

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	July 12, 2021; September 2020 through July 2021
Time of Incident:	Approximately 12:15pm
Location of Incident:	██
Date of COPA Notification:	July 12, 2021
Time of COPA Notification:	Approximately 5:39pm

On July 12, 2021, ██████████ arrived at the residence of her ██████████ Officer Amin Elmesquine to accompany him to an appointment. Officer Elmesquine then sexually abused ██████████ When ██████████ was able to break free from Officer Elmesquine, she left immediately and reported the incident to the police. Based on a preponderance of the evidence, the Civilian Office of Police Accountability (COPA) finds that the allegations against Officer Elmesquine are Sustained.

II. INVOLVED PARTIES

Involved Officer #1:	Amin Elmesquine, Star #17593, Employee ID# ██████████, Date of Appointment: February 16, 2017, Police Officer, Unit of Assignment: 024, DOB: ██████████, 1989, Male, White
Involved Individual #1:	██████████ DOB: ██████████, 1989, Female, White

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Amin Elmesquine	1. On or about July 12, 2021, at approximately 12:15 p.m. at or near ██████████ ██████████ Chicago, IL Officer Amin Elmesquine bit ██████████ breast without consent.	Sustained
	2. On or about July 12, 2021, at approximately 12:15 p.m. at or near ██████████ ██████████ Chicago, IL Officer Amin Elmesquine bit ██████████ stomach without consent.	Sustained

<p>3. On or about July 12, 2021, at approximately 12:15p.m. at or near ██████████ Chicago, IL Officer Amin Elmesquine placed his hand and/or hands around ██████████ neck without justification.</p>	<p>Sustained</p>
<p>4. On or about July 12, 2021, at approximately 12:15 p.m. at or near ██████████ ██████████ Chicago, IL Officer Amin Elmesquine attempted to remove ██████████ ██████████ clothes without consent.</p>	<p>Sustained</p>
<p>5. On or about July 12, 2021, at approximately 12:15 p.m. at or near ██████████ Chicago, IL Officer Amin Elmesquine physically restrained ██████████ without justification.</p>	<p>Sustained</p>
<p>6. On or about July 12, 2021, at approximately 12:15 p.m. at or near ██████████ Chicago, IL Officer Amin Elmesquine stated words to the effect of, “Say no again”, “Tell me no more,” to ██████████</p>	<p>Sustained</p>
<p>7. On or about an unknown date and time between June 25, 2021, and July 2, 2021, at or near ██████████ Chicago, IL Officer Amin Elmesquine stated words to the effect of “I’ll kill you if you leave me” to ██████████</p>	<p>Sustained</p>
<p>8. On or about an unknown date and time between January 2021 and July 2021 at an unknown location, Officer Amin Elmesquine struck ██████████ about the face without justification.</p>	<p>Sustained</p>
<p>9. On or about unknown dates and times between September 2020 and July 2021 at unknown locations, Officer Amin Elmesquine verbally abused ██████████ ██████████ in that he called her names such as “bitch” and/or “psycho” and/or “dumbass” and/or “whore.”</p>	<p>Sustained</p>

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1: Violation of any law or ordinance.
 2. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 3. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
 4. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
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V. INVESTIGATION¹

a. Interviews

COPA interviewed ██████████ (hereafter ██████████) on July 14, 2021, in a joint interview with Detective Theresa Floyd from Chicago Police Department, Bureau of Internal Affairs.² ██████████ related that she met Officer Amin Elmesquine (hereafter Officer Elmesquine) on a dating app and first met him in person in September of 2020. They had been dating since then. Their relationship revolved heavily around sexual activity, and they would occasionally argue verbally. ██████████ observed anger and aggression in Officer Elmesquine's behavior, and she described him as having narcissistic tendencies. He would often call ██████████ words like "whore, dumbass, bitch, and psycho."³

██████████ and Officer Elmesquine broke up on or around July 2, 2021. Approximately a few days prior to the breakup, Officer Elmesquine made a comment to ██████████ stating that he would kill ██████████ if she left him.⁴ At the time, ██████████ did not think he meant it and she did not take the comment seriously, but after the physical incident between them a few weeks later, her perspective about it shifted. After the breakup, ██████████ and Officer Elmesquine were texting back and forth to make arrangements to retrieve their belongings from each other. ██████████ requested to meet him in person for breakfast to have a conversation with him, but he insisted on meeting at his house. Not wanting to meet him at his house, she did not meet with him that day. ██████████ made it clear in their text messages that she did not want them to meet up and have it lead to sexual activity between them.

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

² Att. 10 and 18

³ Att. 18, pages 6 and 38

⁴ Att. 18, page 39

Officer Elmesquine communicated to ██████ through text message that he had mental health issues that she was unaware of.⁵ ██████ related that he made a lot of comments that he hated his life and usually blamed it on financial reasons, but he had never threatened to harm himself. This led her to send him a message suggesting he get professional help and informing him of things she had noticed throughout the relationship. She told him his actions are emotionally and mentally abusive. He told her if he were to seek help, he would go through the Employee Assistance Program (EAP) because they do not make record of the visit. He related that if he went to a professional for help other than EAP and they found he was unfit to carry a gun, he could be stripped of his weapon and fired from his job.⁶

She then agreed to accompany him to a doctor's appointment on July 12, 2021. ██████ let herself into Officer Elmesquine's house because he was expecting her. When she walked in, she saw he was laying on his bed in his bedroom, face down with shorts on and no shirt. ██████ then applied lotion to his back while he was laying on the bed because he was complaining of back pain.⁷ She then went into the living room and sat on his couch for approximately five to ten minutes. ██████ went back into his bedroom and told him they needed to leave for his appointment. While she was standing at the side of his bed, he reached his arm backwards. She thought he was trying to hold her hand, but he then got ahold of her left hand and pulled her down onto the bed. She ended up perpendicular to him on the bed on her hands and knees and tried to lift herself onto her knees to get off the bed. He then flipped her and himself over so that he was on top of her.

Officer Elmesquine then restricted ██████ arms above her head, holding her by her forearms and her wrists. At some points during the incident, he only restricted one of her arms, but at other points he held down both her arms. He then lifted her shirt and bra up, so her breasts were exposed.⁸ At some point he bit her breast⁹ and put his hands on her neck. ██████ could not recall if he ever put both his hands on her neck at the same time. He also bit her stomach and attempted to remove her jeans and underwear from the sides. ██████ legs were bent upwards, so he was not able to remove her pants because of the positioning of her legs and because her pants were tight. At some point she was able to scratch Officer Elmesquine with her right hand on his chest or stomach area. She could not recall if that caused him to move or shift his weight, but at that point she was able to slide off the edge of the bed and leave the room.

██████ told him multiple times during the incident words to the effect of, "No. Stop. I want to leave. Get off me." The only thing Officer Elmesquine said during the incident was, "Say no again," and "Tell me no more." ██████ explained that when his hands were on her neck, she felt a lot of pressure. Initially, she felt like there was less pressure than there was towards the end of him having his hands on her neck.¹⁰ She felt scared, and she kept trying to tell him "No", but at one point she was not able to get a sound out. The force of his hand on her neck and the position that he was in over her prevented her from being able to say a word. During that time, he was saying

⁵ Att. 18, page 62, ██████ related that he has specifically mentioned a personality disorder, and possibly mentioned being bipolar and having a sex addiction. He stated he disassociates himself from sex.

⁶ Att. 18, page 36 and 41

⁷ Att. 18, page 8, ██████ could not recall if he asked her to apply lotion to his back or if she offered to.

⁸ Att. 18, page 29, ██████ related that Officer Elmesquine never fully removed her shirt or bra.

⁹ Att. 18, page 9, ██████ thought he was primarily biting her left breast, and could not recall if he bit her right breast as well.

¹⁰ Att. 18, page 29

to her, "Tell me 'No' again," and she was unable to say anything. ██████ related that he released her neck and grabbed her neck again, approximately two or three times.¹¹ She did not feel like she was going to become unconscious, but she was unable to breathe and say anything during some intervals when he had his hand on her neck.¹² He eventually let go of her neck, and that is when he started to move towards the lower half of her body.

During the incident, ██████ took several actions to free herself and get away from Officer Elmesquine by making turning her head to the side to loosen his grip on her neck and attempting to free her arm from him. ██████ related that because of the bent position her legs were in, she was unable to kick him, but she did try to push him off her with her knee. ██████ stated that although Officer Elmesquine is not heavier than her, in those moments he felt very heavy on top of her, and nothing she was doing could get him off her until she scratched him.¹³

When she was able to slide off the bed and leave the room, she went to the bathroom to fix her clothing, grabbed her belongings, and left. Neither she nor Officer Elmesquine said anything to each other after the incident.¹⁴ She got in her vehicle, drove a few blocks, and pulled over to gather herself. She texted him at 12:35 p.m., saying, "What is wrong with you? I told you no and to stop and get off me." She also sent him a picture of the marks that were left on her neck and chest area, and another message saying, "That's not okay, Amin." She related that her phone showed that he had read the message, but he never responded. She then drove to a store parking lot and cried in her vehicle. She recalled telling her ██████ ██████ (hereafter ██████ her direct work supervisor ██████ (hereafter ██████ and her friend ██████ (hereafter ██████ of what happened immediately after the incident via text messages and phone calls. In speaking with ██████ who is a police officer for the Town of Cicero, he told her she needed to go to the police station to report the incident. She expressed that she was scared because he was an officer. However, she eventually drove to the police station. At the station, ██████ gave a statement, obtained a police report, and was informed on how to file an Order of Protection.

██████ went to her ██████ (hereafter ██████ home from the police station and had been staying with her since. She related that ██████ told ██████ what had happened before she told her herself. ██████ knew she was planning on going to a doctor's appointment with Officer Elmesquine.¹⁵ That same night, police came to ██████ home to take photos of ██████ injuries.

On July 13, 2021, ██████ sought medical treatment at ██████ in Norridge. Her throat had been bothering her and the bottom of her neck and upper chest area felt sore, but she did not see any bruising.¹⁶ The back and sides of her neck also felt stiff. The doctors did a soft tissue x-ray and an x-ray of her spine and told her she had soft tissue bruising and a spasm in her neck. They also noted some discoloration around her left breast where Officer Elmesquine had bit her. She was provided a list of medicines they prescribed for her.

¹¹ Att. 18, page 31

¹² Att. 18, page 32

¹³ Att. 18, pages 32-33

¹⁴ Att. 18, page 11

¹⁵ Att. 18, page 14

¹⁶ Att. 18, page 21-22

██████████ related multiple times that she was scared during the incident. She was scared because she repeatedly told him “No,” and he would not stop. ██████████ stated that he was clearly aroused by her telling him “No.”¹⁷ She related that when his hand was on her neck, she was thinking about how she knew he had a rifle in his bedroom. She also noticed his handgun on the kitchen table when she walked in the house, which was a common place for it to be when he was home. ██████████ thought he was going to kill her. She did not know in that moment if he was going to strangle her to death or kill her some other way.¹⁸

██████████ related that Officer Elmesquine had choked her during sexual activity prior to July 12, 2021, but it was consensual. She was not scared during it, and she did not feel like it was done to hurt her. She stated that the recent incident was different because she had repeatedly told him “No,” she was scared, and he used so much pressure that she could not breathe or say anything.¹⁹ It was also different than previous sexual activity because he had never restrained her hands before.²⁰

██████████ explained that their sexual activity was rough at times, and she first noticed aggression during their sexual encounters. When they first started engaging in regular sexual activities, he struck her in the face. She informed him that she was not comfortable with that behavior. There were two or three incidents where he struck her in the face after she had informed him that she was not comfortable with that. ██████████ related that one time, approximately a few months prior to the incident, he struck her so hard that her eye turned red.^{21 22}

COPA interviewed ██████████ on July 28, 2021.²³ He related that ██████████ is his ex-wife, they were married for seven years and got divorced in August of 2019. They have a ██████████ together, whom he sees daily, and sees ██████████ often. ██████████ was aware that ██████████ was dating Officer Elmesquine, but he met him once. ██████████ met Officer Elmesquine at one of ██████████ baseball games. He introduced himself, and Officer Elmesquine initially seemed reserved.

On July 12, 2021, between 1:00 p.m. and 1:30 p.m., ██████████ sent him a text asking if he could sleep at her house that night. He said this was very odd of her to ask and was a red flag, which he took to mean she was afraid and needed someone there with her. He asked ██████████ if everything was alright, to which she replied no, and then told him via text message about the incident.

██████████ related to him that she was supposed to take Officer Elmesquine to an appointment and went to his house. While inside Officer Elmesquine house, he grabbed her and took her down onto the bed. ██████████ told him he tried to remove her top and she tried to fight him off, while he was choking her. ██████████ told him Officer Elmesquine tried to take her pants off but was unable to

¹⁷ Att. 19, page 50

¹⁸ Att. 18, page 50

¹⁹ Att. 18, page 49

²⁰ Att. 18, page 48

²¹ Att. 18, page 46

²² ██████████ also discussed alleged incidents between Officer Elmesquine and his ██████████. Att. 18, pages 55-57

²³ Att. 20

because her legs were bent up, and she was able to push him away from her and she left. [REDACTED] also texted [REDACTED] photos of her injuries on her neck and her arms.

[REDACTED] called [REDACTED] immediately and could hear that she was panicked, emotional, and crying. He told her to go to the district station to make a report. [REDACTED] had some hesitations and was scared to report Officer Elmesquine. She repeatedly told [REDACTED] "He's going to fucking kill me." [REDACTED] then immediately called [REDACTED] and told her what happened, because he knew that [REDACTED] would not tell her herself. [REDACTED] felt it would be dangerous for her to go back to her house and wanted her to stay at [REDACTED] house to be safe. [REDACTED] expressed that when he called [REDACTED] she was very mad and said, "I fucking knew it." [REDACTED] said that the day before the incident, [REDACTED] had spoken to [REDACTED] and told her she set up an appointment to go to couples therapy with Officer Elmesquine.

[REDACTED] told [REDACTED] that Officer Elmesquine had threatened to kill her about two weeks prior to the incident, saying "If you ever leave me, I'm going to fucking kill you." [REDACTED] saw this as a red flag and got angry and concerned that his [REDACTED] was around Officer Elmesquine. The week before the incident, [REDACTED] told [REDACTED] she was thinking about working things out with Officer Elmesquine, and [REDACTED] explained to her he thought that was a big mistake. On the day before the incident, [REDACTED] told [REDACTED] she was no longer going to be seeing Officer Elmesquine, which [REDACTED] was very relieved to hear. [REDACTED] then related that he was shocked when he was informed of the incident, because he thought she was no longer seeing Officer Elmesquine.

[REDACTED] explained that [REDACTED] has very fair skin, and he saw marks and redness on her neck area when he first saw her after the incident, approximately a week later. He related that on the date of his interview, he could still see faint marks on her. [REDACTED] complained of pain the first week after the incident. [REDACTED] called his supervisor at Cicero Police Department and informed him of the situation, because he was concerned for his own safety, as Officer Elmesquine lives nearby and knows his vehicle. [REDACTED] related that [REDACTED] got a security system installed at her home, and just recently left [REDACTED] home and moved back into her house.

COPA interviewed [REDACTED] on August 6, 2021.²⁴ [REDACTED] related that she is the [REDACTED] of [REDACTED] and she often [REDACTED]. [REDACTED] did not know much about [REDACTED] relationship with Officer Elmesquine because [REDACTED] did not share much about it and [REDACTED] did not ask about it. [REDACTED] had met Officer Elmesquine approximately three or four times at the [REDACTED] baseball games and at a barbeque in June 2021. She did not have any conversations with Officer Elmesquine other than introducing themselves and did not get any first impressions from him. The day prior to the incident, [REDACTED] asked [REDACTED] to watch either [REDACTED] of her [REDACTED] the following day, and then later said she did not need her to. [REDACTED] told her they had broken up but were trying to work things out and was going to therapy.

On July 12, 2021, [REDACTED] called [REDACTED] and told her that Officer Elmesquine tried to strangle, sexually assault, and kill [REDACTED] told her that [REDACTED] was on her way to the police station to report it. [REDACTED] was angry, sad, crying, and waited for [REDACTED] to call her. When [REDACTED] arrived at [REDACTED] house, she dropped her belongings, started crying, and they hugged. [REDACTED] said [REDACTED] was crying, shaking, and scared, and she had never seen her in that state before, and

²⁴ Att. 27

truly believed something traumatic happened to her. [REDACTED] also noticed that [REDACTED] neck was red, and [REDACTED] complained of pain around her upper chest and neck area.

[REDACTED] briefly told [REDACTED] what happened during the incident. [REDACTED] related Officer Elmesquine tried to strangle her, and she told him three times things like, “Get off of me. No. Get off of me,” and she kept repeating “No.” [REDACTED] related to her that she thought he was going to kill her, and all she could think about was that he had his gun on the table and a rifle in the house. [REDACTED] told her she was able to get away from him, clean herself up, and go to the police station.

[REDACTED] related that [REDACTED] has never mentioned anything to her regarding Officer Elmesquine threatening her. [REDACTED] children have never mentioned anything about Officer Elmesquine to [REDACTED]. She related that [REDACTED] stayed with her for at least two weeks after the incident because she was afraid to go home. She told [REDACTED] that if he lost his job, he would kill her.²⁵ Officer Elmesquine does not know where [REDACTED] lives, but they were very scared for many days after the incident. She related that they would not let the [REDACTED] out of the house, and she was afraid to go outside and walk the dog. She kept the blinds shut for the time that [REDACTED] was staying with her. [REDACTED] left [REDACTED] house and returned to her home after she got security measures put in her house.

Officer Elmesquine arrived at COPA on August 20, 2021, for an interview. The allegations against Officer Elmesquine were divided into two sets. Allegations 1-6 are associated with a criminal court case, case number [REDACTED]. In a statement for Allegations 1-6, Officer Elmesquine was provided with and signed his criminal rights and invoked his right to remain silent. In a statement regarding Allegations 7-9, Officer Elmesquine was provided with administrative rights but did not sign them. He again invoked his right to remain silent, and he was not compelled to give a statement at that time.

b. Digital Evidence

COPA obtained eleven **photographs of injuries** that [REDACTED] took of herself shortly after the incident.²⁶ The photographs appeared to be taken in her vehicle, of what appeared to be redness and marks to areas of her upper chest, neck, and forearms. The injuries appear to be on both sides and the front of her neck, and below her neck on her upper chest area.

COPA also obtained **Evidence Technician (ET) photographs** that capture [REDACTED] visible injuries on the night of July 12, 2021.²⁷

COPA obtained **various screenshots of text messages and missed calls** from [REDACTED]. Texts between her and Officer Elmesquine²⁸ document that she sent what appears to be a photo of her injuries to Officer Elmesquine along with a message stating, “That’s not ok Amin.” The screenshot states “Read Monday” under the message, meaning he read the message on July 12, 2021, and did not respond. The next day, July 13, 2021, at approximately 2:32 p.m., Officer

²⁵ [REDACTED] was unaware if Officer Elmesquine ever verbalized that to [REDACTED]

²⁶ Att. 15

²⁷ Att. 17

²⁸ Att. 13

Elmesquine texted █████ asking her if she will be joining him in Wisconsin.²⁹ At approximately 5:02 p.m., he sent her photos of what appear to be the hotel room for their trip in Wisconsin along with messages asking if she was coming and if she was ok. At approximately 7:36 p.m. he texted her asking if he could come see her, stating he did not know what was going on, but he was worried that something happened to her. It appeared that █████ did not respond to any of those messages.³⁰ On July 14, 2021, the date of █████ interview with COPA, Officer Elmesquine texted her at approximately 3:08 p.m. He sent her a long message, including that he loved her and missed her, he was sorry for being a jerk to her, and said he was distant and stressed lately about paying bills and working overtime. He also stated that he wanted to use their time in Wisconsin to talk about them speaking with someone in EAP to see if there are things he can work on.

█████ shared with COPA screenshots of missed calls from Officer Elmesquine.³¹ There appeared to be five missed calls from the contact in █████ phone named “Amin” on July 13, 2021, the date after the incident. The five missed calls were between 2:31 p.m. and 7:40 p.m.

█████ shared with COPA screenshots of text messages between her and her boss, █████³² There is not a time stamp on the messages, and it appears that █████ texted █████ something work-related. █████ responded that she was not near her computer and was going to the police station because “something happened”. █████ responded, “Are you okay?” █████ responded, “Yes but no,” and attached three photographs of her neck and chest area. █████ responded to █████ “Omg █████! Amin?!?!?” to which █████ responded, “Yes.” █████ then told her to do what she needed to do, and █████ responded with a message describing the incident. The information █████ related to █████ was consistent with the information she reported to the police and what she stated in her interview with COPA.

COPA obtained screenshots of text messages between █████ and █████ on the date of incident.³³ The time stamp on the messages shows that █████ texted █████ on July 12, 2021, at approximately 1:16 p.m. asking him if he could sleep at her house that night. █████ responded that he had plans, and █████ responded, “Ok.” █████ asked, “Is everything ok?” to which █████ responded “No.” █████ responded, “What is going on now?” █████ then sent █████ what appears to be eight photographs of her neck, chest, and forearms, documenting the injuries. █████ then sent him a message describing the incident, which was consistent with all other times she has explained the incident. The screenshots of the messages between █████ and █████ are below:³⁴

²⁹ █████ related in her statement with COPA that they had previously planned a vacation in Wisconsin to celebrate her birthday, and they were supposed to leave on July 13, 2021.

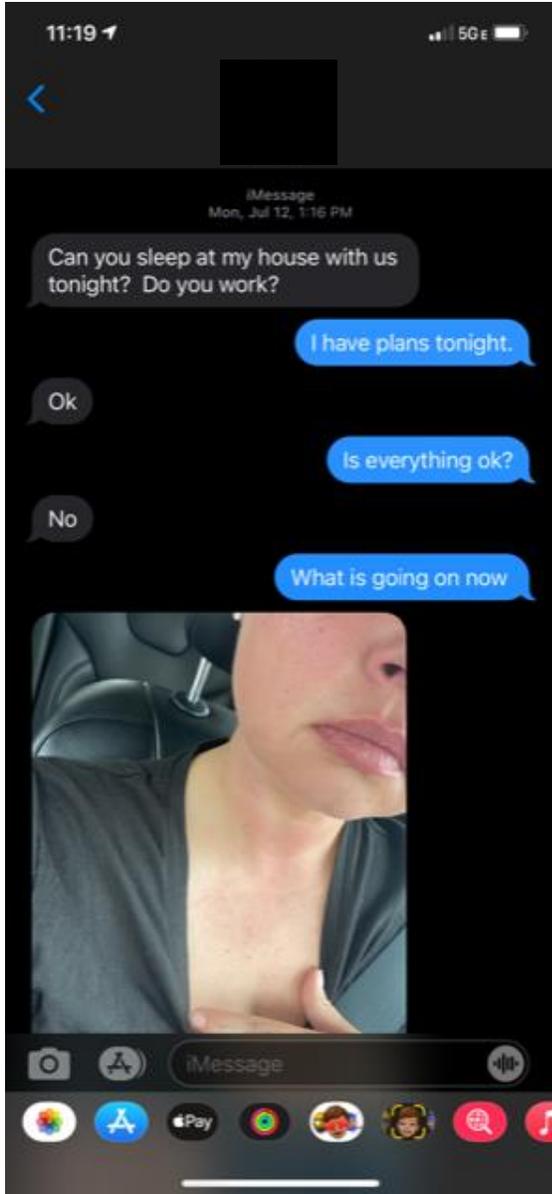
³⁰ Att. 18, pages 64-66, █████ related in her statement with COPA that the content of the messages he sent her were unusual for him, and it made her believe that someone from the police station told him something, and possibly informed him that she reported the incident. She also related that she blocked his phone number, and when she unblocked it, his response was “Sorry I called you a bitch, I didn’t even know you blocked me”.

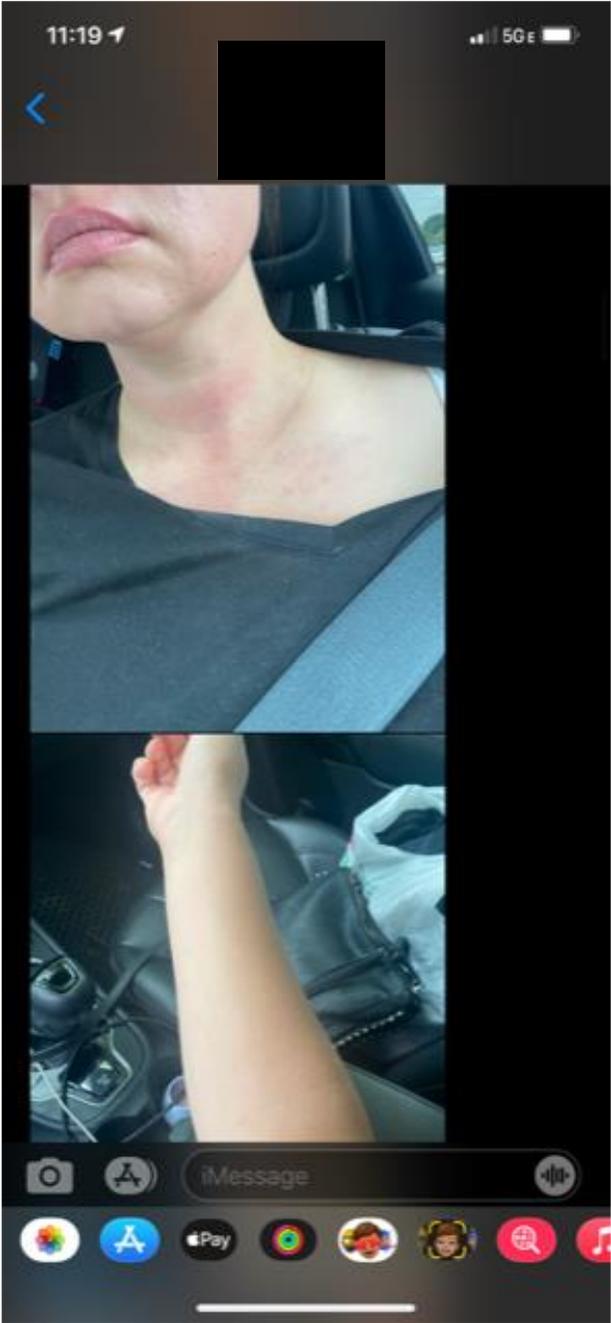
³¹ Att. 8

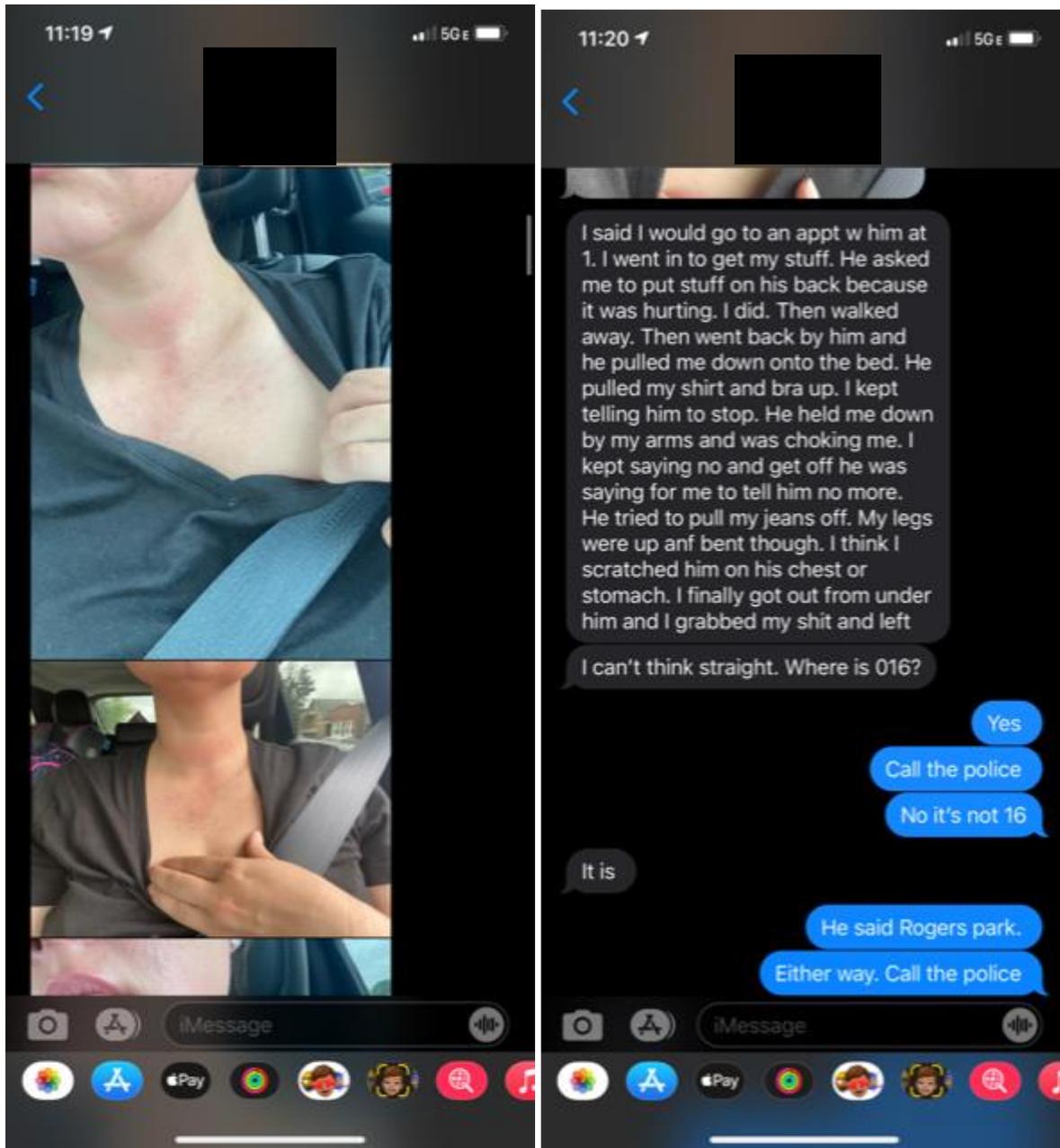
³² Att. 12

³³ Att. 25

³⁴ █████ messages appear on the left side of the screen in black and █████ messages appear on the right side of the screen in blue.







COPA obtained screenshots of text messages between ██████ and her friend ██████³⁵ It appears that ██████ sent ██████ photographs of her injuries at 12:40 p.m. ██████ asked her what happened and if she was okay. ██████ sent her a brief description of the incident, and ██████ told her to call the police. ██████ responded, “No he will kill me”. They exchanged more messages back and forth, and ██████ informed ██████ that what Officer Elmesquine did was serious, and she needed to go to the police station to report it. ██████ expressed concern and fear stating, “If he loses his job or his pay is affected. He will kill me, ██████ I’m not even joking.” ██████ tells ██████ “He’ll end up in jail.” ██████ responds, “He won’t. Both his ██████ went to the police.” ██████ tell her, “You need to separate yourself from this evil man.”

c. Physical Evidence

COPA obtained **medical records** from a visit ██████ had at ██████ in Norridge, Illinois on July 13, 2021.³⁶ The records document that ██████ chief complaint was neck pain that started on July 12, 2021, and that the neck had redness and tenderness to the touch. It was also documented that ██████ was sexually abused and choked the day prior to the visit. The diagnoses documented include cervicalgia, contusion of unspecified part of neck, unspecified injury of neck, and personal history of adult physical and sexual abuse. ██████ was prescribed two medications from her visit.

d. Documentary Evidence

COPA obtained an **Initiation Report**³⁷ on July 12, 2021. The initiation report described the incident that ██████ reported to police, which was generated into an **Original Case Incident Report** for Criminal Sexual Abuse (RD # ██████).³⁸ The report states that the time the incident occurred was at 12:15 p.m. and it was reported to police at 1:50 p.m. The information included in the narrative of the case report is consistent with the details that ██████ provided in her interview with COPA. The case report does not include the allegation that Officer Elmesquine bit ██████ stomach, and ██████ stated in her interview that she did not recall that detail when she was first reporting the incident to the police.³⁹

A **Case Supplementary Report**⁴⁰ was generated by Detective Theresa Floyd (hereafter Det. Floyd). Det. Floyd and Sgt. Traci Walker who arrived at ██████ home to speak to ██████ on July 12, 2021, at 8:54pm p.m. ██████ described Officer Elmesquine as narcissistic, and he would often call her names such as “bitch” and “whore.”⁴¹ ██████ also recalled an incident in which she was slapped by Officer Elmesquine during sexual intercourse, and she expressed to him that she was not comfortable with that. He however, slapped her again during sexual activity after being told she was not comfortable with that behavior.⁴² She then related details of the incident on July

³⁵ Att. 11

³⁶ Att. 16

³⁷ Att. 2

³⁸ Att. 7

³⁹ Att. 18, page 10

⁴⁰ Att. 32

⁴¹ Att. 32, page 5

⁴² Id.

12, 2021, consistent with what she reported earlier that day and what was documented in the Original Case Incident Report.

The report documents that Det. Floyd spoke to ██████ over the phone on July 15, 2021.⁴³ ██████ related that she has never met Officer Elmesquine, but she had some knowledge of ██████ relationship with him. She related that ██████ expressed being nervous about breaking up with Officer Elmesquine due to his anger. ██████ also related that ██████ told her that he would sometimes speak aggressively and be disrespectful towards her, as well as not being nice to her in general. ██████ then related that on the date of incident she reached out to ██████ regarding a work-related question and ██████ responded that she was not near her computer and was headed to the police station, and then ██████ proceeded to tell her about the incident and sent photographs of her injuries.

Det. Floyd also spoke to ██████ on July 15, 2021, via phone call. ██████ related that he found out from ██████ three weeks prior that she was dating Officer Elmesquine, and he did not have much knowledge about their relationship. He related that he had never met Officer Elmesquine,⁴⁴ and he was aware that they broke up after some sort of dispute. ██████ expressed some things ██████ told him about Officer Elmesquine that raised some “red flags,” such as when he physically threatened to kill ██████ if she left him.⁴⁵ He also related that on the date of incident ██████ contacted him via text and told him what had occurred, and he informed her to go report the incident.

Det. Floyd spoke with ██████ on July 15, 2021, via phone as well.⁴⁶ She related she is a close friend of ██████ and she knows of her relationship with Officer Elmesquine, although she has never met him. ██████ related that ██████ told her of Officer Elmesquine’s sex addiction, prior relationship issues and commitment issues. On the date of incident, ██████ sent her several photos and told her what occurred. She related that she eventually spoke with ██████ and she recalled ██████ crying, upset, and distraught. She stated that ██████ expressed being fearful and worried for her life because Officer Elmesquine has access to firearms.⁴⁷

An **OEMC Event Query**⁴⁸ (event number ██████) documents that an Evidence Technician was called to ██████ home to take photographs of ██████ injuries on July 12, 2021, at 10:23pm.

█████ filed an **Emergency Order of Protection (EOP)**⁴⁹ with case number ██████ against Officer Elmesquine, which was filed on July 13, 2021, and issued on July 14, 2021, at 1:40 p.m. The concerns documented in the narrative of the EOP are consistent with the details ██████ provided at all other times she described the incident.

⁴³ Att. 32, page 6, ██████ requested that her boss, ██████ not be further involved in COPA’s investigation because she had already given a statement to the police. COPA did not obtain a statement from ██████

⁴⁴ This is contrary to what ██████ stated in his interview with COPA, where he related that he met Officer Elmesquine one time at a baseball game.

⁴⁵ Att. 32, pages 6-7

⁴⁶ COPA contacted ██████ to speak with her about the incident, and she declined. She stated she had already spoken to the police about it, referring to the conversation she had with Det. Floyd.

⁴⁷ Att. 32, page 7

⁴⁸ Att. 3

⁴⁹ Att. 9

Officer Elmesquine was arrested on July 15, 2021, at 3:36pm, which is documented in an **Arrest Report** (CB # [REDACTED]).⁵⁰ The narrative of the report states that Officer Elmesquine was arrested on signed complaints for aggravated domestic battery – strangle, and criminal sexual abuse – force.

On December 10, 2021, a criminal trial was held in which Officer Elmesquine was charged with domestic battery in that he placed his hands around [REDACTED] neck, restricting her breathing, and grabbed her left forearm causing pain. COPA obtained **court transcripts of the trial**.⁵¹ [REDACTED] testified similarly to her statement to COPA. [REDACTED] was presented with text messages by opposing counsel when asked about their prior sexual relationship. The text messages were between herself and Officer Elmesquine and included an instance where she stated to him, “I miss your hands around my neck.”⁵² When asked by opposing counsel if she has engaged in types of sexual activities with Officer Elmesquine in which she has asked him to inflict pain upon her, [REDACTED] agreed that during consensual encounters she has.⁵³ [REDACTED] also agreed with opposing counsel that she has asked Officer Elmesquine to bite her breasts in past consensual sexual encounters. She stated that the incident on July 12, 2021, was different than past encounters because she did not consent to those acts and when she told him to stop, he did not stop.⁵⁴

[REDACTED] testified that she believed his hand was around her neck for one consecutive length of time, and that when he released his hand, he did not place it on her neck again. This was different than what she said in her statement to COPA, where she thought he released his hand and grabbed her neck again possibly two or three times. When addressing the minor inconsistency, she stated that at the time of her interview with COPA she was giving her true recollection of how the events occurred, and in court she was stating how she recalled it on that day. She also related that she was saying things like “no” and “stop” during the entire incident, and she could not recall at what points specifically during the incident she said those things to him.⁵⁵

Officer Elmesquine also testified on December 10, 2021. He stated that when they started seeing each other at the beginning of their relationship, [REDACTED] informed him that she likes rough sexual activity. He also related that she told him she liked being called names during sex such as “whore” and “slut.”⁵⁶ He stated that [REDACTED] had spent a few consecutive days at his house in early July, and he then expressed to her that he thought their relationship may not work out. He related that he had concerns relating to the fact that she is responsible for [REDACTED], and she could not spend a lot of time with him because of that. He was also very busy and his job as a police officer was stressful. He related that she had a sour demeanor towards him, but they did continue to communicate. He related that they did not officially break up, they simply were not communicating every day as they had been before.⁵⁷ They had previously planned a trip to go to Wisconsin together on July 13, 2021. She originally related to him that she would go, but then went back and forth

⁵⁰ Att. 5

⁵¹ Att. 36

⁵² Att. 36, page 73

⁵³ Att. 36, page 76

⁵⁴ Att. 36, page 77

⁵⁵ Att. 36, pages 30-33

⁵⁶ Att. 36, page 111

⁵⁷ Att. 36, page 120

about whether she was going on the trip, and that it also depended on her ability to obtain childcare.⁵⁸

Officer Elmesquine testified that on July 12, 2021, ██████ sat next to him on his bed. After she applied lotion on his back, she began kissing his neck, and they then began kissing on the lips. They then began having consensual sexual intercourse and she guided his hand and placed it on her neck, which was a normal act in their sexual activity together. He testified that his grip on her neck was not tight, and it was just placed around her neck.⁵⁹ He could not recall if he bit her breast during the encounter, stating that he would not be surprised if he did because that is what she always requested from him.⁶⁰ During intercourse, ██████ asked him something to the effect “If I cannot go with you, who are you going to go with to Wisconsin”, which surprised him.⁶¹ He admitted that he should not have responded by saying words to the effect of, “I guess I will just go with another chick,” because ██████ got visibly angry and pushed him on his chest with both her hands, and the intercourse ended. She then started yelling and cursing at him, and he apologized and told her that he was joking. He then began thinking about how she has mentioned to him in the past that she may have mental health issues such as being bipolar. He then told her he did not think their relationship was going to work, stating he “used some bad words.” He stated that he called her a “bitch,” and she always had told him that she hates being called “bitch”.⁶² She then left his residence, and he received a text message from her, which concerned him because he felt she was attempting to create an issue for him.⁶³ He initially blocked her phone number, and then believe he unblocked her the next morning.⁶⁴

Officer Elmesquine also testified that the sexual activity they engaged in that day was no different or unusual compared to past encounters. He stated that he has noticed that during sexual intercourse her face and chest area get red. He also testified that on that day she never told him to stop what they were engaging in. Ultimately, Officer Elmesquine was found not guilty, and the order of protection was terminated.⁶⁵ The judge stated that the State could not meet the high burden of proof beyond a reasonable doubt that he intentionally choked ██████ when she did not want to be choked as part of the sexual activity.

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;

⁵⁸ Att. 36, page 56, ██████ recalled asking Officer Elmesquine over text message if he was going on the trip to Wisconsin with someone else.

⁵⁹ Att. 36, page 112

⁶⁰ Att. 36, page 114

⁶¹ Att. 36, page 114

⁶² Att. 36, page 124

⁶³ Att. 36, page 118

⁶⁴ Officer Elmesquine testified that he attempted to reach out to ██████ the next day when he arrived in Wisconsin. He felt that they both needed a vacation, and the trip was already paid for, and he had already requested the time off work.

⁶⁵ Att. 36, page 135, Counsel for Officer Elmesquine stated in court that they did not have any medical records from ██████ injuries. ██████ related to COPA that she provided her medical records as evidence to the State’s Attorney’s Office.

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

a. 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 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, Officer Elmesquine's account is so divergent from [REDACTED] account that the variances can only be explained by either Officer Elmesquine or [REDACTED] misrepresenting the facts of the incident.

i. [REDACTED] Account

A preponderance of the evidence demonstrates that [REDACTED] account of the incident is credible.

First, [REDACTED] account of the basic facts remained consistent in various interviews where she provided statements, court testimony, and to outcry witnesses.

[REDACTED] was interviewed on July 12, 2021, immediately after the incident by Chicago Police Officers, and the night of the incident by Chicago Police Detectives. On July 14, 2021, she filed for an Emergency Order of Protection (EOP) and testified to a Cook County Judge. Then on July

14, 2021, she was interviewed by COPA and a Chicago Police Detective in a joint interview. Finally, on December 10, 2021, she testified in court.

There are a couple of insignificant differences between the statement [REDACTED] gave on the date of the incident and the statement on July 14, 2021. In that, on the date of the incident, [REDACTED] stated Officer Elmesquine bit her stomach without consent, which was not documented in the police reports, but it was documented in the EOP, and in her statement to COPA. [REDACTED] related in her statement to COPA that she did not recall that detail when first reporting the incident to the police. Officer Elmesquine's court testimony revealed that he did not remember if he bit [REDACTED] on her stomach, but if he did, he considered it to be "normal sexual activity" approved by [REDACTED]

In court, [REDACTED] testified that she believed Officer Elmesquine's hand was around her neck for one consecutive length of time and released his hand. This was different than her statement to COPA, in that she stated she thought when Officer Elmesquine released his hand, he grabbed her neck again, possibly a total of two or three times. When addressing the inconsistency, [REDACTED] stated at the time of her interview with COPA, she was giving her true recollection of how the events occurred, however, in court she stated how she recalled it on the day of the trial.

These inconsistencies were minor, and her overall account remained consistent to numerous sources.

Second, [REDACTED] emotional disposition and immediate outcry support to her credibility. [REDACTED] immediately outcried to several witnesses and reported the incident to police despite her reported fear of retaliation from Officer Elmesquine. Furthermore, witnesses reported [REDACTED] as clearly upset and scared following the incident. Additionally, [REDACTED] straightforwardness in disclosing in court and to COPA that she engaged in sexual activity that could be embarrassing to admit and could be regarded as unusual sexual activity supports her credibility.

Additionally, medical records, photographs taken by [REDACTED] directly after the incident, and Evidence Technician photos taken on the night of the incident document the injuries reported by [REDACTED]. The photographs particularly show visible redness and marks on [REDACTED] neck, upper chest, and forearms. Furthermore, there is no evidence to suggest these injuries were caused by anything other than the incident [REDACTED] described.

There is no apparent motive for [REDACTED] to make up these allegations. [REDACTED] was concerned for her safety and feared that Officer Elmesquine would hurt her or even kill her if he lost his job, or his pay was affected. She had to be encouraged by [REDACTED] and [REDACTED] to do so.

Therefore, COPA finds [REDACTED] account of this incident to be credible.

ii. Officer Elmesquine's Account

COPA does not find Officer Elmesquine's account of the incident to be credible.

Officer Elmesquine's account of the event varies vastly from [REDACTED] account and is inconsistent with the statements of outcry witnesses and evidence. During Officer Elmesquine's

court testimony, he related that he and ██████ engaged in consensual sexual intercourse and described their sexual encounter as “normal sexual activity” that included choking and biting, as well as the reddening of ██████ neck and chest during sex. He agreed on the date of the incident that his hand was on ██████ neck, however, he added that ██████ guided his hand to her neck, and that his grip was not tight. This is contradicted by the photographs depicting visible injuries.

Additionally, Officer Elmesquine’s reaction to the photos ██████ sent directly after their sexual encounter and the actions he took after receiving the photos call into question his truthfulness. ██████ sent photos of her reddened neck and chest to Officer Elmesquine cell phone directly after she left his house on the day of the incident, with a message that stated, “That’s not ok Amin.” Officer Elmesquine’s response was to immediately “block” ██████ phone number until the following day when he arrived in Wisconsin. His reason for doing so, as he testified in court, was that he felt ██████ “text message was concerning”, and he felt ██████ was attempting to create an issue for him.”

It is unreasonable to believe that a person would block and not respond to someone they had just engaged in consensual sex where normal activity occurred rather than inquiring as to what was meant by the photos and statement. According to Officer Elmesquine account, ██████ chest and neck becomes reddened during sex, which is what the photos showed. Additionally, Officer Elmesquine’s purported belief that ██████ was trying to create an issue for him appears contradicted by his subsequent texts the following day showing concern for her from their previously planned trip to Wisconsin. Furthermore, on July 14, 2021, Officer Elmesquine texted ██████ various messages, including an apology, stating, “I’m sorry for being a jerk to you.”

COPA finds by the preponderance of evidence that ██████ is more likely than not more credible than Officer Elmesquine’s account. ██████ claims are supported by her consistent statements to ██████ the police department, COPA, medical personnel, and her court testimony. ██████ account was plausible, and her emotional disposition and immediate outcry support her reliability. Lastly, her account is supported by medical records and photographs of visible injuries.

b. Allegations⁶⁶

COPA finds **Allegations 1, 2, 3, 4, 5, and 6** against Officer Amin Elmesquine, that on or about July 12, 2021 at approximately 12:15 p.m. at or near ██████ Chicago, IL he (1) bit ██████ breast without consent, (2) bit ██████ stomach without consent, (3) placed his hand and/or hands around ██████ neck without justification, (4) attempted to remove ██████ clothes without consent, (5) physically restrained ██████ without justification, and (6) stated words to the effect of, “Say no again”, “Tell me no more,” to ██████ ██████ are **Sustained**.

⁶⁶ COPA recognizes that Officer Elmesquine was found not guilty in the criminal case relating to the incident. However, criminal charges require a higher burden of proof and evaluates whether conduct violated criminal law rather than Department Rules and Regulations. Additionally, the Order of Protection was denied, but COPA’s analysis of violation of Department Rules and Regulations.

As previously stated, COPA finds ██████ account more credible than Officer Elmesquine. Her account was consistent throughout multiple statements to witnesses, COPA, CPD, and testimony during the criminal trial. ██████ outcried immediately to several witnesses and immediately reported the incident to police, despite fear of retaliation. Moreover, photographs and medical records corroborated visible injuries following the incident. Therefore, based on a preponderance of the evidence, COPA finds it is more likely than not, Allegations 1-6 are **Sustained**.

COPA finds **Allegation 7** against Officer Elmesquine, that on or about an unknown date and time between June 25, 2021, and July 2, 2021, at or near ██████ Chicago, IL, he stated words to the effect of “I’ll kill you if you leave me” to ██████ is **Sustained**. ██████ accounts of the allegation were consistent and corroborated. ██████ expressed that a few days before they broke up, Officer Elmesquine made a comment saying that he will kill her if she leaves him. In ██████ statement with COPA, he stated that ██████ told him Officer Elmesquine had threatened to kill her about two weeks prior to the incident. ██████ told ██████ that Officer Elmesquine said to her, “If you ever leave me, I’m going to fucking kill you.” Additionally, in the text messages between ██████ and ██████ expressed concern and fear stating, “If he loses his job or his pay is affected”, “He will kill me, ██████” I’m not even joking.” ██████ also related in her statement with COPA that ██████ was afraid to go home for weeks after the incident, and she told ██████ that if he lost his job, he would kill her. Therefore, based on a preponderance of the evidence Allegation 7 is **Sustained**.

COPA finds **Allegation 8** against Officer Elmesquine, that on or about an unknown date and time between January 2021 and July 2021 at an unknown location, he struck ██████ about the face without justification, is **Sustained**. ██████ informed Det. Floyd during her statement on the night of the incident that she recalled an incident in which she was slapped by Officer Elmesquine during sexual activity, and she expressed to him she was not comfortable with that. He however, slapped her again during sex after being told she was not comfortable with that behavior. The statement was consistent in her joint interview just two days later. She stated that she started noticing aggression from him in their sexual encounters, and one time he smacked her in the face. She told him she did not like that, and she stated he did it two or three more times afterwards. She again told him she was not comfortable with that behavior. ██████ stated that a few months prior to her statement, he struck her so hard that her eye turned red. Therefore, based on a preponderance of the evidence Allegation 8 is **Sustained**.

COPA finds **Allegation 9** against Officer Elmesquine, that on or about unknown dates and times between September 2020 and July 2021 at unknown locations, he verbally abused ██████ ██████ in that he called her names such as “bitch” and/or “psycho” and/or “dumbass” and/or “whore” is **Sustained**. During her statement to Det. Floyd the night of the incident, ██████ related that Officer Elmesquine would often call her names such as “bitch” and “whore.” Additionally, in her statement on July 14, 2021, when asked to describe her relationship, ██████ stated, “I had to call him out a lot for calling me things like bitch, psycho, dumbass and whore. He commonly refers to women as whores.” Later in her statement she reiterated, “And so he would call me things like ‘dumbass’ all the time. He basically refers to all women as ‘whores.’ He would call me a ‘whore’, he would call me a ‘bitch.’ Stuff like that.” Additionally, ██████ related that when she unblocked him on her phone, his response to her was, “Sorry I called you a bitch, I didn’t even know you

blocked me.” Officer Elmesquine admitted in his court testimony that he called her a “bitch” on July 12, 2021, and she always had told him that she hates being called “bitch.” Furthermore, ██████ expressed in her statement that ██████ told her that he would speak aggressively and disrespectfully towards her, as well as not be nice to her in general. Therefore, based on a preponderance of the evidence Allegation 9 is **Sustained**.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Amin Elmesquine

i. Complimentary and Disciplinary History

Officer Elmesquine’s complimentary history consist of the following as of March 1, 2022: (1) 2019 Crime Reduction Award, (1) Attendance Recognition Award, (1) Department Commendation, (3) Emblem of Recognition-Physical Fitness and (25) Honorable Mention. A total of (31) awards.

No sustained history reports or SPAR history noted.

ii. Recommended Penalty, by Allegation

1. **Allegation No. 1:** Separation
2. **Allegation No. 2:** Separation
3. **Allegation No. 3:** Separation
4. **Allegation No. 4:** Separation
5. **Allegation No. 5:** Separation
6. **Allegation No. 6:** Separation
7. **Allegation No. 7:** Separation
8. **Allegation No. 8:** Separation
9. **Allegation No. 9:** Separation

Officer Elmesquine physically and sexually abused ██████ despite her constant pleas for him to stop. Officer Elmesquine caused ██████ to sustain injuries and intentionally impeded the normal breathing of ██████ by applying pressure on her throat or neck. His conduct is severe and egregious. The conduct is unbecoming of any individual and especially a sworn member of the Chicago Police Department. Furthermore, such conduct, without severe disciplinary action, diminishes trust between the public and the Department. Therefore, COPA recommends that Officer Elmesquine be **separated** from the Chicago Police Department.

Approved:

[Redacted Signature]

Sharday Jackson
Deputy Chief Investigator

3/31/22

Date

[Redacted Signature]

Andrea Kersten
Chief Administrator

3/31/22

Date