

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

Date of Incident:	March 16, 2021-March 31, 2021
Time of Incident:	Various
Location of Incident:	[REDACTED] and various other locations
Date of COPA Notification:	March 23, 2021
Time of COPA Notification:	5:56 PM

On March 3, 2021, [REDACTED] was attacked by an unknown individual at a CTA Red Line Station. Officers responded to the scene, and Detective James Gonzales was eventually assigned as the detective for further investigation. While speaking with [REDACTED] the victim of the attack, Detective Gonzales learned [REDACTED] was a survivor of sex trafficking. On March 16, 2021, under the pretense of discussing the criminal investigation and while on duty, Detective Gonzales met [REDACTED] alone at the [REDACTED] where [REDACTED] was staying. While there, he began to flirt with [REDACTED]. He then took her to dinner where [REDACTED] kissed him. Approximately five to ten minutes later, Detective Gonzales gave [REDACTED] \$100 USC. The next day, they began exchanging messages. On March 18, 2021, Detective Gonzales showed [REDACTED] his penis during a video call. Later that evening, while still on duty, he went to her hotel, picked her up and had sexual intercourse with her in his car. Later, they returned to the hotel, where they had sexual intercourse again. Afterwards, Detective Gonzales gave her another \$100 USC.

Communication between the two continued over the next few days until Detective Gonzales picked up [REDACTED] from her residence to take her to get her cello fixed. While in the car, Detective Gonzales made sexual advances towards [REDACTED] which she refused. Detective Gonzales then called her derogatory terms, including "whore," and threatened to arrest her. He then grabbed her by the neck and arm. [REDACTED] freed herself, exited the vehicle and called a car service for a ride home. On March 31, 2021, after [REDACTED] called Detective Gonzales' wife and told her about his conduct, Gonzales drafted a To-From Memorandum to his commanding officer denying having a sexual relationship with her. No offender was apprehended for the crime against [REDACTED] and the investigation remained ongoing throughout Detective Gonzales' interaction with her. COPA finds the allegations of misconduct against Detective Gonzales are Sustained.

**II. INVOLVED PARTIES**

Involved Officer #1:	James Gonzales, Star #20662, Employee ID# [REDACTED], Date of Appointment January 30, 1991, Police Officer, Unit of Assignment 630, DOB [REDACTED], 1964, Male, Hispanic
Involved Individual #1:	[REDACTED], 1991, Female, Black

**III. ALLEGATIONS**

Officer	Allegation	Finding / Recommendation
Officer James Gonzales	<ol style="list-style-type: none"><li>1. On or about March 16, 2021, at between the hours of 7:10 PM and 9:30 PM, at or near various locations in Chicago, IL, Detective James Gonzales had improper contact with [REDACTED] [REDACTED] the victim of a crime he was assigned to investigate, to wit: hugged [REDACTED] and/or went to dinner with her and/or gave her \$100 USC and/or kissed her in violation of Rules 2, 4, and 8.</li><li>2. On or about March 16, 2021, at between the hours of 7:10 PM and 9:30 PM, at or near various locations in Chicago, IL, Detective James Gonzales was absent from duty and/or left duty without proper authorization in that he participated in non-work-related activities while on duty. in violation of Rules 2 and 28.</li><li>3. On or about March 18, 2021, at an unknown time, via electronic means, Detective James Gonzales made unwanted sexual advances towards [REDACTED] in that he stated words to the effect of "I want you to suck my dick," and/or "You're making me hard" in violation of Rules 2 and 8.</li><li>4. On or about March 18, 2021, at an unknown time, via electronic means, Detective James Gonzales had improper contact with [REDACTED] [REDACTED] the victim of a crime he was assigned to investigate, in that he displayed his penis to her in violation of Rules 2, 4, and 8.</li></ol>	Sustained/Separation Sustained/Separation Sustained/Separation Sustained/Separation

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|  | 5. On or about March 18, 2021, at approximately 7:30 PM, at an unknown location inside a vehicle in Chicago, IL, Detective James Gonzales engaged in an improper sexual relationship with [REDACTED] the victim of a crime he was assigned to investigate, in that he engaged in vaginal intercourse with her in violation of Rules 2, 4, and 8.                 | Sustained/Separation |
|  | 6. On or about March 18, 2021, at approximately 8:30 PM, at or near the [REDACTED] located at [REDACTED] Chicago, IL Detective James Gonzales engaged in an improper sexual relationship with [REDACTED] the victim of a crime he was assigned to investigate, in that he engaged in vaginal and/or oral intercourse with her in violation of Rules 2, 4, and 8. | Sustained/Separation |
|  | 7. On or about March 18, 2021, at approximately 8:30 PM, at or near the [REDACTED] located at [REDACTED] Chicago, IL Detective James Gonzales had improper contact with [REDACTED] the victim of a crime he was assigned to investigate, in that he gave her \$100 USC in violation of Rules 2, 4, and 8.  | Sustained/Separation |
|  | 8. On or about March 18, 2021, between approximately 7:30 PM and 9:45 PM, at or near various locations in Chicago, IL, Detective James Gonzales was absent from duty and/or left duty without proper authorization in that he participated in non-work-related activities while on duty in violation of Rules 2 and 28.  | Sustained/Separation |
|  | 9. On or about March 22, 2021, at approximately 12:30 PM, at or near [REDACTED] Chicago, IL,   | Sustained/Separation |

Detective James Gonzales made unwanted sexual advances towards [REDACTED] in that he stated words to the effect of, "I want to have sex with you" in violation of Rules 2 and 8.

10. On or about March 22, 2021, at approximately 12:30 PM, at or near [REDACTED] Chicago, IL, Detective James Gonzales verbally abused [REDACTED] in that he stated words to the effect of, "You're a whore," and/or "You're a bitch," and/or "I'm calling SWAT on you. You're going to jail for being a whore" in violation of Rules 2, 4, 8, and 9.
11. On or about March 22, 2021, at approximately 12:30 PM, at or near [REDACTED] Chicago, IL, Detective James Gonzales grabbed [REDACTED] by the neck without justification in violation of Rules 2 and 9.
12. On or about March 22, 2021, at approximately 12:30 PM, at or near [REDACTED] Chicago, IL, Detective James Gonzales grabbed and/or twisted [REDACTED] arm without justification in violation of Rules 2 and 9.
13. On or about March 22, 2021, at approximately 12:30 PM, at or near [REDACTED] Chicago, IL, Detective James Gonzales grabbed [REDACTED] breast without consent in violation of Rules 2 and 9.
14. On or about March 22, 2021, at approximately 12:30 PM, at or near [REDACTED] Chicago, IL, Detective James Gonzales improperly used Department records to obtain

Sustained/Separation

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	<p>[REDACTED] personal address and utilize it for personal and/or improper means in violation of Rules 2 and 4.</p> <p>15. On or about March 31, 2021, Detective James Gonzales provided false, misleading, incomplete, and/or inaccurate statements to the Department relative to his relationship with [REDACTED] on an official department report to the Commander of Unit 630 in violation of Rules 2 and 14.</p>	Sustained/Separation
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#### IV. APPLICABLE RULES AND LAWS

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##### Rules

**Rule 1:** Violation of any law or ordinance

**Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department

**Rule 4:** Any conduct or action taken to use the official position for personal gain or influence

**Rule 8:** Disrespect to or maltreatment of any person while on or off duty

**Rule 9:** Engaging in any unjustified verbal or physical altercation, with any person, while on or off duty.

**Rule 14:** Making a false report, written or oral

**Rule 28:** Being absent from duty without proper authorization

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#### V. INVESTIGATION <sup>1</sup>

##### a. Interviews

On March 26, 2021, [REDACTED] (hereafter [REDACTED]) provided a statement<sup>2</sup> to COPA in a joint interview with detectives from the Chicago Police Department's Bureau of Internal Affairs (BIA). [REDACTED] stated that on March 2, 2021, she was attacked by an unknown individual while standing on a Red Line CTA platform. Police responded to the scene, and she made a police report. After learning Detective James Gonzales was assigned to the case, she called him and learned her attacker had not been located or arrested. Eventually, they planned to meet to

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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> Att. 2 and 26

discuss the case. During conversation prior to meeting, [REDACTED] told Detective Gonzales that she was a human trafficking survivor.<sup>3</sup>

[REDACTED] On March 16, 2021, [REDACTED] asked Detective Gonzales to meet her at the [REDACTED] where she was staying.<sup>4</sup> He told her he would “let her know”<sup>5</sup> if he was coming, but without further communication, he showed up at the hotel at approximately 7:25 PM and came to her room.<sup>6</sup> She sat on her bed, while he sat at a nearby desk. [REDACTED] stated that before Detective Gonzales arrived, she had been drinking and was intoxicated. She questioned him about surveillance video from the CTA station. He stated that he would order additional video and that it was “not a big deal.”<sup>7</sup> This statement upset [REDACTED] because she felt he was not keeping her updated on her case or conducting a full investigation.

During this conversation, [REDACTED] had continued to drink alcohol. Detective Gonzales saw her drink and told her he could smell the alcohol. He then began “flirting”<sup>8</sup> with her, which [REDACTED] described as coming to the bed where she was sitting, getting close to her face, and trying to hug her. When she asked him why he was doing that, he said, “Well what did you expect with the texts,” which [REDACTED] understood to mean the text messages they exchanged prior to meeting, which contained smiling emojis. She stated that because he was the detective working on her case, she felt “stuck.”<sup>9</sup> After she asked him why he was flirting, he returned to the desk, asked if she was hungry and offered to take her out to eat. By this time, [REDACTED] described herself as “hammered.”

They then drove to dinner at a nearby restaurant in Detective [REDACTED] vehicle, a silver Lexus.<sup>10</sup> During dinner, [REDACTED] kissed Detective Gonzales and he kissed her back. After dinner, Detective Gonzales gave [REDACTED] \$100 USC. [REDACTED] stated that she and Detective Gonzales had not discussed money or sex before going to dinner. [REDACTED] believed he gave her the money because he knew she was previously trafficked. After dinner, Detective Gonzales took [REDACTED] back to the hotel and walked her to the elevator. She asked him to let her go up by herself because she saw a “cuter guy” on the elevator.<sup>11</sup> [REDACTED] went to her room alone.

The next morning when she spoke with Detective Gonzales via a Facetime video call, he called her a “whore” and accused her of “cheating” on him.<sup>12</sup> [REDACTED] felt scared and guilty, because he gave her money and she was afraid she broke the law. She asked him why he gave her the money and he told her she could use it for her “[REDACTED]”<sup>13</sup> Additionally, during this

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<sup>3</sup> Att. 26 at 65

<sup>4</sup> [REDACTED] explained that she booked a hotel room after receiving her stimulus check as a vacation and because she was hosting a virtual [REDACTED] party. See Att. 26 at 17.

<sup>5</sup> Id. at 18

<sup>6</sup> Id. at 38

<sup>7</sup> Id. at 19

<sup>8</sup> Id. At 20

<sup>9</sup> Id. at 20

<sup>10</sup> [REDACTED] recalled Detective [REDACTED] placing a laminated sign in the window, which said “Police,” when they returned to the hotel. See Att. 26 at 39 - 40.

<sup>11</sup> Id. at 46

<sup>12</sup> Id. at 47

<sup>13</sup> Id. at 49

Facetime call, Detective Gonzales pulled out his penis on camera and said, “suck my dick.”<sup>14</sup> [REDACTED] felt that she needed to tell him what he wanted to hear. He then told her that he would come by later.

On what is now known to be March 18<sup>th</sup>, 2021,<sup>15</sup> [REDACTED] hosted a virtual [REDACTED] party and drank alcohol to the point of intoxication.<sup>16</sup> After her party, she got dressed and went to the hotel lobby to play piano and wait for Detective Gonzales to arrive to take her to dinner. Detective Gonzales came into the hotel lobby and listened to her play for about five minutes and asked if she was ready to go. [REDACTED] stated that at this time she felt very stuck because she felt if she did not do what he wanted, her case would not get “fixed.”<sup>17</sup> They walked to his car, a dark gray Lexus, and drove around for about 15 minutes. While in the car, he again accused her of cheating on him, which she denied. [REDACTED] then got on top of him, and they had sexual intercourse. [REDACTED] related they had to stop because the size of his body made intercourse difficult in the car. She then suggested they go to her hotel room.<sup>18</sup> After they returned her hotel room, he threw a hundred dollar bill on the bed. [REDACTED] stated that neither of them talked about sex for money. They then had sexual intercourse. During sex she recalled him saying words to the effect of, “You’re my baby girl,” and pretending she was his daughter. The sexual intercourse included oral and vaginal penetration. [REDACTED] then told him to leave. He told her he would call her.<sup>19</sup> Later, she called her roommate, [REDACTED] (hereafter [REDACTED]) and told her what happened.

After that night, [REDACTED] and Detective Gonzales continued to text each other throughout the following week. On March 22, 2021, he picked her up from her residence, despite [REDACTED] never giving him her address.<sup>20</sup> She stated that both [REDACTED] and [REDACTED] boyfriend, [REDACTED] saw him pick her up. When she asked him how he knew her address, he stated “I have a whole track record on you.”<sup>21</sup> While inside the cello shop, Detective Gonzales kept touching [REDACTED] and she told him to stop. When they were back in the car, he continued to touch her despite her telling him to stop. When asked how Detective Gonzales touched her, [REDACTED] explained that he grabbed her breast.<sup>22</sup> He also told her he wanted to have sex with her. They drove to an alley near the [REDACTED]. When she asked if she was going to get into trouble, he called her a whore and said, “Yeah. I’m calling the SWAT team on you. Yeah. You are going to jail for being a whore.”<sup>23</sup> He then grabbed her by her arm and twisted it and grabbed her “really hard”<sup>24</sup> by the neck. [REDACTED] yelled at him, got out of the car and contacted an Uber driver. During this time, Detective Gonzales was circling the block looking for her and threatened to throw away her cello if she did not come back. After that day, Detective Gonzales called her and messaged her several times between March 24<sup>th</sup> and March 26<sup>th</sup>.

<sup>14</sup> Id. at 55

<sup>15</sup> [REDACTED] stated these events occurred on March 17, 2021. However, surveillance video shows the actual date of events to be March 18, 2021.

<sup>16</sup> Id. at 50

<sup>17</sup> Id. at 51

<sup>18</sup> Id. at 58

<sup>19</sup> Id. at 64

<sup>20</sup> Id. at 76

<sup>21</sup> Id. at 77

<sup>22</sup> Id. at 74

<sup>23</sup> Id. at 79

<sup>24</sup> Id. at 80

COPA obtained a copy of [REDACTED] May 20, 2021 statement<sup>25</sup> to detectives from BIA. Also present, during her interview, was [REDACTED] an additional witness. [REDACTED] was [REDACTED] roommate at a homeless shelter facility from October 2020 until the end of March 2021. [REDACTED] stated that on March 22, 2021 she saw a gray car pull up near the shelter house where she and [REDACTED] were living.<sup>26</sup> She and [REDACTED] saw an older man in the car, whom [REDACTED] identified as a police detective. [REDACTED] got in the car with him and they drove off. Approximately an hour later, at 12:44 PM, [REDACTED] called [REDACTED] and told her that the detective grabbed her by the neck and arm while they were in the car.<sup>27</sup> [REDACTED] told her that she got out of the car and called a car service to pick her up. [REDACTED] then arrived home and [REDACTED] comforted her. [REDACTED] stated [REDACTED] previously called her after going out with the detective and receiving a hundred dollars from him. [REDACTED] told [REDACTED] it made her look bad to take the money. A day later, [REDACTED] called her again crying after she had sex with the detective and he gave her two hundred dollars.<sup>28</sup> [REDACTED] also stated that [REDACTED] sent her screen shots of texts between them including a picture of his penis.<sup>29</sup> After the incident on March 22, 2021, [REDACTED] moved out of the shelter.

On November 29, 2021, Detective James Gonzales<sup>30</sup> was required to give a statement at the COPA office located at 1615 W. Chicago Ave. On the record, Detective Gonzales denied all allegations and stated that he was not willing to answer questions because he was retiring.

#### b. Digital Evidence

COPA obtained Security Video from the [REDACTED] dated March 16, 2021.<sup>31</sup> The footage shows Detective Gonzales entering the lobby at 7:10:50 PM on March 16, 2021. He then enters the far right elevator. At 08:13:51 PM [REDACTED] and Detective Gonzales exit the middle elevator and leave through the hotel's front door together. Detective Gonzales is wearing a blue blazer. [REDACTED] is wearing a black dress and a green facemask. At 9:26:14 PM [REDACTED] and Detective Gonzales enter the hotel into the lobby. [REDACTED] pushes the elevator button and Detective Gonzales waits for the elevator with her. Another man in a red sweater walks towards the elevator after hugging a woman. When the elevator arrives, [REDACTED] and Detective Gonzales hug, and Detective Gonzales walks away. The man in the red sweater enters the elevator with [REDACTED]. Detective Gonzales exits the lobby.

Security Video from the [REDACTED] dated March 18, 2021<sup>32</sup> at 7:46 PM shows [REDACTED] walking toward the piano in the lobby and sitting down to play. At 7:47 PM a man brings her a chair and [REDACTED] appears to speak with someone off camera behind her. At 7:51:47 PM Detective Gonzales walks in the front door of the hotel. He speaks with [REDACTED]

<sup>25</sup> Att. 37 and 38

<sup>26</sup> Att. 37 at 1:51

<sup>27</sup> Id. at 3:34

<sup>28</sup> Id. at 12:37

<sup>29</sup> Att. 38 at 00:40

<sup>30</sup> Att. 36

<sup>31</sup> Att. 21, 22, and 24

<sup>32</sup> Att. 39

briefly and walks around the lobby. At 7:56:20 PM, after Gonzales speaks to her again, [REDACTED] gets up and picks up her belongings. They walk out together at 7:57 PM.

The footage from the security camera near the entrance to the lobby<sup>33</sup> captures [REDACTED] and Detective Gonzales entering the lobby through the front entrance at 8:27 PM. [REDACTED] hair is visibly mussed near the top and back of her head. They walk toward the elevator bank and enter the middle elevator. A few seconds later, they exit the elevator and [REDACTED] walks toward the front desk, which is obscured. Detective Gonzales waits by the elevators. The camera located behind the front desk<sup>34</sup> shows that [REDACTED] pressed the bell to summon a desk clerk. She briefly speaks with the clerk and receives an item from him. [REDACTED] and Detective Gonzales then both enter an elevator at 8:29 PM. At 9:42 PM, Detective Gonzales exits the elevators alone, checks his mobile phone and leaves the hotel lobby through the front entrance.<sup>35</sup>

COPA reviewed **text messages**<sup>36</sup> between [REDACTED] and Detective Gonzales sent from his Department issued cell phone. On March 11, 2021 at 8:48 PM, Detective Gonzales texted [REDACTED] about meeting her at London House. [REDACTED] expressed fear about going out and asked for another meeting place. Detective Gonzales' texts were of a casual nature and contained smile emojis. They exchanged several texts attempting to arrange a meeting. [REDACTED] informs him that her face has healed. She also asks if anyone else will be with Detective Gonzales when they meet and explains that she is asking due to the COVID-19 pandemic. She refers to him as "detective" and asks him if he ordered the correct video.

The messages further reflect they arranged a meeting on March 16, 2021. [REDACTED] told him she was staying at the [REDACTED] and invited him to meet her there. Further texts from Detective Gonzales indicate that he arrived at the hotel and picked her up. Texts from the next morning include [REDACTED] thanking Detective Gonzales for the money, to which he responds "No problem your[SIC] welcome." Additional texts that day include [REDACTED] mentioning her intoxication. On March 18, 2021, [REDACTED] tells Detective Gonzales that she put on makeup for her [REDACTED] party and he asks her to send a picture of herself.

COPA also reviewed **WhatsApp Messages**<sup>37</sup> from March 18, 2021 through March 23, 2021 provided by [REDACTED]. The messages are with a contact named James Gonzales and the contact name includes a picture of Detective Gonzales' face. Messages on March 18, 2021 include [REDACTED] and Detective Gonzales making plans to meet after her [REDACTED] party. [REDACTED] also sent him a picture of herself in a black dress. Detective Gonzales responded with smiley heart emojis. On March 19, 2021, [REDACTED] messages Detective Gonzales to apologize for being drunk the night before and says she hopes he wants to see her again. He responds that she "is his girlfriend" and follows it with heart emojis. The same day, Detective Gonzales tells [REDACTED] via message that she left her Spanx and green mask in his car. The remaining messages are plans to call each other or missed calls. In the final exchange, [REDACTED] asks "what do you want" after a missed voice call. Detective Gonzales responds that he wanted to see that she got home safely.

<sup>33</sup> Att. 25; Att. 20

<sup>34</sup> Att. 23

<sup>35</sup> Att. 20

<sup>36</sup> Att. 10 & 29

<sup>37</sup> Att. 9

The **Cellbrite Data Usage Log**<sup>38</sup> for Detective Gonzales' Personal Phone<sup>39</sup> logs all mobile data usage across all apps on the phone. The data log shows that Detective Gonzales first used mobile data with WhatsApp in January 2021. There was little activity again until mid-March 2021, during which there is daily usage. The final usage of WhatsApp was at 6:13 AM on March 31, 2021.

The **Cellbrite Phone Log**<sup>40</sup> for Detective Gonzales' Personal Phone shows that on March 31, 2021 at 7:48 AM, Detective Gonzales attempted an audio call to [REDACTED] through Facebook Messenger.

The extraction of Detective Gonzales' personal phone included a **Picture of [REDACTED]**<sup>41</sup> from Detective Gonzales' Phone taken March 18, 2021 at 8:10 PM.<sup>42</sup> The bar is circular with a distinctive red lighting.

A **Thomson Reuters Vehicle Report**<sup>43</sup> shows James Gonzales is the owner of a 2015 Lexus SE, color Gray.

**Screenshots of a Video Call**<sup>44</sup> between [REDACTED] and Detective Gonzales were provided by [REDACTED]. The images capture Detective Gonzales touching and displaying his penis during a video call with [REDACTED].

### c. Documentary Evidence

The **CTA Battery Case Report**<sup>45</sup> (Case Incident Report RD# [REDACTED]) documents a battery against [REDACTED] by an unknown individual at the CTA Red Line Station located at 1109 W. Wilson Ave. on March 3, 2021 at approximately 12:03 AM. [REDACTED] was allegedly punched in the face by a black male who was unknown to her. She was transported to [REDACTED] Hospital but refused treatment when she arrived. The detective assigned to the case was Detective James Gonzales.

A screenshot of a **Lyft Receipt**<sup>46</sup> provided by [REDACTED] documents a Lyft ride from March 22, 2021 with a pickup location of [REDACTED], Chicago, IL at 12:33 PM. The drop-off occurred at 12:44 PM at [REDACTED], Chicago, IL.

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<sup>38</sup> Att. 30. This evidence was obtained by BIA with Detective Gonzales's consent and shared with COPA. Note that the full extraction can be found in the physical file due to electronic size constraints.

<sup>39</sup> Att. 35. The Cellbrite extraction report lists the number for the extracted phone as [REDACTED]. Items extracted include images, call logs, data usage logs, videos, texts and audio.

<sup>40</sup> Att. 32

<sup>41</sup> Att. 31

<sup>42</sup> Att. 34

<sup>43</sup> Att. 17

<sup>44</sup> Att. 4-7

<sup>45</sup> Att. 1

<sup>46</sup> Att. 8

The Detective Supplemental Report by Detective Gonzales<sup>47</sup> for RD# [REDACTED] documents that on March 5, 2021 Detective Gonzales interviewed [REDACTED] about the incident at the CTA and her statement was substantially similar to the statement she gave responding officers on March 3, 2021. No further meetings or communications with the victim were documented. This supplemental report was submitted on March 24, 2021.

The Detective Supplemental Report by Detective Caryl Giordano<sup>48</sup> for RD# [REDACTED] documents that on April 27 2021, he spoke with [REDACTED] Detective Giordano's summary of [REDACTED] statement is substantially similar to the statement [REDACTED] gave BIA detectives on May 20, 2021.

COPA obtained the Attendance and Assignment Sheets (A&A) for Detective Gonzales for third watch of Unit 630 on March 16, 2021,<sup>49</sup> March 18, 2021,<sup>50</sup> and March 22, 2021.<sup>51</sup> The A&A shows that he was on duty and assigned to unit 630 on March 16, 2021 from 4:00 PM until 1:00 AM the following morning. The A&A for third watch of unit 630 shows he was on duty and assigned to unit 630 on March 18, 2021 from 4:00 PM until 1:00 AM the following morning. The A&A for third watch of unit 630 shows he was on duty and assigned to unit 630 on March 22, 2021 from 4:00 PM until 1:00 AM the following morning.

#### d. Additional Evidence

On March 31, 2021, Detective James Gonzales wrote a To/From Memorandum<sup>52</sup> to his unit commander stating that at 8:30 AM that morning Detective Gonzales' wife told him [REDACTED] contacted her and told her Detective Gonzales had been sleeping with her and assaulted her. Detective Gonzales wrote, "R/Det is not sleeping with [REDACTED] nor has R/Det 'assaulted' [REDACTED]<sup>53</sup> He stated that when he interviewed [REDACTED] she mentioned that she wanted to sue the CTA or the City for the injury to her teeth. He then stated that in his last progress report he noted that he had referred her to the city health department for mental health services. Detective Gonzales then requested that [REDACTED] case be assigned to another detective.

## 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;

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<sup>47</sup> Att. 40

<sup>48</sup> Att. 41

<sup>49</sup> Att. 11

<sup>50</sup> Att. 19

<sup>51</sup> Att. 13

<sup>52</sup> Att. 18

<sup>53</sup> Id.

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 been 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

### Credibility Assessment

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory. In this case, COPA obtained a detailed account of the events between March 3, 2021 and March 31, 2021 from [REDACTED]. However, Detective Gonzales gave a blanket denial of all allegations and refused to answer any questions. Therefore, one of their accounts must be untruthful.

[REDACTED] account of events is consistent and corroborated by external evidence. Digital evidence confirms their continued contact throughout the month of March and their plans to meet. These messages further confirm their relationship was not of a professional nature but rather of a sexual and/or romantic nature. Security footage from the hotel confirms their contact and the timeline of events for March 16, 2021 and March 18, 2021 consistent with [REDACTED] statement. [REDACTED] and [REDACTED] confirm [REDACTED] was picked up by Detective Gonzales in a gray vehicle on March 22, 2021. Additionally, COPA was able to obtain the receipt for the Lyft [REDACTED] took home, corroborating her account and location on March 22, 2021. Further, [REDACTED] made contemporaneous outcries to [REDACTED] on March 16, 2021 and March 18, 2021, which were consistent with her statement to COPA. Therefore, despite her admission that she was intoxicated for much of the time she spent with Detective Gonzales, [REDACTED] recollection of events is thorough, corroborated and consistent. Therefore, by a preponderance of the evidence [REDACTED] statement is found to be credible.

Detective Gonzales' blanket and unexplained denial of a sexual relationship with [REDACTED] is contradicted by external evidence and no evidence exists to support his denial. The text and WhatsApp messages from Detective Gonzales to [REDACTED] include flirting, emojis denoting affection, requests for pictures of [REDACTED] and a statement from Detective Gonzales calling [REDACTED] his "girlfriend." The most graphic evidence that a sexual relationship existed is the screen capture of the Facetime call between [REDACTED] and Detective Gonzales in which Detective Gonzales touches his penis. Therefore, based on a preponderance of the evidence, Detective Gonzales' denial of the allegations is not credible.

Thus, COPA finds [REDACTED] credible but does not find Detective Gonzales credible.

*Allegations 1 and 2 – March 16, 2021*

COPA finds Allegations 1 and 2, that on March 16, 2021, Detective Gonzales (1) had improper contact with [REDACTED] the victim of a crime he was assigned to investigate, to wit: hugged [REDACTED] and/or went to dinner with her and/or gave her \$100 USC and/or kissed her, and (2) was absent from duty and/or left duty without proper authorization in that he participated in non-work-related activities while on duty are Sustained.

Video evidence retrieved from the [REDACTED] and the text exchanges confirm Detective Gonzales' contact with [REDACTED] on March 16, 2021. Detective Gonzales arrived at the [REDACTED] on March 16, 2021 at 7:10 PM and entered an elevator. Video footage from lobby of the hotel shows that Detective Gonzales and [REDACTED] left the hotel together at 8:13 PM and returned to the hotel<sup>54</sup> at 9:26 PM. [REDACTED] alleges that on that date, Detective Gonzales hugged her, gave her \$100 USC and kissed her. Text messages confirm Detective Gonzales gave [REDACTED] money on that date. Furthermore, video footage<sup>55</sup> captures the two exchanging a hug. As previously stated, COPA finds [REDACTED] is credible and Detective Gonzales is not.

Moreover, it is clear that Detective Gonzales was not engaged in any legitimate investigative activities when he met with [REDACTED]. The Attendance and Assignment Sheets show Detective Gonzales was on duty. However, Detective Gonzales' Detective Supplemental Report documents that he had taken [REDACTED] statement about her attack on March 5, 2021 and that she did not have any new information other than what she had told the responding officers. Video footage does not show Detective Gonzales with a clipboard or any other note taking equipment nor did he arrive with another department member. Finally, the Detective Supplemental Report he drafted was submitted on March 24, 2021, a week after he met with her on March 16, 2021, yet it did not mention of this meeting. Thus, his interaction with [REDACTED] on March 16, 2021 was not a work-related activity, and he was effectively absent from work when he was with her.

Detective Gonzales was in a position of authority as a police officer investigating a crime that [REDACTED] reported. His position, her vulnerability, and the ongoing criminal investigation make his conduct improper. This conduct is unbecoming of a Chicago

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<sup>54</sup> Att. 24

<sup>55</sup> Att. 24

police officer. Therefore, based on a preponderance of the evidence, Allegations 1 and 2 are Sustained.

*Allegations 3 – 8 – March 18, 2021*

It is alleged that on March 18, 2021, Detective Gonzales made unwanted sexual advances towards [REDACTED] in that he stated words to the effect of “I want you to suck my dick,” and/or “You’re making me hard;” had improper contact with [REDACTED] the victim of a crime he was assigned to investigate, in that he displayed his penis to her, engaged in vaginal and/or oral intercourse with her, and gave her \$100 USC; and was absent from duty and/or left duty without proper authorization in that he participated in non-work-related activities while on duty. COPA finds these allegations are Sustained.

First, during a Facetime video call in either the morning or early afternoon of March 18, 2021, Detective Gonzales made unwanted sexual advances by way of making comments such as “you are making me hard” and “I want you to suck my dick.” During this call, he showed [REDACTED] his penis. Screenshots of the call clearly show Detective Gonzales’ face and him touching his exposed penis. [REDACTED] statement to COPA that she felt uncomfortable with these comments but felt compelled by the situation to “go along”<sup>56</sup> given that he was the detective assigned to investigate her case.

Beginning at approximately 7:30 PM, while on duty (as evidenced by the Attendance and Assignment Sheets), Detective Gonzales picked [REDACTED] up from her hotel, had sexual intercourse with her in his car, then returned to the hotel with her and had sexual intercourse with her in her hotel room. After the encounter, he allegedly gave her one hundred dollars. As discussed more fully above, Detective Gonzales had no legitimate investigative purpose for meeting [REDACTED] that evening. Camera footage from the hotel lobby shows Detective Gonzales met [REDACTED]. They left the hotel together at 7:52 PM and returned to the hotel at 8:27 PM. [REDACTED] alleges that during that period, they engaged in vaginal intercourse in Detective Gonzales’ vehicle. Upon their return, footage shows [REDACTED] hair is visibly mussed. Further, in a WhatsApp messaged the following day, Detective Gonzales informed her that she left her green mask and Spanx in his car. This corroborates [REDACTED] account, as there is no alternative explanation for her Spanx being in his vehicle.

After they arrived back at the hotel together, Detective Gonzales and [REDACTED] went up the elevator together and he came back down alone at 9:42 PM. [REDACTED] account that they’d had sexual intercourse during this time is corroborated by both the timeline and her immediate outcry to [REDACTED]. Additionally, [REDACTED] told [REDACTED] that Detective Gonzales gave her money.

As previously stated, Detective Gonzales was in a position of authority. As such, the sexual relationship was highly improper. This conduct is unbecoming of a Chicago police officer. Therefore, based on a preponderance of the evidence, Allegations 3 through 8 are Sustained.

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<sup>56</sup> Att. 26 at 51 and 55

*Allegations 9 – 14 – March 22, 2021*

It is alleged that on March 22, 2021, Detective Gonzales made unwanted sexual advances towards [REDACTED] in that he stated words to the effect of “I want to have sex with you;” verbally abused [REDACTED] in that he stated words to the effect of, “You’re a whore,” and/or “You’re a bitch,” and/or “I’m calling SWAT on you. You’re going to jail for being a whore;” grabbed her about the neck; grabbed and/or twister her arm; grabbed her breast; and improperly used Department records to obtain her personal address and utilize it for personal and/or improper means. COPA finds these allegations are Sustained.

As discussed, COPA finds [REDACTED] credible and has not been given an account of the events from Detective Gonzales. [REDACTED] alleged Detective Gonzales picked her up from her residence, though she did not give him her address. [REDACTED] and [REDACTED] observed a male in a gray/silver Lexus arrive to pick up [REDACTED]. The messages exchanged between [REDACTED] and Detective Gonzales do not reflect [REDACTED] providing her address. Detective Gonzales, as the assigned detective on [REDACTED] case had access to her address via the police report she filed. The only logical conclusion COPA can arrive at, based on the totality of the evidence, is that he used the information in that report to obtain her address. Furthermore, there is no evidence that he went to her address for an authorized purpose related to his job. Rather, he arrived there for personal reasons.

[REDACTED] alleges Detective Gonzales made unwanted verbal and physical sexual advances while in the car, called her a “whore” and a “bitch,” and threatened to call SWAT on her for being a “whore.” She further alleges he grabbed her by the neck, twister her arm, and grabbed her breast. There were no eyewitnesses or video for the events that allegedly happened with Detective Gonzales that day. However, as previously discussed, [REDACTED] established herself as a credible witness. She made an immediate outcry to [REDACTED] after the incident. The Lyft receipt she obtained corroborates that she did not let Detective Gonzales drive her home. Finally, her genuine fear and distress shown in the weeks after the incident lend support to her statement.

Therefore, based on a preponderance of the evidence, Allegations 9 through 14 are Sustained.

*Allegations 15 – March 31, 2021*

COPA finds Allegation 15 that on March 31, 2021, Detective James Gonzales provided false, misleading, incomplete, and/or inaccurate statements to the Department relative to his relationship with [REDACTED] on an official department report to the Commander of Unit 630 is Sustained. In Detective Gonzales’s To/From Memorandum on March 31, 2021, he denies sleeping with [REDACTED]. Detective Gonzales wrote this after [REDACTED] contacted his wife and told her about their sexual relationship. As previously discussed, COPA does not find Detective Gonzales credible. The existing evidence corroborates [REDACTED] account of events. Additionally, screenshots of a video call between [REDACTED] and Detective Gonzales depict him fondling his penis. Messages exchanged between them reflect Detective Gonzales telling [REDACTED] that she left her Spanx in his vehicle. These coincide with her account of them having sexual intercourse in his vehicle. Furthermore, messages from Detective Gonzales to [REDACTED] are sexual in nature (i.e. he

asks her to “suck my dick”). Based on the totality of the evidence and credibility of the witnesses, the only logical conclusion is that a sexual relationship existed between the two. Thus, Detective Gonzales’ To/From Memorandum contained intentionally false statements to the Department. Based on a preponderance of the evidence, Allegation 15 is Sustained.

## VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

### a. Detective James Gonzales

#### i. Complimentary and Disciplinary History

1. **Complimentary History:** Crime Reduction Ribbon (2004), 2 Crime Reduction Awards (2009 & 2019), 5 Attendance Awards, 8 Complimentary Letters, 1 Democratic National Convention Award, 1 Department Commendation, 31 Honorable Mentions, 1 Military Service Award, 1 NATO Summit Award, 1 Presidential Election Deployment Award (2008)

2. **Disciplinary History:** 1 Reprimand (Court Appearance)

#### ii. Recommended Penalty, by Allegation

##### 1. Allegation No. 1-15: Separation

Detective Gonzales the assigned detective on a violent felony for which [REDACTED] was the victim. Rather than conducting himself in a professional manner, he engaged in an improper sexual relationship with her. Not only was [REDACTED] vulnerable due to the recent attack, but she was also vulnerable as a survivor of human trafficking, a fact known to Detective Gonzales before he met with her. Additionally, the case was still under investigation, and had the case resulted in felony charges, Detective Gonzales would have been a witness for the prosecution. It is highly likely that his conduct with [REDACTED] would have compromised the criminal case. It is arguable that his relationship with her was already compromising his investigation, as rather than pulling additional evidence or searching for the offender, he was engaging in a sexual relationship with her. His conduct is made more egregious by the fact that much of it occurred while he was on duty. His conduct demonstrates a lack of sound judgement and self-control, severely undermines confidence in the Department, and brings profound discredit to the Department. Therefore, COPA recommends separation from the Department.

Approved:

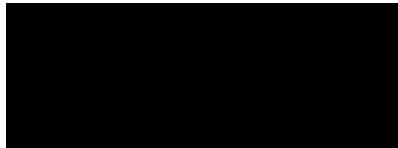


Sharday Jackson  
Deputy Chief Administrator – Chief Investigator

January 14, 2022

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Date



January 14, 2022

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Andrea Kersten  
*Interim Chief Administrator*

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Date

