

# SUMMARY REPORT DIGEST

CIVILIAN OFFICE OF POLICE

LOG NO  
1079922

TYPE  
CR

DATE OF REPORT  
27-NOV-2017

INSTRUCTIONS: To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, NO AFFIDAVIT, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed Five (5) DAYS SUSPENSION.

TO:  CHIEF ADMINISTRATOR,  
CIVILIAN OFFICE OF POLICE  
ACCOUNTABILITY

CHIEF,  
BUREAU OF INTERNAL AFFAIRS

FROM - INVESTIGATOR'S NAME	RANK	STAR NO	EMPLOYEE NO	UNIT ASSIGNED	UNIT DETAILED
KALANTZIS, TOM	9183			113	

REFERENCE NOS.(LIST ALL RELATED C.I., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

INCIDENT ADDRESS: 5400 N. LINCOLN AVE, CHICAGO, IL 60625      DATE / TIME:02-APR-2016 11:04      BEAT: 2011

## ACCUSED

NAME	RANK	STAR NO	EMP NO	UNIT ASSIGNED	UNIT DETAILED	SEX/RACE	DOB	APPOINTED DATE	ON DUTY ?	SWORN ?
MARKOVICH, NENAD N	9161	19638		020		M / WHI	-1963	04-NOV-1996	YES	YES

## REPORTING PARTY

NAME	ADDRESS*	CITY	TELEPHONE	SEX / RACE	DOB / AGE
				M / BLK	1969 / 48

## VICTIMS

NAME	ADDRESS*	CITY	TELEPHONE	SEX / RACE	DOB / AGE
				M / BLK	-1969 / 48

## WITNESSES

NAME	ADDRESS*	CITY	TELEPHONE	SEX / RACE	DOB / AGE
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\* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

## ALLEGATIONS

See Page 3

## SUMMARY

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## ATTACHMENTS

INVESTIGATIVE REPORTS - SUPPORTING ALLEGATIONS LIST ATTACHMENTS NUMBER	INVESTIGATIVE REPORTS - SUPPORTING ACCUSED MEMBERS(S) LIST ATTACHMENTS NUMBER:	PHYSICAL EVIDENCE LIST ATTACHMENTS NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:
34, 42, 46	38, 49	42-44	52

## FINDINGS - RECOMMENDATIONS

See Attached Report
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DATE INITIATED  
(Date incident was received for investigation)

08-APR-2016

DATE COMPLETED (Date of this report)

27-NOV-2017

ELAPSED TIME  
(Total time expressed in days)

598

Investigator will initiate the Command Channel Review form by  
completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE

## INTRODUCTION

On April 2, 2016, at approximately 2:50 p.m., Sergeant Lawrence Sprandel #1905 of Unit 020 contacted the Independent Police Review Authority<sup>1</sup> (IPRA) and registered this complaint with IPRA Investigator Darren Bowens #124 on behalf of the complainant, [REDACTED]. [REDACTED] alleged that on April 2, 2016, at approximately 11:30 a.m., the accused, Officer Nenad Markovich #19638, struck him on the forehead with a baton.<sup>2</sup>

## ALLEGATIONS

On August 7, 2017, the R/S alleged that on April 2, 2016, at approximately 11:35 a.m., during the transport to the 20<sup>th</sup> District Station, the accused officer, **Officer Markovich #19638:**

- 1) Referred to [REDACTED] as “asshole,” “moron,” “jagoff,” and “motherfucker” in violation of Rules 8 and 9; and
- 2) Stated to [REDACTED] “See how stupid and drunk you are, you don’t even know where the fuck you’re at,” in violation of Rules 8 and 9.

It is further alleged that on or about June 30, 2016, Officer Markovich:

- 3) Used his official position for personal gain or influence in that he improperly agreed to withdraw the criminal charges against [REDACTED] in exchange for [REDACTED] termination of his IPRA complaint, in violation of Rule 4; and
- 4) Attempted to circumvent the criminal prosecution of [REDACTED] in that he improperly agreed to withdraw the criminal charges against [REDACTED] in exchange for [REDACTED] termination of his IPRA complaint, in violation of Rules 1, 2, 3 and 5.

## APPLICABLE RULES AND LAWS

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 3 – Any failure to promote the Department’s efforts to implement its policy or accomplish its goals.

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

Rule 5 – Failure to perform any duty.

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.

## INVESTIGATION

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<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Thus, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendations set forth herein are the recommendations of COPA.

<sup>2</sup> In his statement to IPRA, [REDACTED] did not allege that the officer struck him with a baton; instead, the complainant alleged that the officer punched him in the eye and kicked him about the body. Because the investigation concluded that these excessive force allegations were unfounded, Officer Markovich was not presented with these allegations.

In his **Initiation Report**, Sgt. Sprandel stated that he went to St. Francis Hospital and spoke to ██████████. ██████████ alleged that Officer Markovich arrested and transported him to the 20<sup>th</sup> District Station. Inside the station, Officer Markovich allegedly struck ██████████ on the head with a “night stick,” causing ██████████ head to bleed above the left eye. Sgt. Sprandel informed ██████████ that the processing area where ██████████ alleged the incident occurred may have video surveillance. ██████████ became hostile and stated that the incident occurred at the location of arrest. The sergeant added that Officer Markovich does not carry a “night stick.” ██████████ looked at Sgt. Sprandel’s duty belt and said that Officer Markovich was carrying the same equipment that the sergeant was carrying. ██████████ observed that Sgt. Sprandel did not have a night stick or police baton and asked if the sergeant had a small flashlight. The sergeant replied that he carried a small plastic flashlight. ██████████ then said, “Well, that’s what it was.” ██████████ was treated at St. Francis Hospital and released. Hospital personnel informed the transporting officers that ██████████ had a BAC of .387.

Sgt. Sprandel then spoke to Officer Markovich who stated, in essence, that ██████████ fell forward into the holding room as he was being escorted into the 20<sup>th</sup> District processing area. ██████████ cut his head as a result of the fall and Officer Markovich immediately requested an ambulance. (Att. #4)

In a **statement to IPRA** on April 2, 2016, ██████████ stated that he was drinking alcohol with some friends under the CTA Red Line viaduct at Argyle Street, when an officer, now known as Officer Markovich, approached and asked ██████████ if he was drinking. ██████████ denied that he had been drinking and the officer put his hand inside ██████████ jacket pocket, pulled out an open bottle and placed ██████████ under arrest. On the way to the station, ██████████ and the officer got into an argument, during which Officer Markovich called ██████████ a “nigger” and ██████████ called the officer a “faggot.” Officer Markovich informed ██████████ that their conversation was being recorded. Approximately five minutes later, Officer Markovich stopped the vehicle at an unknown alley and dragged ██████████ out of the vehicle. Officer Markovich then punched and kicked ██████████ about the body. When asked whether Officer Markovich kicked or punched him in the eye, ██████████ replied, “I don’t know.” Officer Markovich then pushed ██████████ back inside the vehicle and ██████████ lied on the back seat. ██████████ stated that he may have lost consciousness because when he woke up, he was at a hospital where he received stitches to the injury above his eye. Later in his statement, ██████████ stated that Officer Markovich punched him in the eye. (Att. #'s 15, 30)

In a **statement to IPRA** on June 24, 2016, ██████████ requested to “drop” his complaint against Officer Markovich. When asked the reason for doing so, ██████████ responded, “It’s the right thing to do,” and that “the officer was doing his job,” and that ██████████ may have been “out of order.” ██████████ stated that he went to his court hearing on June 16 at the courthouse at Belmont and Western. ██████████ was not represented by counsel during his court date. ██████████ asked the judge to discuss the case with Officer Markovich. ██████████ Officer Markovich and a white male Assistant State’s Attorney then stepped out in the hallway. Officer Markovich told ██████████ that it was a “bad day” for both of them. Officer Markovich told ██████████ to go to IPRA and drop the complaint against him and the officer would drop the charges against him. ██████████ stated that it was his understanding that once he dropped the complaint against the

officer, Officer Markovich would drop the charges against him. Officer Markovich did not ask [REDACTED] to bring something back from IPRA; [REDACTED] assumed that he would have to bring some paperwork to show to the judge. [REDACTED] stated that he did not know whether the judge knew of [REDACTED] complaint against the officer but believed that the judge was aware of the IPRA complaint. The judge granted [REDACTED] request for a continuance and [REDACTED] then called IPRA to drop the complaint. [REDACTED] refused to answer additional questions during his second interview and only stated that he wished to terminate the complaint. (Att. #34)

The **Arrest Report and Original Case Incident Report (RD# HZ210543)** indicates that Officer Markovich observed [REDACTED] drinking on the public way from a bottle of Paul Mason brandy. As Officer Markovich approached, [REDACTED] placed the bottle in his left pocket. Officer Markovich ordered [REDACTED] to relinquish the bottle and told him that it was unlawful to consume alcohol in public. Officer Markovich had warned [REDACTED] on prior occasions that further violations would result in arrest. Officer Markovich placed [REDACTED] in custody without incident. En route to the 20<sup>th</sup> District Station, [REDACTED] became belligerent and threatened to kill Officer Markovich's entire family and shoot the officer in the face. At the station, Officer Markovich escorted [REDACTED] from the police vehicle to the processing area and [REDACTED] elbowed the officer in the left ribcage area with his right elbow. Officer Markovich continued to escort [REDACTED] into the processing area, when [REDACTED] stopped at the doorway of the detention cell and stiffened up. Officer Markovich attempted to place [REDACTED] into the cell and [REDACTED] fell forward, striking his head on the floor. Officer Markovich requested an ambulance which subsequently transported [REDACTED] to St. Francis Hospital. (Att. #'s 5-6)

**Officer Markovich's Tactical Response Report (TRR) and Officer's Battery Report** indicate that [REDACTED] did not follow verbal direction and stiffened his body, and that Officer Markovich responded with member presence, verbal commands, escort holds and wristlock. The TRR also indicates that [REDACTED] attacked Officer Markovich without a weapon, specifically with his elbow, and that the officer did not use force in response. The TRR narrative states that [REDACTED] stiffened up at the entrance to a detention cell and fell after Officer Markovich attempted to escort him inside. (Att. #'s 7-8)

A **GPS Report** of Vehicle #9047, which was Officer Markovich's assigned vehicle on April 2, 2016, indicates that at approximately 11:25 a.m., the vehicle came to a complete stop at the location of the arrest, in the vicinity of Argyle and Winthrop. The vehicle remained at that location until approximately 11:28 a.m., when it headed east on Argyle, then north on Kenmore, and then west on Foster, until it reached the 20<sup>th</sup> District Station at 5400 N. Lincoln Avenue at approximately 11:36 a.m. The vehicle's trip from the location of arrest to the district station was continuous and lasted approximately nine minutes. It does not appear that the vehicle stopped at any alley as alleged by [REDACTED] (Att. #26)

**Evidence Technician photographs** depict the inside and outside of a marked police vehicle, the inside of a cell containing drops of blood on the floor, [REDACTED] with stitches above his left eye, and Officer Markovich. The photographs do not indicate any injuries on the officer's hands. (Att. #29)

A **Chicago Fire Department Ambulance Report** documented that Ambulance #40 was

dispatched to the location of the incident and, upon arrival, the crew observed a “forty-year-old black male”, now known as ██████████ in police custody and complaining of head pain. ██████████ had a one-inch laceration above his left brow. According to the police on the scene, ██████████ shoved an officer and then fell to the ground, striking his head. ██████████ told emergency personnel that he was assaulted by the police and hit with a baton. The report noted that ██████████ had a “mix of different stories in relation to what happened due to disorientation.” ██████████ admitted he was intoxicated prior to lockup. The ambulance then transported ██████████ to St. Francis Hospital. (Att. #40)

**Medical Records from St. Francis Hospital** indicate that ██████████ was transported to the Emergency Room by Emergency Medical Service (EMS) for a trauma. The records described ██████████ as “intoxicated” and related that he was “in jail and had a fall and hit his head.” Per EMS, ██████████ was “resisting” and there was a “tussle” with the police when ██████████ was being uncooperative. ██████████ stated to hospital personnel that he “was hit in the head with a baton, this is police brutality.” ██████████ added that he was struck on the right side of his head. ██████████ sustained a two-centimeter laceration above the left eyelid and was treated by hospital personnel. ██████████ was then released in the custody of CPD officers. (Att. #39)

Two **Video Recordings** from Vehicle #9047 depict Officer Markovich’s transport to the 20<sup>th</sup> District Station. ██████████ appears inebriated and states that he will shoot the officer and his family. Officer Markovich responds as alleged by directing profanities at ██████████ Upon arrival at the district station, the vehicle is parked in the sally port and the two individuals exit the vehicle. The officer’s microphone continues to record and, a few seconds later, captures what sounds like a tussle, followed by a “thud.” The officer is then heard ordering ██████████ to get up and requests assistance in the lockup. Officer Markovich is later heard stating to an unidentified individual that ██████████ “stiffened up” and would not enter the cell, and the officer gave him a “little shove” to get him inside and ██████████ fell and struck his head. (Att. #42)

One **Chicago Transit Authority Video Recording** from the Red Line Argyle Station, which does not have sound, captures ██████████ and a few unknown individuals hanging out under the “L” tracks. ██████████ appears to be drinking out of a white Styrofoam cup. At one moment, ██████████ slaps one member of the group. Officer Markovich arrives and talks to ██████████ in an animated manner. The officer reaches into ██████████ outer jacket pocket and retrieves what appears to be a bottle of alcohol. Officer Markovich then gestures to ██████████ and ██████████ follows the officer away. (Att. #44)

One **POD Video Recording** from POD #101, located at 1101 W. Argyle Street, did not capture any part of ██████████ arrest. (Att. #43)

In a **To/From/Subject Report**, dated April 2, 2016, Sgt. Walter #1699 stated that he attempted to access the video system for the 20<sup>th</sup> District Station after the above Log Number was initiated. The sergeant rebooted the computer and then went to the Watch Commander’s office where he discovered that the server was not turned on. Sgt. Walter turned on the server and accessed the video, and an error message was displayed stating, “The time requested is not available on the Video Recorder, and could not be located on the Video Archive Server.” The sergeant was unable to determine why the server was not turned on or how long it was off. (Att.

#12)

A **To/From/Subject Report**, dated April 11, 2016, documents that on April 11, 2016 a personal visit was conducted to the 20<sup>th</sup> District Station, in order to attempt to retrieve a video recording from April 2, 2016. Officer Linda Nathaus #13968 explained that on April 2, 2016, at approximately 9:00 a.m. to 10:00 a.m., a power surge occurred and all computer devices were shut off for a couple of minutes. When the power came back on, nobody checked whether the server for the video surveillance system had turned on again. Officer Nathaus related that it was not noticed until 3<sup>rd</sup> Watch that the server was not turned on. (Att. #27)

In a **To/From/Subject Report**, dated June 13, 2016, the R/S documented that he spoke to Officer Caryn De La Rosa #10479 to follow up with the R/S's request for a video recording of the alleged incident. Officer De La Rosa stated that the issue with the district station's surveillance system had been resolved on May 2, 2016 when a technician upgraded the system. However, the officer stated that the R/S's request had not been completed because the system had been "down." (Att. #45)

In a **To/From/Subject Report**, dated June 14, 2016, the R/S documented that on June 14, 2016, the R/S telephoned BIA Sergeant Richard Alvarez #1066, who stated that he had made a BAS request in order to learn whether the video surveillance system had a "live feed" from the 20<sup>th</sup> District Station to OEMC. Sgt. Alvarez learned that the district station is equipped with an older model and does not provide a live feed to OEMC, in contrast to newer servers that would continue to record in the event of a power outage. Based on the conversations with Sgt. Alvarez and Officer De La Rosa, the R/S determined that no video recordings had been downloaded regarding the alleged incident. (Att. #31)

In a **To/From/Subject Report**, dated July 1, 2016, IPRA Investigator Adam Pfeifer #179 documented that on June 30, 2016, he responded to Branch 29 to observe the disposition of the criminal case against [REDACTED] Inv. Pfeifer reported that he did not observe any conversations between [REDACTED] and Officer Markovich prior to the hearing and did not observe any paperwork in [REDACTED] possession. When the case was called, the prosecutor told the judge that he had met with [REDACTED] and Officer Markovich and then said, "Motion State SOL." [REDACTED] and Officer Markovich exited the courtroom separately, exchanged pleasantries and headed in different directions. (Att. #38)

In a **To/From/Subject Report**, dated January 11, 2017, the R/S documented that on January 11, 2017, at approximately 9:15 a.m., the R/S received a telephone call from a male individual who identified himself as Officer Nenad Markovich #19638. The officer stated that he recently discovered that the Log# 1079922 was still active. Officer Markovich informed the R/S that the complainant, [REDACTED] had agreed to drop the complaint if Officer Markovich dropped the charges against him. The R/I explained that [REDACTED] signed affidavit requires that the complaint is fully investigated, regardless if Mr. [REDACTED] later signed a "drop complaint" form. (Att. #46)

A **letter** from the Office of the State's Attorney, Cook County, Illinois, documents that the office conducted a review of its files and determined that it has no records regarding the

criminal file for People v. [REDACTED] (Att. #51)

In a **statement to IPRA** on August 14, 2017, the **accused, Officer Markovich**, stated that on April 2, 2015, he was assigned to Beat 2084, which entailed a focus on quality of life issues in the Argyle Street business district. Officer Markovich was driving his marked police vehicle when he observed [REDACTED] on the sidewalk under the “L” tracks. [REDACTED] who was with other unknown males, appeared to be drinking alcohol and the officer exited his vehicle and approached [REDACTED]. Officer Markovich confirmed that [REDACTED] was drinking out of a Paul Mason brandy bottle and placed him in custody. The officer stated that [REDACTED] appeared to be under the influence of alcohol. Officer Markovich escorted [REDACTED] to the police vehicle without incident, but described [REDACTED] as “belligerent.” The officer stated that [REDACTED] was “motherfucking” him and asking, “Don’t you have anything better to do?” Officer Markovich stated that he was not obligated to turn on the in-car camera system but turned it on to “protect myself.”

Officer Markovich and [REDACTED] then headed to the 20<sup>th</sup> District Station. The officer stated that he did not believe that he made any stops on the way. During the transport, [REDACTED] threatened to shoot Officer Markovich in the face and to kill the officer’s family. Officer Markovich stated that [REDACTED] “got under my nails” because [REDACTED] mentioned the officer’s children. Officer Markovich admitted using the profanity as alleged but did not use any racial names toward [REDACTED]. The officer stated that he could have put up with abusive language toward his person, but did not tolerate “dragging” his family into this matter. Officer Markovich told [REDACTED] that he “talked [his] way into a felony” for threatening to kill an officer. Upon arrival at the station, they entered through the sally port and Officer Markovich escorted [REDACTED] to the processing area. The two individuals reached the second door of the processing area and [REDACTED] elbowed the officer on his left side with his right arm. Officer Markovich tightened his hold on [REDACTED] right arm. Once they reached the doorway to the cell in the processing area, [REDACTED] “froze” and stiffened his body. Officer Markovich released his hold so [REDACTED] could enter the cell, but [REDACTED] would not go inside. The officer then gave [REDACTED] a “little nudge” to enter the cell. Officer Markovich stated that he nudged [REDACTED] with at least one hand and the palm facing out. [REDACTED] then fell forward and landed on his head. Officer Markovich stated that [REDACTED] could not break his fall because he was still handcuffed. The officer turned over [REDACTED] and observed that he had sustained a cut above his left eyebrow. Officer Markovich went over the air and requested an ambulance. Sgt. Sprandel responded to the processing area and the officer told him what happened. When the ambulance arrived, the paramedics transported [REDACTED] to St. Francis Hospital. Officer Markovich remained in the station, completed the paperwork for [REDACTED] arrest and scheduled [REDACTED] court date for May 12, 2016. Officer Markovich stated that later that day, Sgt. Sprandel informed him that [REDACTED] had initiated a complaint against him and the officer learned the allegations made against him.

Officer Markovich stated that on May 12, 2016, [REDACTED] appeared in court at Branch 29 and was granted a continuance to retain an attorney. At the next court date, [REDACTED] approached Officer Markovich and stated, “May I talk to you? I was bogus.” Officer Markovich told him to stop and called over the Assistant State’s Attorney.<sup>3</sup> In the presence of the prosecutor, [REDACTED]

<sup>3</sup> Officer Markovich did not recall the name of the ASA, but only described her as a white female.

apologized to Officer Markovich. The officer told the prosecutor that he would be willing to drop the charges with an apology in open court. [REDACTED] then stated that he would not follow through with his IPRA complaint. Officer Markovich stated that he did not ask [REDACTED] to withdraw his complaint, did not “mandate” or “demand” that [REDACTED] drop the complaint, and that there was “no deal” between the two individuals. The officer added that he did not think anything was wrong until he received the above allegations by IPRA.

Officer Markovich stated that the next court date was on June 30, 2016. The officer did not speak to [REDACTED] before the hearing. Officer Markovich stated that he thought the same prosecutor was there but was not sure which judge was presiding. [REDACTED] did not present any paper from IPRA to the court. The charges against [REDACTED] were stricken with leave to reinstate. Officer Markovich stated that after the hearing, he called the R/S and left a voicemail message, stating that he had viewed the video recording online and that [REDACTED] had agreed to drop the complaint. Officer Markovich stated that he did not leave the message to incriminate himself, but to let the R/S know that [REDACTED] was going to drop his complaint. Officer Markovich stated that “if it sounded like that, it’s not how it happened.” [REDACTED] approached the officer and the two individuals had a conversation in the prosecutor’s presence. Officer Markovich explained that he decided to give [REDACTED] a “break” because he “felt bad” for what had happened in the processing area and after finding out from the transporting officer that [REDACTED] had a high sugar level. Officer Markovich added that [REDACTED] was “apologetic” and “conciliatory.” The officer stated that he knew that the IPRA case against him could not be sustained, and the Assistant State’s Attorney never stopped the officer and [REDACTED] or said that it was inappropriate. Officer Markovich added that he would have probably dropped the charges against [REDACTED] even if there had been no complaint, because the officer works in that area every day. (Att. #49)

[REDACTED]  
Thomas Kalantzis  
Major Case Specialist #36

[REDACTED]  
Robert Coleman  
Supervising Investigator #11

## ANALYSIS

### Accused# 1                      Officer Nenad Markovich

**Allegation #1: Sustained** — With regard to the allegation that Officer Markovich referred to [REDACTED] as “asshole,” “moron,” “jagoff,” and “motherfucker” in violation of Rules 8 and 9, these statements were captured on the police vehicle’s in-car surveillance system and the officer’s microphone. In the recordings, Officer Markovich clearly addresses [REDACTED] by using these verbally abusive statements. In his statement to IPRA, Officer Markovich admitted to using the above statements. The officer explained that [REDACTED] “got under my nails” by stating that he was going to shoot the officer’s family. The recording also captures [REDACTED] threatening to shoot the officer and his family and the officer responding that [REDACTED] “talked [his] way into a felony.” Although based on the available evidence Officer Markovich would have been justified to add more counts to [REDACTED] arrest, he cannot be justified in responding to [REDACTED] in the

manner that he employed. Moreover, the officer admitted that he was wrong in making the verbally abusive statements. As a result, based on the totality of the evidence, COPA recommends that this allegation against Officer Markovich be **Sustained**.

**Allegation #2: Sustained** — With regard to the allegation that Officer Markovich stated to [REDACTED] “See how stupid and drunk you are, you don’t even know where the fuck you’re at,” in violation of Rules 8 and 9, COPA recommends that this allegation be **Sustained** for the same reasons as stated above for Allegation #1.

**Allegation #3: Not Sustained** — With regard to the allegation that Officer Markovich used his official position for personal gain or influence in that he improperly agreed to withdraw the criminal charges against [REDACTED] in exchange for [REDACTED] termination of his IPRA complaint, [REDACTED] alleged that Officer Markovich directed [REDACTED] to go to IPRA and drop the complaint as a condition of dropping the criminal charges. In response to the allegation, Officer Markovich stated that he did not “mandate” that [REDACTED] drop his complaint but that [REDACTED] offered on his own to drop the complaint. Officer Markovich stated that he “felt bad” for [REDACTED] and dropped the charges because [REDACTED] was “apologetic.” The officer added that he knew that [REDACTED] original allegation that the officer struck [REDACTED] on the head could not be sustained. [REDACTED] stated that Officer Markovich did not ask him to bring any documentation to court as proof of the termination of the complaint. [REDACTED] further admitted that after terminating his complaint, he did not present the document to the court. Officer Markovich corroborated that [REDACTED] did not present the termination form to the court. Finally, a search for [REDACTED] criminal file that could have provided additional evidence of the alleged agreement between Officer Markovich and [REDACTED] was unsuccessful. As a result, there is insufficient evidence to prove or disprove this allegation and COPA recommends that this allegation be **Not Sustained**.

**Allegation #4: Not Sustained** — With regard to the allegation that Officer Markovich attempted to circumvent the criminal prosecution of [REDACTED] in that he improperly agreed to withdraw the criminal charges against [REDACTED] in exchange for [REDACTED] termination of his IPRA complaint, COPA recommends that this allegation be **Not Sustained** for the same reasons as stated above for Allegation #3.

[REDACTED]  
Deputy Chief Joshua Hunt #7