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David O. Brown
Superintendent of Police

September 29, 2020

Sydney Roberts
Chief Administrator
Civilian Office of Police Accountability
1615 West Chicago Avenue, 4th Floor
Chicago, Illinois 60622

RE: Log #1086910
Non-Concurrence with Findings and Penalty
Officer John Catanzara #19897

Dear Chief Administrator Roberts:

The Department has reviewed the evidence presented by the Investigator in Log number 1086910 and agrees with the Sustained finding as to Counts 1-5, 8 and 10-17. The Department does not concur that COPA has proved allegations 6 and 9 by a preponderance of the evidence. A review of these allegations is contained below in further detail. Further, while the Department agrees that Officer Catanzara's actions are serious violations of Rules 2, 3, 4, 6, 8, 32, 42 and 58 the Department does not agree that the recommendation of separation is appropriate and instead find that a suspension of one year is appropriate.

There is little dispute that the accused has made a series of online statements and engaged in a pattern or behavior that violates a host of Department rules. The allegations concern statements that generally fall into three categories: statements that may be said to be made upon matters of public concern, statements that are made upon matters of purely private interest and statements that are made concerning supervisory members of the Chicago Police Department. The Department agrees with COPA's sustained finding as to the allegations 10 and 15-17 which the Department has characterized as statements that are made concerning supervisory members of the Chicago Police Department and therefore does not address those findings below.

Allegations 4, 7, 8, 9, 11, 12 and 13 all concern statements that are clearly within the realm of a personal interest and cannot be said to be made upon matters of public concern. The statements made in these allegations are not afforded any sort of 1st Amendment protection and, with the exception of allegation 9, the preponderance of the evidence supports a sustained finding of the allegations. The record contains screen shots of the offending statements and Officer Catanzara acknowledges having made all of the relevant statements / online postings. While in his statement Officer Catanzara hints around having been provoked and not recalling

the full context of the situations in which each statement/posting is made, there is no question that the statements are obscene, disrespectful and intended to degrade and insult the persons to whom they are directed.

Allegation #9

Allegation 9 states that the accused “directed a threat to a member of the public on Facebook, by stating, ‘Ok loser now that you attack people on my page you will be blocked. Keep listening for that knock on the door.’” COPA has not demonstrated that by a preponderance of the evidence that this allegation should be sustained.

While Officer Catanzara begins his statement with the insult “loser” directed at complainant Tunley, the allegation is not concerning mistreatment or disrespect directed toward another, but rather that the officer directed a threat at the complainant. The allegation relies on the “keep listening for that knock on the door” portion of the statement for the proposition that the accused has transmitted a threat.

In his affidavit, complainant Tunley avers that this statement made him fear for the safety of himself and his family. Officer Catanzara in his statement relates that the statement was in reference to a process server presenting complainant with a lawsuit. In their protracted back-and-forth via Facebook, the officer makes plain that he desires to have the accused terminated from his employment. The accused on several occasions raises the specter of suing the complainant for “slander.” With this as the backdrop, COPA seemingly credits the complainant’s interpretation of the vague “knock on the door” statement while disregarding Officer Catanzara’s explanation in order to sustain the allegation. The statement is sufficiently vague and Officer Catanzara’s explanation is reasonable within the greater context of the exchanges between complainant and accused.

Similar to COPA’s rationale for not sustaining allegation 7¹, while this statement contains an insult and is of a piece with the obscene or disrespectful statements made in other allegations, the allegation as written regards the directing of a threat by the accused and that is not borne out by the evidence.

Statements on Matters of Public Concern

Allegations 1-3, 5, 6 and 14 are statements that can be considered to be made upon matters of public concern. As such, the various multi-part 1st Amendment analyses and balancing tests are applied. Of these allegations, all but allegation 6 are proved by a preponderance of evidence. While Officer Catanzara in his statement attempts to contextualize or explain what he actually meant for each of the various posts, the statements and images made publicly available via the accused’s Facebook page are patently offensive, advocate violence and demonstrate bias. The evidence is clearly sufficient to sustain the allegations. Screenshots of the offensive statements are included and the accused – though he does, as stated, try to

¹ Allegation 7 reads “Officer Catanzara posted an obscene photograph on Facebook.” COPA “not-sustained” the allegation because, although the photo was intended to mock the complainant per the accused’s own statement, the photo did not reach the ILCS threshold of obscenity and as such could not be sustained as alleged.

contextualize or explain away the postings – does not deny making any of the offending Facebook posts.

Allegation #6

Allegation #6 states that “Officer Catanzara attempted to influence others’ actions about a non-police matter by referencing his official position as a Chicago Police Officer.” The evidence presented does not support the allegation as stated.

The evidence includes an email sent from Officer Catanzara’s personal Gmail account to various CPS officials concerning allegations of athletic recruiting violations at Hubbard High School. The email opens “My name is Officer John Catanzara. I am a Chicago Police officer who is assigned to Hubbard high school in Chicago for the last 3 years and was the girls cross country coach for the 2016 fall season.” In his statement, in response to an inquiry as to why he mentioned the fact that he is a police officer, the accused states “to give credence to the fact of who I am, that I have firsthand knowledge in case they were thinking I was just some crazy dude off the street sending them email.”

No matter how inelegantly stated, it is clear that the accused did not attempt to use his official position in any manner, but rather stated that he worked at Hubbard both in the capacity of a police officer and a coach, and therefore had a basis for knowledge of the acts he alleges had taken place. The email is not sent from the accused’s department email account, but rather a personal Gmail account. It is also unclear from the evidence what “personal gain or influence” the accused is meant to be seeking. In his email he states that he hopes the allegations receive “proper attention” and “investigation.” However bumbling the attempt, the accused is merely attempting to bring information of alleged wrongdoing to an authority who in his mind may be able to address it.

As stated above the Department finds that the actions of Officer Catanzara are clear and egregious violations of the rules and do not reflect the goals of the Department and certainly are not in line with the numerous changes the Department has implemented and continue to implement under the Consent Decree. That said, the Department does not believe that this rises to the level of separation and for that reason finds that a suspension of one year is appropriate.

I look forward to discussing this with you as required under the Municipal Code.

Sincerely,



David O. Brown
Superintendent of Police
Chicago Police Department