allegations of Misconduct*.

Officer Finnegan originally wrote four ANOVs against Mr. [REDACTED] without any prior inspection. One that alleged Mr. [REDACTED] turned off the electricity, one for managing a dilapidated building, one for failure to have a working smoke detector, and one for failure to have a working carbon monoxide detector. Mr. [REDACTED] signed all four ANOVs to acknowledge receipt. The ANOVs for the smoke and carbon monoxide detectors were withdrawn by Sergeant Caraballo after the detectors were found to appear operational. The electrical service was confirmed to be out throughout the main living space of the home. The issue regarding the building condition is a matter for a trained building inspector, and whether Mr. [REDACTED] turned off the electricity, or whether there is some other issue or malfunction was a matter for a licensed electrician. The ANOVs for managing or controlling a dilapidated property and for

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<sup>64</sup> Mr. [REDACTED] was threatened with arrest, by Officer Finnegan, if he did not restore power to the building within 30 minutes based on instructions by FTO Carla Jackson. However, after Sergeant Caraballo investigated the matter, he determined the cause of the power loss would have to be determined by an electrician, and Mr. [REDACTED] and the owner of the building agreed to call one.

turning off the electricity were both adjudicated by an Administrative Hearings officer and were non-suited.

Because there is no evidence of misconduct in relation to these two ANOVs, this allegation is Unfounded.

2. COPA finds Allegation #2, that on April 5, 2019, at about 9:19 am, at [REDACTED] Officer Jennifer Finnegan threatened to arrest [REDACTED] without justification, is supported by a preponderance of the evidence, and this allegation is **Sustained**.

A peace officer may arrest a person when he has reasonable grounds to believe that the person is committing or has committed an offense. 725 ILCS 5/107-2 (1)(c) *Arrest by Peace Officer*.

As seen on Officer Finnegan's BWC, she drafted ANOV# [REDACTED] before it had even been determined there was no power to the living area of the home, but she threatened to arrest Mr. [REDACTED] if he did not turn the power back on within thirty minutes when there was no convincing evidence that he had turned it off. That she was allegedly advised to do so by another officer is irrelevant. Furthermore, after he performed an inspection of the electrical box and found that there was only power in the basement, Sergeant Caraballo concluded that the cause for the lack of power to the rest of the home must be determined by a licensed electrician. Therefore, this allegation is Sustained.

3. COPA finds Allegation #3, that on April 5, 2019, at about 9:19 am, at [REDACTED] Officer Jennifer Finnegan displayed an aggressive demeanor against [REDACTED] without justification, is not supported by the evidence and is **Unfounded**.

Based on BWC footage, at no time did Officer Finnegan display what could reasonably be described as an aggressive demeanor toward Mr. [REDACTED]. Therefore, this allegation is Unfounded.

4. COPA finds Allegation #4, that on April 5, 2019, at about 9:19 am, at [REDACTED] Officer Jennifer Finnegan falsely accused [REDACTED] of turning off the electricity at the building in question to others, is not supported by enough evidence to sufficiently prove or disprove the allegation and is **Not Sustained**.

Based on BWC footage, Officer Finnegan not only accused Mr. [REDACTED] of turning off the electricity to fellow officers, the tenant, and her mother, and to people she spoke with on the phone as she sought assistance as to how to write the ANOVs and how to handle Mr. [REDACTED] she verbalized the accusation to Mr. [REDACTED] himself. Officer Finnegan did not have the expertise to make this determination, and simply took the word of Ms. [REDACTED] who never offered any dispositive evidence that Mr. [REDACTED] turned off the electricity. However, because the inspection of the breaker box, performed by Sergeant Caraballo left open the possibility that Mr. [REDACTED] may have turned off the electricity, or at the very least performed some action that brought about that result, this allegation is Not Sustained.

5. COPA finds Allegation #5, that on April 5, 2019, at about 9:19 am, at [REDACTED] Officer Jennifer Finnegan threatened to turn off her body worn camera so [REDACTED] could not prove he had working smoke detectors and carbon monoxide detectors, is not supported by enough evidence to sufficiently prove or disprove the allegation and is **Unfounded**.

Based on BWC, Officer Finnegan asked Ms. [REDACTED] to show her the smoke detector and the carbon monoxide detectors, which allegedly turned out to be the same unit. Just after they walked in, you can hear beeping that sounded like the test signal for the required detectors. Right after the beeping began, Officer Finnegan deactivated her BWC, which suggested that she did not turn it off so the presence of the detectors could not be proven. Therefore, this allegation is Unfounded.

6. COPA finds Allegation #6, that on April 5, 2019, at about 9:19 am, at [REDACTED] Officer Jennifer Finnegan deactivated her body worn camera before the end of the incident, is not supported by the evidence is **Unfounded**.

The Department member will not deactivate event mode unless, the entire incident has been recorded and the member is no longer engaged in a law-enforcement-related activity. S03-14 *Body Worn Camera*.

During her interview with COPA, Officer Finnegan was asked why she turned off her BWC when she was still inside the residence. She responded by saying that to her, the event was over once she issued the ANOVs against Mr. [REDACTED]. Based on BWC, there is no reason to believe Officer Finnegan performed any further law-enforcement-related activities. Therefore, this allegation is Unfounded.

7. COPA finds Allegation #7, that on April 5, 2019, at about 9:19 am, at [REDACTED] Officer Jennifer Finnegan behaved in an unprofessional manner when she continuously accused [REDACTED] of being a slum lord, is supported by a preponderance of the evidence and is **Sustained**.

Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department is prohibited. *Regulations of the Chicago Police Department, Rule 2*. Furthermore, the Law Enforcement Code of Ethics is adopted as a general standard of conduct for all sworn members of the Department, and it states, among other things, that an officer will never act officiously or permit personal feelings, prejudices, animosities or friendships influence their decisions, and they will enforce the law courteously and appropriately without fear or favor, malice or ill will. Every member must constantly be aware of and eliminate any attitudes which might impair his effectiveness and impartiality. *Rules and Regulations of the Chicago Police Department, I (B)(3)(c), (B)(13)*.

Based on BWC footage, Officer Finnegan mentioned early on that she was familiar with Mr. [REDACTED] and some of the issues he had regarding other properties that were in litigation with the City. She exhibited, among other things, ill will toward Mr. [REDACTED] when she referred to him as a "slum lord" when speaking to the involved tenant, the officers and sergeants on the scene, and to other City workers over the phone. Officer Finnegan also failed to act in an

impartial manner when she drafted four ANOVs solely on the involved tenant's word without performing any sort of investigation to determine whether the tenant's complaints were legitimate. Because Officer Finnegan failed to conduct herself in a professional manner, this allegation is Sustained.

#### SERGEANT EDWIN CARABALLO

1. COPA finds Allegation #1, that on April 5, 2019, at about 9:19 am, at [REDACTED] Sergeant Edwin Caraballo forced [REDACTED] to open the electrical breaker box cover at the location in question, which was inappropriate, is not supported by the evidence and is **Unfounded**.

Based on BWC footage, Sergeant Caraballo inspected the electrical breaker box to help determine whether the lack of power to the main living space was caused by a tripped switch or some other issue with the box. Even though he did look behind the cover of the electrical box, there was nothing captured on BWC that seemed improper. Sergeant Caraballo then spoke with the owner of the building and explained to her that she needed to get an electrician out to look at the box to see if repairs needed to be made. Sergeant Caraballo did what appeared to be a reasonable inspection of the breaker box. Therefore, this allegation is Unfounded.

2. COPA finds Allegation #2, that on April 5, 2019, at about 9:19 am, at [REDACTED] Sergeant Edwin Caraballo took a complaint on scene from [REDACTED] and failed to file an initiation report, is supported by a preponderance of the evidence and is **Sustained**.

The Department will courteously receive and accept all complaints regardless of how or from whom the complaint was received, such as complaints received verbally, in writing, in person, by telephone, or online, by a Department member, member of the public, anonymous complaint or third-party representative. The Department will ensure all non-confidential complaints are documented and submitted to the Civilian Office of Police Accountability (COPA) within 24 hours of receiving the complaint. G08-01-02 *Complaint Initiation and Log Number Investigation Assignment*.

During his interview, Sergeant Caraballo told investigators that even though he initially believed Mr. [REDACTED] complaint was directly connected to the receipt of the two ANOVs issued to him, something that would not normally require a CR. However, he went on to say that Mr. [REDACTED] reasonably believed he filed a complaint at the scene, and felt that in hindsight, he probably should have filed the initiation report. Therefore, this allegation is Sustained.

### VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

#### a. Sergeant Edwin Caraballo

##### i. Complimentary and Disciplinary History:

- a. The following is a summary of disciplinary incidents: No disciplinary history as of April 5, 2022.

b. The following is a summary of the complimentary history: 1. 2004 Crime Reduction Ribbon (1); 2. 2009 Crime Reduction Award (1); 3. 2019 Crime Reduction Award (1); 4. Attendance Recognition Award (5); 5. Complimentary Letter (17); 6. Department Commendation (2); 7. Emblem of Recognition – Physical Fitness (1); 8. Honorable Mention (56); 9. Honorable Mention Ribbon Award (1); 10. NATO Summit Award (1); 11. Presidential Election Deployment Award 2008 (1) and 12. Unit Meritorious Performance Award (1) = 88 in total

**ii. Recommended Penalty, by Allegation**

1. **Allegation No. 2:** Although Sergeant Caraballo spoke to and documented Mr. [REDACTED] complaint on scene; Sergeant Caraballo failed to follow through by completing an initiation report as required. – **2-Day Suspension**

**b. Officer Jennifer Finnegan**

**i. Complimentary and Disciplinary History:**

a. The following is a summary of disciplinary incidents: SPAR Log# 562378, Incident Date: October 13, 2020, Completed Date: July 9, 2021, 2 Days Offs, 025-Preventable Accident.

b. The following is a summary of the complimentary history: 1. 2004 Crime Reduction Ribbon (1); 2. 2009 Crime Reduction Award (1); 3. 2019 Crime Reduction Award (1); 4. Complimentary Letter (4); 5. Department Commendation (2); 6. Emblem of Recognition – Physical Fitness (2); 7. Honorable Mention (31); 8. NATO Summit Award (1); 9. Presidential Election Deployment Award 2008 (1) and 10. Unit Meritorious Performance Award (1) = 45 in total

**ii. Recommended Penalty, by Allegation**

1. **Allegation No. 2:** Officer Finnegan’s BWC captures her threatened to arrest Mr. [REDACTED] if he did not turn the power back on withing thirty minutes when there was no convincing evidence that he had turned it off. – **2-Day Suspension**.

2. **Allegation No. 7:** Officer Finnegan’s BWC captures her calling Mr. [REDACTED] a “slum lord” several times in conversations with the rental tenants and Officers on scene. – **2-Day Suspension**.

**IX. CONCLUSION**

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

Officer	Allegation	Finding
Officer Jennifer Uzubell	<p>It is alleged that on April 5, 2019, at about 9:19 am, at [REDACTED] Officer Jennifer Finnegan:</p> <ol style="list-style-type: none"> <li>1. Wrote Administrative Notices of Violations against [REDACTED] that contained false allegations.</li> <li>2. Threatened to arrest [REDACTED] without justification.</li> <li>3. Displayed an aggressive demeanor against [REDACTED] without justification.</li> <li>4. Falsely accused [REDACTED] of turning off the electricity at the building in question to others.</li> <li>5. Threatened to turn off her body worn camera so [REDACTED] could not prove he had working smoke detectors and carbon monoxide detectors.</li> <li>6. Deactivated her body worn camera before the end of the incident.</li> <li>7. Behaved in an unprofessional manner when she continuously accused [REDACTED] of being a slum lord.</li> </ol>	<p>UNFOUNDED</p> <p>SUSTAINED</p> <p>UNFOUNDED</p> <p>NOT SUSTAINED</p> <p>UNFOUNDED</p> <p>UNFOUNDED</p> <p>SUSTAINED</p>
Sergeant Edwin Caraballo	<p>It is alleged that on April 5, 2019, at about 9:19 am, at [REDACTED] Sergeant Edwin Caraballo:</p> <ol style="list-style-type: none"> <li>1. Forced [REDACTED] to open the electrical breaker box cover at the location in question, which was inappropriate.</li> <li>2. Took a complaint on scene from [REDACTED] [REDACTED] and failed to file an initiation report.</li> </ol>	<p>UNFOUNDED</p> <p>SUSTAINED</p>

Approved:



4/12/2022

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Matthew Haynam  
*Deputy Chief Administrator – Chief Investigator*

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Date