

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	October 1, 2017
Time of Incident:	1:51 PM
Location of Incident:	██████████ ██████████
Date of COPA Notification:	January 9, 2018
Time of COPA Notification:	1:55 PM

██████████ (“Ms. ██████████”), filed a complaint with COPA in January 2018, alleging that her ex-boyfriend, Officer Ernesto Guzman-Sanchez (“Officer Guzman-Sanchez”), harassed her via phone. She further alleged that Officer Guzman-Sanchez used a fake Facebook profile to send nude photographs of Ms. ██████████ to her nephew, ██████████, and to her friend, ██████████.¹ Officer Guzman-Sanchez denied any misconduct and claimed that Ms. ██████████ was the harassing party. In the course of an investigation after obtaining digital evidence, including phone records and Facebook content, COPA alleged that Officer Guzman-Sanchez provided COPA with false, misleading, inaccurate, and/or incomplete statements during his initial interview with COPA investigators. Additionally, COPA identified additional Facebook users who were sent a nude photo of Ms. ██████████. Following the investigation, COPA reached sustained finding against Officer Guzman-Sanchez for providing false statements to COPA investigators, disseminating nude photographs of Ms. ██████████, and for harassment of Ms. ██████████.

II. INVOLVED PARTIES

Involved Officer #1	Ernesto Guzman-Sanchez , Star #13383, Employee #██████████, Appointed October 17, 2011, Police Officer, Unit 008, DOB ██████████, 1986; White Hispanic Male
Subject #1	██████████, DOB ██████████, 1974, White Hispanic Female ²

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Ernesto Guzman-Sanchez	1. It was alleged that in October 2017, Officer Ernesto Guzman-Sanchez sent a nude/partially nude	Unfounded

¹ Attempts by COPA to obtain statements from Mr. ██████████ and Mr. ██████████ were unsuccessful.

² ██████████’s last name is reported in CPD records as ██████████. Additionally, she told COPA that her nickname is ██████████.

	<p>photograph of ██████████ to her friend ██████████ ██████████.</p> <p>2. It was alleged that in October 2017, Officer Ernesto Guzman-Sanchez sent a nude/partially nude photograph of ██████████ to her nephew ██████████.</p> <p>3. It was alleged that in December 2016/January 2017, Officer Ernesto Guzman-Sanchez threatened to publicly display a nude/partially nude photograph of ██████████.</p> <p>4. It was alleged that in September and October 2017, Officer Ernesto Guzman-Sanchez harassed ██████████ ██████████ via phone calls and texts.</p> <p>It is alleged that on October 16, 2018, at approximately 6:16 PM, at or near the offices of the Civilian Office of Police Accountability (COPA), located at or near 1615 W. Chicago Ave., 4th Fl, Officer Ernesto Guzman-Sanchez committed misconduct through the following acts or omissions:</p> <p>5. Made one or more false, misleading, inaccurate, and/or incomplete statement during your interview with COPA investigators, in that, you denied: being familiar with the telephone number ██████████, knowing the name ██████████, ever creating a fake Facebook account, sending ██████████ a nude photo of ██████████, and/or having contact with ██████████ after you filed an order of protection against her.</p> <p>On various dates and times between February 6, 2017 and September 30, 2017, Officer Ernesto Guzman-Sanchez committed misconduct through the following acts:</p> <p>6. On or about September 30, 2017, Officer Ernesto Guzman-Sanchez sent a nude/partially nude photograph of ██████████ via Facebook to a Facebook user named ██████████, without ██████████ ██████████ permission.</p>	<p>Unfounded</p> <p>Unfounded</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p>
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7. On or about February 6, 2017, Officer Ernesto Guzman-Sanchez threatened to publicly display a nude/partially nude photograph of [REDACTED].	Sustained
8. On or about February 13, 2017, Officer Ernesto Guzman-Sanchez threatened to display a nude/partially nude photograph of [REDACTED].	Sustained
9. On or about February 16, 2017, Officer Ernesto Guzman-Sanchez threatened to publicly display a nude/partially nude photograph of [REDACTED].	Sustained
10. On or about February 18, 2017, Officer Ernesto Guzman-Sanchez threatened to publicly display a nude/partially nude photograph of [REDACTED].	Sustained
11. On or about September 30, 2017, Officer Ernesto Guzman-Sanchez sent a nude/partially nude photograph of [REDACTED] via Facebook to a Facebook user named [REDACTED], without [REDACTED]'s permission.	Sustained
12. On or about September 30, 2017, Officer Ernesto Guzman-Sanchez sent a nude/partially nude photograph of [REDACTED] via Facebook to a Facebook user named [REDACTED], without [REDACTED]'s permission.	Sustained
13. On or about September 30, 2017, Officer Ernesto Guzman-Sanchez sent a nude/partially nude photograph of [REDACTED] via Facebook to a Facebook user named [REDACTED], without [REDACTED]'s permission.	Sustained
14. On or about September 30, 2017, Officer Ernesto Guzman-Sanchez sent a nude/partially nude photograph of [REDACTED] via Facebook to a Facebook user named [REDACTED], without [REDACTED]'s permission.	Sustained
15. On or about September 30, 2017, Officer Ernesto Guzman-Sanchez sent a nude/partially nude photograph of [REDACTED] via Facebook to a Facebook user named [REDACTED], without [REDACTED]'s permission.	Sustained

16. On or about September 30, 2017, Officer Ernesto Guzman-Sanchez sent a nude/partially nude photograph of [REDACTED] via Facebook to a Facebook user named [REDACTED], without [REDACTED]'s permission.

Sustained

IV. APPLICABLE RULES AND LAWS

RULES

Rule 1: Prohibits violation of any law or ordinance.

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

Rule 8: Prohibits disrespect to or maltreatment of any person, while on or off duty.

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

Rule 14: Prohibits making a false report, written or oral.

STATE LAWS

720 ILCS 5/11-23.5: "A person commits non-consensual dissemination of private sexual images when he or she: 1) intentionally disseminates an image of another person; 2) obtains the image under circumstances in which a reasonable person would know or understand that the image was to remain private; and 3) knows or should have known that the person in the image has not consented to the dissemination."³

V. INVESTIGATION⁴

a. Interviews

Complainant [REDACTED]⁵

In her interview with COPA investigators on January 10, 2018, Ms. [REDACTED] explained that she met Officer Guzman-Sanchez in 2013, and they began a romantic relationship. The relationship ended on January 23, 2017, because of arguments and dishonesty. Sometime between

³ Illinois General Assembly: <http://www.ilga.gov>.

⁴ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁵ Atts. 9, 61

December 2016 and February 2017, Officer Guzman-Sanchez reportedly threatened to disseminate a nude photo of Ms. [REDACTED] if Ms. [REDACTED] did not stop contacting him. Ms. [REDACTED] related that she had sent the same photograph of herself to Officer Guzman-Sanchez in 2016, upon the officer's request. Ms. [REDACTED] denied sending the photo to anyone other than Officer Guzman-Sanchez.

Officer Guzman-Sanchez filed an Order of Protection in May 2017, accusing Ms. [REDACTED] of following him around and calling incessantly. Ms. [REDACTED] admitted to calling Officer Guzman-Sanchez in the months leading up to the Protection Order because Officer Guzman-Sanchez owed her money and he was inconsistent in his affections towards her. Ms. [REDACTED] stopped calling Officer Guzman-Sanchez when the Protection Order was filed. She admitted to calling him again in September 2017 and demanding her money, after the Protection Order was dropped in July 2017. Ms. [REDACTED] also contacted one of Officer Guzman-Sanchez's friends, [REDACTED] ("Mr. [REDACTED]"), via Facebook messenger, and telling him that Officer Guzman-Sanchez owed her money and previously hit her.⁶

Ms. [REDACTED] related that she used a smartphone application called TextFree to text message Officer Guzman-Sanchez, because he had her number blocked, and that Officer Guzman-Sanchez was the only one who knew Ms. [REDACTED]'s TextFree contact number. Ms. [REDACTED] claimed that in September or October of 2017, she received messages via TextFree from an anonymous phone number, claiming to be Mr. [REDACTED]'s wife and demanding that Ms. [REDACTED] stop contacting Mr. [REDACTED]. Ms. [REDACTED] also received over 20 private calls. She answered two times, and it was Officer Guzman-Sanchez. Ms. [REDACTED] related that Officer Guzman-Sanchez was upset she made a complaint about his alleged domestic violence. According to Ms. [REDACTED], Officer Guzman-Sanchez then sent her nude photograph to her 26-year-old nephew, [REDACTED], from a Facebook account with the name [REDACTED]. Ms. [REDACTED] also received a text message, purportedly from Mr. [REDACTED]'s wife, telling Ms. [REDACTED] to leave Mr. [REDACTED] alone. Ms. [REDACTED] then messaged Mr. [REDACTED] on Facebook to apologize. Mr. [REDACTED] replied that he was single and did not know who had messaged Ms. [REDACTED]. Ms. [REDACTED] related the last time she saw Officer Guzman-Sanchez (not including court dates) was on January 23, 2017, and the last time they communicated was in October 2017.

Accused Officer Guzman-Sanchez⁷

During his October 16, 2018 COPA interview, Officer Guzman-Sanchez described Ms. [REDACTED] as a woman he used to "casually date"⁸ from about the summer of 2015 until early 2017. The relationship ended when things "got out of hand" and Ms. [REDACTED] became "possessive."⁹ Ms. [REDACTED] would reportedly sit outside his home for hours, she called constantly, and she exhibited jealousy. Ms. [REDACTED] also reportedly contacted several of Officer Guzman-Sanchez's friends and family members. Officer Guzman-Sanchez blocked Ms. [REDACTED]'s phone number and Facebook profile, and Ms. [REDACTED] would contact Officer Guzman-Sanchez through new Facebook profiles

⁶ Ms. [REDACTED] filed a complaint against Officer Guzman-Sanchez in May 2017 regarding alleged domestic violence. This was investigated under COPA Log #1085040 and was Administratively Closed because the allegations as reported did not constitute a complaint.

⁷ Atts. 16, 62

⁸ Att. 16: approximately 4:02 minute mark.

⁹ Att. 16: approximately 4:50 and 5:00 minute marks.

she created. When he would occasionally return her calls, she would either not answer or become argumentative. Officer Guzman-Sanchez obtained a 30-day Emergency Order of Protection in April 2017, because of her harassment. Officer Guzman-Sanchez denied having any physical altercations with Ms. [REDACTED].

Officer Guzman-Sanchez told COPA that his telephone number was [REDACTED]. Officer Guzman-Sanchez denied ever using the telephone number [REDACTED] or having any knowledge of this number. Officer Guzman-Sanchez also denied that he ever harassed Ms. [REDACTED] via telephone and text messages. He denied ever creating a fake Facebook profile, sending Ms. [REDACTED] messages pretending to be [REDACTED], calling [REDACTED] from a fake number, sending a photo to [REDACTED], or messaging [REDACTED]. Officer Guzman-Sanchez denied ever using a smart phone application to communicate with Ms. Navarro and specifically stated that he always used his personal phone number: [REDACTED]. Officer Guzman-Sanchez confirmed that Mr. [REDACTED] was unmarried and one of his good friends. Officer Guzman-Sanchez denied knowledge of [REDACTED]. Officer Guzman-Sanchez admitted that he received sexual photos from Ms. [REDACTED] during their relationship, but never disseminated them to anyone. He also denied threatening to publicly display the photos, but he admitted threatening to file the Order of Protection if Ms. [REDACTED] did not leave him alone.

COPA interviewed Officer Guzman-Sanchez a second time on July 14, 2020.¹⁰ The officer again denied the allegations. He also denied providing COPA with a false report on October 16, 2018. When asked why his personal cell phone number was involved in the creation of the [REDACTED] Facebook page, and why posts from his personal Facebook used the same IP address as posts from the [REDACTED] Facebook page, Officer Guzman-Sanchez maintained his denials. Officer Guzman-Sanchez confirmed that he used [REDACTED] as a secondary line.

b. Digital Evidence

Phone and Facebook Records

CPD obtained search warrants for Officer Guzman-Sanchez’s Facebook profile and phone records pursuant to a criminal investigation into this incident.¹¹ Ms. [REDACTED] also provided CPD and COPA with her phone records. The following relevant details were identified. For the purposes of this section, the following table reflects the pertinent contact numbers that COPA was provided and/or identified in relation to the present investigation.

[REDACTED]	[REDACTED]
Officer Guzman-Sanchez – Main #	[REDACTED]
Officer Guzman-Sanchez – 2nd #	[REDACTED]
Anonymous/[REDACTED]	[REDACTED]

¹⁰ Att. 84

¹¹ CPD’s parallel criminal investigation was conducted under RD# [REDACTED]. That investigation was presented to The Cook County State’s Attorney’s Office Felony Review Unit for approval of felony criminal charges, however charges were declined by the Assistant State’s Attorney. Att. 96.

On January 25, 2017, Officer Guzman-Sanchez messaged Ms. [REDACTED], stating their relationship was over.¹² The conversation continued through the following weeks, with the pair insulting each other and Ms. [REDACTED] threatening to talk to the officer's mother and his work.¹³ In February 2017, multiple texts and calls were identified between Ms. [REDACTED] and Officer Guzman-Sanchez. Most of the messages and calls came from Ms. [REDACTED]. Ms. [REDACTED] asked the officer to return her belongings and money he owed her, voiced her displeasure with Officer Guzman-Sanchez, and asked him to speak with her.¹⁴ ¹⁵ Throughout February 2017, Ms. [REDACTED] also: sent Facebook messages to Officer Guzman-Sanchez via an alias profile;¹⁶ called and text messaged Officer Guzman-Sanchez's mother;¹⁷ ¹⁸ and called and text messaged Officer Guzman-Sanchez's brother.¹⁹ On February 5, 2017, Officer Guzman-Sanchez sent Ms. [REDACTED] a text message stating he intended to file an order of protection against her.²⁰ They argued, and the officer reiterated his intentions to file an order of protection, while Ms. [REDACTED] continued asking the officer for her money.²¹

On February 6, 2017, Ms. [REDACTED] called Officer Guzman-Sanchez about 60 times between 5:16 AM and 11:52 PM, with no incoming calls seen from the officer until about 11:20 PM.²² Also on February 6, 2017, Officer Guzman-Sanchez reiterated his desire to file an order of protection.²³ Then, Officer Guzman-Sanchez text messaged [REDACTED], "Dejame en paz. Adios! Si no quieres que le mande fotos," which Google translated into, "Leave me alone. Goodbye! If you don't want me to send you photos."²⁴ He also sent Ms. [REDACTED] a screen capture of [REDACTED]'s Facebook²⁵ and searched for [REDACTED]'s Facebook username, "[REDACTED]," two times on Facebook.²⁶

On February 10, 2017, Ms. [REDACTED]'s daughter sent Ms. [REDACTED] a text message stating, "He texted me yesterday."²⁷ Then, on February 13, 2017, Ms. [REDACTED] sent Officer Guzman-Sanchez a text message asking why he called her daughter. He answered, "I'm gonna send your daughter and friend your pics that you send me lmao."²⁸ In the following days, Officer Guzman-Sanchez again threatened to file an order of protection²⁹ and he sent her the nude photo of herself that was eventually disseminated on September 30, 2017.³⁰ On February 16, 2017, Ms. [REDACTED]'s daughter

¹² Att. 77, Page 947 – 975

¹³ Att. 77, Page 724 – 973

¹⁴ Att. 58

¹⁵ Att. 77, Page 374, 376 – 395, 400 – 401, 411 – 417, 419 – 420, 422 – 428, 503, 507 – 510, 513 – 550, 620 – 625, 632 – 633, 635 – 636, 638 – 650, 665, 667, 670, 681 - 685, 733 – 781, 800 – 817, 819 – 820, 832

¹⁶ Att. 74, Page 3985 – 3988

¹⁷ Att. 77, Page 396 – 399, 493 – 494, 496 – 497, 676 – 680, 729 – 732, 783 – 784, 787 – 799

¹⁸ Att. 56

¹⁹ Atts. 58

²⁰ Att. 77, Page 723

²¹ Att. 77, Page 591 – 722, Page 592, Pages 558 – 591

²² Att. 80, #17 – 20

²³ Att. 77, # 489

²⁴ Att. 77, # 481

²⁵ Att. 78, #15

²⁶ Att. 74: Page 835

²⁷ Att. 77, #229

²⁸ Att. 77: #108 & 114

²⁹ Att. 77, #81

³⁰ Att. 78, #9

again related that Officer Guzman-Sanchez texted her.³¹ Ms. ██████ told her daughter not to respond, and Ms. ██████ text messaged ██████ instructions to block Officer Guzman-Sanchez on Facebook.³² On February 28, 2017, Officer Guzman-Sanchez texted Ms. ██████ and stated, “I’m sending your nephew this.”³³ On February 19, 2017, Ms. ██████ called Officer Guzman-Sanchez about a dozen times.³⁴

On February 24, 2017, the email address, ██████, was created at approximately 11:04 PM, with a verified phone number of ██████.³⁵ This email address was then used to create the ██████ Facebook page at approximately 11:07 PM.³⁶ Its characteristics were consistent with a fake profile, and the entries did not extend beyond August 2017. COPA attempted to make contact with the profile via Facebook Messenger, with no response.

On April 15, 2017 and in the days that followed, Officer Guzman-Sanchez sent ██████ text messages, indicating he removed a user named ██████ as a Facebook friend.^{37 38 39 40 41} When Ms. ██████ threatened to come to his work, Officer Guzman-Sanchez responded, “Watch what I’m gonna do crazy woman! Bye forever.”^{42 43} Officer Guzman-Sanchez again threatened to file an order of protection against Ms. ██████ in three different text messages.^{44 45 46}

On April 23, 2017 Officer Guzman-Sanchez searched for “████████” twice on Facebook at 6:12 AM.⁴⁷ At roughly 6:13 AM, the ██████ Facebook account messaged Officer Guzman-Sanchez a link to Ms. ██████’s Facebook page and the assertion, “Hey, it looks like this person is pretending to be you. You should report her for impersonation if you think they are.” The exact same message was sent from the ██████ account to Officer Guzman-Sanchez’s three more times.⁴⁸ Officer Guzman-Sanchez also made an outgoing call to Ms. ██████ from ██████ ██████ for the last time before filing an emergency order of protection on April 27, 2017.^{49 50} Ms. ██████ called Officer Guzman-Sanchez for the last time before the protection order on April

³¹ Att. 77, #77 - 78

³² Att. 77: #67 – 76

³³ Att. 77, #14

³⁴ Att. 80: Page 1

³⁵ Att. 76

³⁶ Att. 73: Page 2

³⁷ Att. 49: Page 81, #709

³⁸ See disc in file “1088074” > Logical 01 > Attachments > 0 > FullSizeRender (duplicate_filename_32) and FullSizeRender (duplicate_filename_8)).

³⁹ Att. 49: Page 81 - 82, #715

⁴⁰ See disc in file “1088074” > Logical 01 > Attachments > 0 > IMG_3320.PNG

⁴¹ Att. 49: Page 86, #756

⁴² Att. 49: Page 85, #747

⁴³ See disc in file “1088074” > Logical 01 > Attachments > 0 > FullSizeRender(duplicate_filename_55)

⁴⁴ Att. 49: Page 102, #902

⁴⁵ Att. 49: Page 102, #906

⁴⁶ Att. 49: Page 111. #982

⁴⁷ Att. 74: Page 735

⁴⁸ Att. 74: Pages 3,957 – 3,958

⁴⁹ Att. 53, Page 34

⁵⁰ Att. 21

26, 2017.⁵¹ Telephone number [REDACTED] later called Ms. [REDACTED],⁵² and [REDACTED] returned the call later that day.⁵³ Then, telephone number [REDACTED] called Ms. [REDACTED] at approximately 6:12 PM, as a blocked number using *67.⁵⁴

On May 13, 2017, the [REDACTED] FB sent Officer Guzman-Sanchez a Facebook friend request, which the officer accepted.⁵⁵ The [REDACTED] Facebook page removed Officer Guzman-Sanchez as a Facebook friend on June 21, 2017.

Between June 9, 2017 and February 1, 2019, Officer Guzman Sanchez sent over 30 Facebook messages, telling other Facebook users that that his phone number was [REDACTED].⁵⁶

On August 7, 2017, Facebook messages between Officer Guzman-Sanchez and [REDACTED] suggested the two were in romantic relationship that ended on or around this date.⁵⁷ [REDACTED] told Officer Guzman-Sanchez, in part, “As of yesterday, I had all the proof in the world when I had your ‘side girl phone’ on my hands. [...] As for the phone, you could continue quick paying me if you like. Have a good day.”⁵⁸

Starting on August 21, 2017 through September 30, 2017, Ms. [REDACTED] resumed calling and texting Officer Guzman-Sanchez after the protection order was dismissed on July 17, 2017.⁵⁹ COPA also identified alias Facebook accounts for Ms. [REDACTED], from which she sent Officer Guzman-Sanchez messages, including messages that she filed an IPRA complaint against him.⁶⁰ Additionally, Ms. [REDACTED] contacted Officer Guzman-Sanchez’s brother by phone call and text.⁶¹

On September 9, 2017 Telephone number [REDACTED] called Ms. [REDACTED] twice. On September 11, 2017, telephone number [REDACTED] called Ms. [REDACTED] twice as a blocked number.⁶² Telephone number [REDACTED] also called Ms. [REDACTED], via blocked status, about 60 times between September 30, 2017 and October 9, 2017.⁶³

On September 30, 2017, telephone number [REDACTED] called Ms. [REDACTED] about five times.⁶⁴ Ms. [REDACTED] returned the call at roughly 6:25 PM, and the two numbers played phone tag.⁶⁵ At about 7:43 PM [REDACTED] called his aunt and had an approximately 6-minute phone call.⁶⁶

⁵¹ Att. 54: Page 162

⁵² Att. 57: Page 2

⁵³ Att. 57: Page 1

⁵⁴ Att. 75: Page 3

⁵⁵ Att. 74: Page 80

⁵⁶ Att. 74, Pages: 1290, 1291, 1295, 1296, 1828, 1893, 1903, 1915, 1974, 2006, 2013, 2067, 2105, 2138, 2142, 2145, 2157, 2217, 2225, 2240, 3100, 3118, 3203, 3238, 3248, 3254, 3262, 3272, 3280, 3907,3933

⁵⁷ Att. 74: Page 3266 – 3272).

⁵⁸ Att. 74: Page 3267

⁵⁹ Atts. 54: Page 162; Att. 21; Att. 49: Page 213, #1981; Att. 49: Page 214 – 215, #1996; Att. 54: Page 162 - 164

⁶⁰ Att. 74: Page 3260; Att. 74: Page 1253 – 1262

⁶¹ Atts. 58, 51

⁶² Att. 75: Page 23

⁶³ Att.75: Page 26 – 30

⁶⁴ Att. 55

⁶⁵ Att. 55

⁶⁶ Att. 59, Page 2

The [REDACTED] Facebook searched for Ms. [REDACTED]'s Facebook four times between 10:48 PM and 11:42 PM.⁶⁷ Between 10:49 PM and 11:47 PM, the [REDACTED] Facebook account sent a nude photo of Ms. [REDACTED] to eight Facebook users: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED].⁶⁸ The photo was sent along with the message, "Can you please tell your friend [REDACTED] to stop sending my husband [REDACTED] naked pictures . Thank you ... this is what she send [sic] my husband." Telephone number [REDACTED] then texted Ms. [REDACTED] at about 11:23 PM, purporting to be "[REDACTED]," telling Ms. [REDACTED] to leave [REDACTED] alone, and insulting Ms. [REDACTED]. The exchange concluded at about 11:54 PM, with the "[REDACTED]" number relating their husband was not a messenger.⁶⁹ At approximately 11:54 PM, [REDACTED] messaged his aunt stating, "Yo," followed by, "Be careful in who you send naked pictures."⁷⁰

On October 1, 2017, Ms. [REDACTED] responded to her nephew's message and asked for the photos he received, because she was complaining to CPD.⁷¹ She also called telephone number [REDACTED] two times.⁷² Through October 2017, Ms. [REDACTED] sent Officer Guzman-Sanchez text messages and phone calls,⁷³ with the officer making less calls to Ms. [REDACTED] than he received.⁷⁴ On October 14, 2017, Ms. [REDACTED] told Officer Guzman-Sanchez she was giving him the chance to remove the allegations she made against him, even though he had her perform oral sex on him in his car.⁷⁵ On October 15, 2017, Ms. [REDACTED] texted Officer Guzman-Sanchez, relating she was going to tell his mother that he forced her to engage in sexual activity with him in his car.⁷⁶ Officer Guzman-Sanchez responded about one minute later, stating, "Leave me alone. I have a girlfriend." Ms. [REDACTED] laughed and responded she wanted nothing to do with him. The conversation continued in the same vein. Ms. [REDACTED] also text messaged and called Officer Guzman-Sanchez's mother October 16 - 20, 2017.⁷⁷

Internet Protocol ("IP") Addresses

The IP Address used to register the [REDACTED] Facebook profile on February 24, 2017 was [REDACTED].⁷⁸ On at least 17 dates between February 13, 2017 and December 22, 2017, Officer Guzman-Sanchez's personal Facebook page also used the IP address [REDACTED].⁷⁹ Because these IP addresses are the same, it is likely that they came from the same device.

⁶⁷ Att. 73: Page 5

⁶⁸ Att. 73: Page 9 - 27

⁶⁹ Att. 47: Page 11, #444 - 451

⁷⁰ Att. 49: Page 261 & 262, #2477 & 2485

⁷¹ Att. 49: Page 262 - 263, #2487 & 2489; Att. 49: Page 263, #2505; Att. 49: Page 265, #2508; Att. 49: Page 267, #2532

⁷² Att. 55, Page 1

⁷³ Att. 49: Page 273, #2586; Att. 49: Page 273, #2587; Att. 54: Page 164 - 165; Att. 49: Page 286, #2727 - 2731; Att. 49: Page 286 - 287, #2732 - 2734; Att. 49: Page 288 - 289, #2747; Att. 49: Page 296, #2816;

⁷⁴ Att. 53: Page 34;

⁷⁵ Att. 49: Page 287 - 288, #2739 - 2744

⁷⁶ Att. 49: Page 290 - 292, #2759 - 2776

⁷⁷ Att. 49: Page 292, #2780; Att. 56, Page 2 - 3; Att. 49: Page 300, #2862; Att. 49: Page 301 - 304, #2876 - 2897

⁷⁸ Att. 73: Page 1

⁷⁹ Att. 74: Page 7 - 10, 1153, 1191, 1976, 3177, 3257

The IP Address used to create the [REDACTED] email address on February 24, 2017 was [REDACTED].⁸⁰ On September 30, 2019, the [REDACTED] Facebook profile sent eight Facebook messages, including the nude photo of Ms. [REDACTED], with the IP Address [REDACTED].⁸¹ Also in February 2017, Officer Guzman-Sanchez uploaded photos to Facebook with upload IP Addresses of [REDACTED];⁸² [REDACTED];⁸³ and [REDACTED].⁸⁴ Because these IP addresses all start with "[REDACTED]," it is likely that they all came from the same internet network.

c. Documentary Evidence

Original Case Incident Report - RD # [REDACTED]

An Original Case Incident Report was filed under RD # [REDACTED] on October 3, 2017.⁸⁵ ⁸⁶ Ms. [REDACTED] told a sergeant at the 8th District station that on February 6, 2017, Officer Guzman-Sanchez threatened to send her nephew a naked photo of Ms. [REDACTED] and on February 13, 2017, Officer Guzman-Sanchez threatened to send her nephew a naked photo to Ms. [REDACTED]'s daughter. Ms. [REDACTED] related that she called Officer Guzman-Sanchez on September 12, 2017, and he asked her to drop her COPA complaint for Log #1085040. On September 30, 2017, Ms. [REDACTED] reportedly received 20 private calls and, after finally answering, discovered it was Officer Guzman-Sanchez. Ms. [REDACTED]'s nephew then related that "he received a Facebook inbox message for a fake page with a nude pic of [Ms. [REDACTED]] which was the same pic [Officer Guzman-Sanchez] sent [Ms. [REDACTED]]," on February 13, 2017. Ms. [REDACTED] further alleged that she began "receiving text messages from different numbers." Ms. [REDACTED] added that on October 1, 2017, a Facebook friend of hers also received a message from "this same person informing him to inform [REDACTED] to stop sending nude pics to [h]er husband [REDACTED]." Ms. [REDACTED] reportedly sent "[REDACTED]" a message on Facebook, and he asserted he was single and had "no idea who's sending [Ms. [REDACTED]] inbox messages."

*General Progress Reports - RD # [REDACTED]*⁸⁷

Detective Berg interviewed [REDACTED] on May 19, 2018. [REDACTED] related that [REDACTED] "is Ernesto's work line." Officer Guzman-Sanchez had his own physical phone and paid [REDACTED] to use a line that is "strictly for Ernesto." [REDACTED] reported being friends with Officer Guzman-Sanchez for about five years. Officer Guzman-Sanchez called Detective Berg on May 19, 2018 and related he heard the detective was "asking questions about [Officer Guzman-

⁸⁰ Att. 76

⁸¹ Att. 73: Page 9, 11, 13, 15, 17, 19, 21, 23, 25

⁸² Att. 74: Page 1160 – 1161.

⁸³ Att. 74: Page 1164

⁸⁴ Att. 74: Page 1165

⁸⁵ Att. 4

⁸⁶ It should be noted that the CPD Case Report (Att. 4) documented that Ms. [REDACTED]'s allegations were being handled by COPA under Log #1085040. However, upon review, the allegations made by Ms. [REDACTED] in Log #1085040 in fact related to different allegations.

⁸⁷ Att. 72

Sanchez's] phone." Officer Berg met with Officer Guzman-Sanchez on March 22, 2019. Officer Guzman-Sanchez invoked his 5th Amendment Rights and refused to answer questions.

*Supplementary Reports - RD # [REDACTED]*⁸⁸

On October 6, 2017, Ms. [REDACTED] told the detective that she and Officer Guzman-Sanchez dated for about four years and she ended the relationship in December 2016.⁸⁹ Ms. [REDACTED] met with Officer Guzman-Sanchez on December 27, 2016, to recover money and some of her personal items. During this encounter, Officer Guzman-Sanchez reportedly grabbed Ms. [REDACTED]'s arm, pushed her, and told her that the police "won't do anything because of his job." Ms. [REDACTED] related that she last saw Officer Guzman-Sanchez on January 23, 2017 or January 25, 2017. The next day, Officer Guzman-Sanchez texted Ms. [REDACTED], "Goodbye forever," and traveled to Mexico for vacation. On about February 12, 2017, she "had telephone contact" with Officer Guzman-Sanchez, followed by the officer sending Ms. [REDACTED] a nude photograph of herself that she had sent to him in about November 2016. Ms. [REDACTED] related that her nephew, [REDACTED], had received the same nude photo of Ms. [REDACTED] from a Facebook account with name [REDACTED]. On May 11, 2018, the detective reported that he learned that telephone number [REDACTED] was in the account of an individual named [REDACTED].⁹⁰

Additional information in Detective Supplementary Reports documented Detective Berg's efforts to serve subpoenas and obtain evidence and various issues that arose during the investigation.⁹¹

Order of Protection

Case Number 17OP72630 was filed in the Cook County Clerk of the Circuit Court on April 27, 2017, with Officer Guzman-Sanchez filing a petition for an independent protection order against Ms. [REDACTED].⁹² An emergency order of protection was allowed on April 27, 2017. It was extended on May 18, 2017 and on June 20, 2017. On July 19, 2017, Officer Guzman-Sanchez filed an order vacating the ex-parte order or protection.

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;

⁸⁸ Atts. 5, 6, 7, 24, 27 - 39

⁸⁹ Att. 5

⁹⁰ Att. 29

⁹¹ Atts. 29, 30, 31, 34, 35, 37, 38

⁹² Att. 21

3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A preponderance of evidence can be described as evidence indicating that it is more likely than not that the conduct occurred and violated Department policy. See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

VII. ANALYSIS

As an initial matter, COPA notes that it found Ms. ██████ to be a credible witness. While she engaged in behavior that may have exacerbated the situation between herself and Officer Guzman-Sanchez, she was forthright and candid regarding her actions. Furthermore, there is considerable evidence to corroborate her version of events. Conversely, COPA did not find Officer Guzman-Sanchez to be credible or forthcoming, even when confronted with evidence of his misconduct.

Phone Harassment

Allegation 4, that in September and October 2017, Officer Guzman-Sanchez harassed ██████ via phone calls and texts, is sustained. Ms. ██████ was calling and messaging Officer Guzman-Sanchez's main phone number repeatedly around this time and asking the officer to return her money and property. Ms. ██████ also contacted his mother via text. Most notably, on September 3 & 4, 2017, Ms. ██████ sent Officer Guzman-Sanchez Facebook messages with pictures of IPRA documents and the implication that she made a complaint against him. From September 2017 through early October 2017, telephone number ██████ called Ms. ██████ over 60 times, as a blocked number. By Officer Guzman-Sanchez's own admission, he maintained phone number ██████. Facebook messages from the officer during this general time frame confirm this, as does information obtained by Detective Berg. On September 30, 2017 telephone number ██████ called Ms. ██████ multiple times before the nude photo of Ms. ██████ was disseminated via Facebook.

Illinois Law prohibits the harassment of another via phone.⁹³ Specifically, making a phone call, whether or not conversation ensues, with the intent to abuse, threaten or harass any person at the called number is prohibited. When considering Officer Guzman-Sanchez's repeated phone calls to Ms. [REDACTED], and most importantly, the multiple calls made just before the dissemination of the nude photograph of Ms. [REDACTED] on September 30, 2017, COPA finds that Officer Guzman-Sanchez most likely called [REDACTED] the 30th of September with the intent to threaten or abuse her. These actions constitute violations of CPD Rules 1, 2, and 8. Accordingly, allegation 4 is sustained.

False Statements – Rule 14

Allegation 5, that Officer Guzman-Sanchez made one or more false, misleading, inaccurate, and/or incomplete statement to COPA investigators, in that, he denied: being familiar with the telephone number [REDACTED], knowing the name [REDACTED], ever creating a fake Facebook account, sending [REDACTED] a nude photo of [REDACTED], and/or having contact with [REDACTED] after he filed an order of protection against her. The factors detailed below are material because they indicate that Officer Guzman-Sanchez intentionally mislead COPA investigators to cover his misconduct of sharing a nude photo of Ms. [REDACTED] without her consent and of harassing her via phone. Therefore, Officer Guzman-Sanchez violated Rule 14, which prohibits making a false report, written or oral.

Ms. [REDACTED] acknowledged to COPA that she sent Facebook messages to Mr. [REDACTED] regarding the officer's conduct towards her. When [REDACTED] messaged Ms. [REDACTED] on September 30, 2017, they criticized her for using their husband as a messenger and told her to leave "[REDACTED] alone." Since, [REDACTED] does not have a wife, per Officer Guzman-Sanchez, it seems likely this was the officer, acting in retaliation after Ms. [REDACTED] spoke to his friend. Further, these messages are similar to those set by the [REDACTED] Facebook profile the same day, which COPA also believes was the officer, as detailed below.

COPA identified, with the preponderance of the evidence, that Officer Guzman-Sanchez created the [REDACTED] profile on February 24, 2017. The profile was created using phone number [REDACTED], which Officer Guzman-Sanchez was using at the time, and the email address [REDACTED]. This email address was also created on February 24, 2017 and was verified with Officer Guzman-Sanchez's main phone number of [REDACTED]. Also, the IP address involved in the creation of the [REDACTED] Facebook page was used by Officer Guzman-Sanchez's personal Facebook profile multiple times throughout 2017, indicated that both acts were. Additionally, Officer Guzman-Sanchez's personal Facebook page interacted with the [REDACTED] Facebook account multiple times, indicating he had knowledge of the [REDACTED] profile, which denied to COPA. It is also worth noting that about two weeks prior to the creation of the [REDACTED] Facebook profile, Officer Guzman-Sanchez sent Ms. [REDACTED] text messages from his main number, threatening to publicly share the same sexually explicit photo of Ms. [REDACTED], something that eventually did in fact happen on September 30, 2017 from the [REDACTED] Facebook account. It is also notable that the [REDACTED] profile was created shortly after Officer Guzman-Sanchez made these threats. Therefore, COPA finds that Officer Guzman-Sanchez mostly likely sent [REDACTED] the nude photo of Ms. [REDACTED] via the [REDACTED] profile the officer had created and then denied such act to COPA and further denied the creation of the

⁹³ 720 ILCS 5/26.5-2

██████████ Facebook account and any knowledge of ██████████ whatsoever. The fact that the photo was disseminated on Facebook a few weeks after Ms. ██████████ told the officer she made a complaint further indicates the officer shared the photo in retaliation for making an IPRA complaint and for harassing him.

COPA also identified multiple times Officer Guzman-Sanchez contacted Ms. ██████████ after the order of protection was dismissed on July 19, 2017. However, he apparently waited until September 9, 2017, days after Ms. ██████████ alerted him to her IPRA complaint under Log 1085040. From September 9, 2017 through September 28, 2017, Ms. ██████████ received over 60 calls from ██████████, most of them as blocked numbers. As previously stated, the evidence shows this was Officer Guzman-Sanchez calling from his secondary line. Further, phone number ██████████ called and text messaged Ms. ██████████ on September 30, 2017, which COPA also identified as Officer Guzman-Sanchez posing as Mr. ██████████'s wife, as detailed above. For these reasons indicated above, COPA finds that Officer Guzman-Sanchez made multiple false statements to COPA investigators concerning the crux of the misconduct investigation against him, in that in the course of two separate interviews with COPA investigators Officer Guzman-Sanchez unequivocally denied knowing the name ██████████, ever creating a fake Facebook account, sending ██████████ a nude photo of ██████████, and/or having contact with ██████████ after having filed an order of protection against her. Accordingly, allegation 5 is sustained.

Threat to Share Sexually Explicit Photos

Allegations 7 – 10, that Officer Guzman-Sanchez threatened to share a sexually explicit photo of Ms. ██████████ on four separate dates in February 2017, are sustained. Phone records confirmed this conduct occurred. On February 6, 2017, at about 1:00 PM, Officer Guzman-Sanchez text messaged Ms. ██████████ from his main number stating, “Dejame en paz. Adios! Si no quieres que le mande fotos,” which Google translated into, “Leave me alone. Goodbye! If you don't want me to send your photos.”⁹⁴ He also sent screen captures of ██████████'s Facebook, conveying the implication that Officer Guzman-Sanchez would send Ms. ██████████'s photos to her nephew. Then, on February 13, 2017, Officer Guzman-Sanchez messaged Ms. ██████████ at about 5:01 PM, relating “I'm gonna send your daughter and friend your pics that you send me lmao.”⁹⁵ On February 16, 2017, Officer Guzman-Sanchez told Ms. ██████████, via a text message, he was filing an order of protection before sending her the same nude photo of herself that was eventually shared by the “██████████” Facebook profile.⁹⁶ Ms. ██████████ also received a text message from her daughter on this date, telling Ms. ██████████ that Officer Guzman-Sanchez was texting her.⁹⁷ Lastly, on February 18, 2017, Officer Guzman-Sanchez sent ██████████ a text message at about 9:28 PM, stating, “I'm sending your nephew this.”⁹⁸ While phone data retrieval did not include a photograph for this specific message, the officer's previous comments to Ms. ██████████ made clear what he was threatening to send ██████████. Threatening to commit a felony at least four different times because his ex-girlfriend would not stop calling shows disrespect for the law and for Ms. ██████████,

⁹⁴ Att. 77, #481

⁹⁵ Att. 77: #108 & 114

⁹⁶ Att. 78, #9

⁹⁷ Att. 77, #77 - 78

⁹⁸ Att. 77, #14

as well as a lack of judgement. Accordingly, allegations 7-10 are sustained. These actions constitute violations of CPD Rules 2, 8, and 9.

Disseminating Sexually Explicit Photos

Allegations 6 & 11- 16, that Officer Guzman-Sanchez disseminated a sexually explicit photo of Ms. [REDACTED] on Facebook without her consent, are Sustained. Subpoenaed data verified the pictures were shared by the [REDACTED] Facebook page on September 30, 2017. As detailed above with Allegations 5, COPA finds by a preponderance of the evidence that Officer Guzman-Sanchez created the [REDACTED] Facebook page and used it to share Ms. [REDACTED]'s nude photo. Because he is a police officer, Officer Guzman-Sanchez likely knew this conduct was criminal and presumably made the [REDACTED] account to conceal his actions. However, both his main and his secondary phone numbers were used to create the profile, and his personal Facebook and the [REDACTED] Facebook had used the same IP address. Further, Officer Guzman-Sanchez made specific threats to share the specific photo that was shared by [REDACTED] and to share it with [REDACTED], which the [REDACTED] profile ultimately did. This conduct violates Illinois state law 720 ILCS 5/11-23.5, non-consensual dissemination of private sexual images. The photo is sexually explicit, and Ms. [REDACTED]'s face is clearly identifiable. Both parties agreed that it was consensually produced by Ms. [REDACTED] in the context of their romantic relationship. Officer Guzman-Sanchez clearly knew she did not want the picture to be shared, or else he would not have used the photo to threaten her, as described above for Allegations 7 – 10. These actions constitute violations of CPD Rules 1, 2, and 8.

Unfounded Allegations

Allegations 1 & 2 against Officer Guzman-Sanchez, that in October 2017, he sent a nude/partially nude photograph of [REDACTED] to her friend, [REDACTED], and to her nephew, [REDACTED], are Unfounded. Once COPA obtained the [REDACTED] Facebook profile's data that was subpoenaed by CPD, it was learned the photos were actually sent on September 30, 2017 and, as the allegations are written, they are unfounded.

Allegation 3 against Officer Guzman-Sanchez, that in December 2016/January 2017, Officer Ernesto Guzman-Sanchez threatened to publicly display a nude/partially nude photograph of [REDACTED], is Unfounded. As with Allegations 1 & 2, COPA learned the correct dates on which the misconduct occurred via CPD subpoenaed data and Allegation 3, as it is written, is unfounded.

VIII. CONCLUSION

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

Officer	Allegation	Finding
Officer Ernesto Guzman-Sanchez	1. It was alleged that in October 2017, Officer Ernesto Guzman-Sanchez sent a nude/partially nude photograph of [REDACTED] to her friend [REDACTED].	Unfounded

	<p>2. It was alleged that in October 2017, Officer Ernesto Guzman-Sanchez sent a nude/partially nude photograph of [REDACTED] to her nephew [REDACTED].</p> <p>3. It was alleged that in December 2016/January 2017, Officer Ernesto Guzman-Sanchez threatened to publicly display a nude/partially nude photograph of [REDACTED].</p> <p>4. It was alleged that in September and October 2017, Officer Ernesto Guzman-Sanchez harassed [REDACTED] via phone calls and texts.</p> <p>It is alleged that on October 16, 2018, at approximately 6:16 PM, at or near the offices of the Civilian Office of Police Accountability (COPA), located at or near 1615 W. Chicago Ave., 4th Fl, Officer Ernesto Guzman-Sanchez committed misconduct through the following acts or omissions:</p> <p>5. Made one or more false, misleading, inaccurate, and/or incomplete statement during your interview with COPA investigators, in that, you denied: being familiar with the telephone number [REDACTED], knowing the name [REDACTED], ever creating a fake Facebook account, sending [REDACTED] a nude photo of [REDACTED], and/or having contact with [REDACTED] after you filed an order of protection against her.</p> <p>On various dates and times between February 6, 2017 and September 30, 2017, Officer Ernesto Guzman-Sanchez committed misconduct through the following acts:</p> <p>6. On or about September 30, 2017, Officer Ernesto Guzman-Sanchez sent a nude/partially nude photograph of [REDACTED] via Facebook to a Facebook user named [REDACTED] via, without [REDACTED] permission.</p> <p>7. On or about February 6, 2017, Officer Ernesto Guzman-Sanchez threatened to publicly display a nude/partially nude photograph of [REDACTED].</p>	<p>Unfounded</p> <p>Unfounded</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p>
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8. On or about February 13, 2017, Officer Ernesto Guzman-Sanchez threatened to display a nude/partially nude photograph of [REDACTED].	Sustained
9. On or about February 16, 2017, Officer Ernesto Guzman-Sanchez threatened to publicly display a nude/partially nude photograph of [REDACTED].	Sustained
10. On or about February 18, 2017, Officer Ernesto Guzman-Sanchez threatened to publicly display a nude/partially nude photograph of [REDACTED].	Sustained
11. On or about September 30, 2017, Officer Ernesto Guzman-Sanchez sent a nude/partially nude photograph of [REDACTED] via Facebook to a Facebook user named [REDACTED], without [REDACTED]'s permission.	Sustained
12. On or about September 30, 2017, Officer Ernesto Guzman-Sanchez sent a nude/partially nude photograph of [REDACTED] via Facebook to a Facebook user named [REDACTED], without [REDACTED]'s permission.	Sustained
13. On or about September 30, 2017, Officer Ernesto Guzman-Sanchez sent a nude/partially nude photograph of [REDACTED] via Facebook to a Facebook user named [REDACTED], without [REDACTED]'s permission.	Sustained
14. On or about September 30, 2017, Officer Ernesto Guzman-Sanchez sent a nude/partially nude photograph of [REDACTED] via Facebook to a Facebook user named [REDACTED], without [REDACTED]'s permission.	Sustained
15. On or about September 30, 2017, Officer Ernesto Guzman-Sanchez sent a nude/partially nude photograph of [REDACTED] via Facebook to a Facebook user named [REDACTED], without [REDACTED]'s permission.	Sustained
16. On or about September 30, 2017, Officer Ernesto Guzman-Sanchez sent a nude/partially nude photograph of [REDACTED] via Facebook to a	Sustained

Facebook user named [REDACTED], without [REDACTED]'s permission.

IX. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Guzman-Sanchez

i. Complimentary and Disciplinary History: Emblem of Recognition – Physical Fitness, 3; Attendance Recognition Award, 1; Department Commendation, 2; Honorable Mention, 53; 2019 Crime Reduction Award, 1; Complimentary Letter, 3; NATO Summit Service Award, 1, Unit Meritorious Performance Award, 1. No applicable disciplinary history within the past 5 years.

ii. Recommended Penalty: Separation

Officer Guzman-Sanchez engaged in a pattern of harassing behavior towards Ms. [REDACTED], including but not limited to multiple acts of phone harassment. The evidence indicates that Ms. [REDACTED] also engaged in acts of harassment against Officer Guzman-Sanchez. However, Officer Guzman-Sanchez escalated this situation by disseminating a nude photograph of Ms. [REDACTED] without her consent and went to great lengths to conceal these actions. These acts on their own are egregious in nature and render Officer Guzman-Sanchez unfit to serve as a police officer. Moreover, Officer Guzman-Sanchez took no accountability for his actions and in fact lied when confronted with these allegations. Accordingly, COPA recommends Officer Guzman-Sanchez be separated from the Department.

Approved:

[REDACTED]

December 31, 2020

Andrea Kersten
Chief of Investigative Operations

Date

[REDACTED]

December 31, 2020

Sydney Roberts
Chief Administrator

Date

Appendix A

Assigned Investigative Staff

Squad#:	14
Investigator:	Kelsey Fitzpatrick
Director of Investigations:	Matthew Haynam
Chief of Investigations:	Andrea Kersten