

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	August 29, 2019
Time of Incident:	9:00 pm
Location of Incident:	10934 South Western Avenue, Chicago, IL
Date of COPA Notification:	August 29, 2019
Time of COPA Notification:	11:31 pm

On August 29, 2019, [REDACTED] met with Sergeant (Sgt.) Edward Leighton for a date at Open Outcry Brewery in Chicago, IL. After leaving the restaurant, Sgt. Leighton requested [REDACTED] drive him to his vehicle. [REDACTED] agreed, and after driving a few blocks, she pulled into a parking lot to say goodbye to Sgt. Leighton. While in the parking lot, Sgt. Leighton made several unwanted sexual advances toward [REDACTED] both physically and verbally and without her consent. Based on a preponderance of the evidence, the Civilian Office of Police Accountability (COPA) finds the allegations against Sgt. Leighton are **SUSTAINED** in part.

II. INVOLVED PARTIES

Involved Officer #1:	Edward Leighton, Star #1049, Employee # [REDACTED], Date of Appointment: December 5, 2005, Sergeant of Police, Unit of Assignment: 003, Date of Birth: [REDACTED], 1981, Hispanic, Male
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED] 1987, White, Female
Involved Individual #2	[REDACTED] Date of Birth: [REDACTED], 1981, White, Female

III. ALLEGATIONS

Officer	Allegation	Finding
Sergeant Edward Leighton	1. The complainant, [REDACTED] alleged that on August 29, 2019, at approximately 9:00 pm, in the vicinity of 10934 S. Western, the accused kissed her without her consent in violation of Rules 2, 3, and 8.	SUSTAINED

	<p>2. The complainant, [REDACTED] alleged that on August 29, 2019, at approximately 9:00 pm, in the vicinity of 10934 S. Western, the accused grabbed her by the neck in violation of Rules 2, 3, and 8.</p> <p>3. The complainant, [REDACTED] alleged that on August 29, 2019, at approximately 9:00 pm, in the vicinity of 10934 S. Western, the accused touched her breasts without her consent in violation of Rules 2, 3, and 8.</p> <p>4. The complainant, [REDACTED] alleged that on August 29, 2019, at approximately 9:00 pm, in the vicinity of 10934 S. Western, the accused touched her vagina, over her clothes, without her consent in violation of Rules 2, 3, and 8.</p> <p>5. The complainant, [REDACTED] alleged that on August 29, 2019, at approximately 9:00 pm, in the vicinity of 10934 S. Western, the accused touched her buttocks without her consent in violation of Rules 2, 3, and 8.</p> <p>6. The complainant, [REDACTED] alleged that on August 29, 2019, at approximately 9:00 pm, in the vicinity of 10934 S. Western, the accused attempted to undo her pants without her consent in violation of Rules 2, 3, and 8.</p> <p>7. The complainant, [REDACTED] alleged that on August 29, 2019, at approximately 9:00 pm, in the vicinity of 10934 S. Western, the accused pulled her bra down without her consent in violation of Rules 2, 3, and 8.</p> <p>8. The complainant, [REDACTED] alleged that on August 29, 2019, at approximately 9:00 pm, in the vicinity of 10934 S. Western, the accused made unwanted sexual advances towards her in that he stated words to the effect of, "Let me get a little taste of you," in violation of Rules 2, 3, and 8.</p>	<p>SUSTAINED</p> <p>SUSTAINED</p> <p>SUSTAINED</p> <p>NOT SUSTAINED</p> <p>SUSTAINED</p> <p>SUSTAINED</p> <p>SUSTAINED</p> <p>SUSTAINED</p>
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<p>9. The complainant, [REDACTED] alleged that on August 29, 2019, at approximately 9:00 pm, in the vicinity of 10934 S. Western, the accused made unwanted sexual advances towards her in that he stated words to the effect of, “Then you get a little taste of me,” in violation of Rules 2, 3, and 8.</p> <p>10. It is alleged that on or about the evening hours of August 29, 2019 at Open Outcry Brewing Company, located at 10924 S. Western, the accused consumed an alcoholic beverage while being in possession of his firearm in violation of Rule 6.</p>	<p>SUSTAINED</p> <p>SUSTAINED</p>
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IV. APPLICABLE RULES AND LAWS

Rules

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

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

Rule 6: Disobedience of any order or directive, whether written or oral.

Rule 8: Disrespect or maltreatment of any person, while on or off duty.

General Orders

1. U04-02 – Department Approved Weapons and Ammunition

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V. INVESTIGATION

a. Interviews

COPA conducted its **initial interview with** [REDACTED] ([REDACTED] on September 5, 2019. [REDACTED] stated she met Sgt. Edward Leighton on the dating website Hinge approximately two weeks prior to this incident. Sgt. Leighton contacted her on Hinge by sending her a message, and after a few days, they began exchanging text messages and phone calls on their personal phones. Eventually, the two agreed to meet in person on August 29, 2019, at 6:30 pm, at Open Outcry Brewing Company (Open Outcry) located at 10934 South Western Avenue in Chicago.

When the two met at Open Outcry, they sat in the rooftop seating area. While there, they shared food and consumed three alcoholic drinks each. [REDACTED] drank Moscow Mules and Sgt. Leighton drank pint sized beers. [REDACTED] did not believe either herself or Sgt. Leighton to be intoxicated. While at the restaurant, she observed a gun on Sgt. Leighton's person sticking out slightly as he was adjusting his body. When [REDACTED] looked at the firearm, Sgt. Leighton acknowledged he had his gun. [REDACTED] described Sgt. Leighton as wearing a collarless V-neck polo shirt with jeans. She does not know whether he was wearing a belt. [REDACTED] wore a pink flowing tank top with a strapless bra, jeans and sandals. [REDACTED] was not wearing a belt.

At approximately 9:00 pm, the two left the restaurant and walked to [REDACTED] vehicle, which was parked on 110th Street near Artesian. Once at her vehicle, Sgt. Leighton leaned against her vehicle and she leaned in to give him a hug. Sgt. Leighton then put his arm around her waist, pulled her in quickly and aggressively kissed her. [REDACTED] stated she kissed Sgt. Leighton back. While they kissed, Sgt. Leighton grabbed her buttocks and squeezed it. [REDACTED] pulled away, but Sgt. Leighton grabbed her and kissed her again. She then gently pushed him away and said she was leaving. Sgt. Leighton then asked for a ride to his car, which was parked on Western. [REDACTED] agreed to drive him to his vehicle. [REDACTED] pulled over into a parking lot to avoid blocking traffic. When she pulled over, Sgt. Leighton told her to go further toward the back of the parking lot so they could talk in a more private area.

As soon as [REDACTED] parked, Sgt. Leighton asked if the car was in park and said he wanted to "make out."² [REDACTED] did not want to make out,³ at that time, but did not verbalize that to Sgt. Leighton because she did not want to ruin the date. As soon as she parked, he started kissing her again. Sgt. Leighton pulled her head toward him and began kissing her. Sgt. Leighton's hand went toward her pants, and he touched her over her clothes, between her legs, and outside her vagina using his hand to rub her. [REDACTED] pushed his arm away from her, pulled her body away from him, and said, "Stop."⁴ Sgt. Leighton responded by smirking and saying, "It's fine. It's okay." She responded saying it was not okay. Sgt. Leighton began kissing her again. [REDACTED] kissed him back, at first, because she did not know how to get out of the situation.⁵ Sgt. Leighton put his hand under her shirt, pulled her bra down, grabbed her bare left breast, and began massaging it. [REDACTED] pushed him off again and

¹ Att. 8 and 45

² Id. at 34:01

³ Id. at 34:23

⁴ Id. at 13:00

⁵ Id at 39:20

told him, “I said stop,”⁶ pushing his hand off again, pulling her body away from his, and pulling her bra up. Sgt. Leighton moved his hand around her arm and back toward her pants and quickly unbuttoned her pants. █████ pushed him away stating, “I told you to stop.”⁷ During this encounter, █████ knew he had his weapon on him, so she tried to stay calm.⁸

Sgt. Leighton grabbed her between her legs again and went toward the zipper on her pants, as if to pull it down. █████ told him, “Nothing’s happening.”⁹ Sgt. Leighton replied, “Let me get a little taste of you.”¹⁰ █████ pushed him away harder and said either “Ew” or “No.”¹¹ Sgt. Leighton suggested going to her residence, which she refused. Sgt. Leighton reclined his seat and said, “Why don’t you get a little taste of me then.”¹² █████ refused and described herself as disgusted and horrified, while telling him he needed to leave. Sgt. Leighton sat back up and grabbed her by the front of her neck and began kissing her. █████ at this point, initially had her mouth open as he was kissing her, but eventually kissed him back, hoping he would stop. Sgt. Leighton let go of her neck and told her she was a good kisser. █████ leaned back and told him he needed to leave. Sgt. Leighton told her to let him know when she was home and left the vehicle.

█████ related at some point, during the encounter she said words to the effect of, “Nothing is happening. We are in a parking lot and there are people around.”¹³ Sgt. Leighton did not seem to care, because he continued with the same conduct. At one point, he was grabbing her bra and reaching toward her pants as she was pushing him off. Sgt. Leighton touched her between her legs on her vagina, over the clothes two or three times. █████ kissed him approximately four times, while they were inside the vehicle. █████ explained that it seemed like Sgt. Leighton was “feeding off”¹⁴ her resisting his attempts. █████ believed the entire encounter lasted approximately 10 minutes.

After the incident, █████ went home and spoke with her friend, █████ (█████) and told her what happened. █████ was initially hesitant to make a police report, due to her concerns that there was no physical evidence and her concerns about Sgt. Leighton’s position as a police officer. █████ encouraged her to make a police report, so she went to █████ home and the police were called. █████ did not have any injuries and did not receive medical treatment. Following this incident, █████ blocked Sgt. Leighton’s phone number, blocked him on all social media platforms, and filed an order of protection.

COPA obtained a statement from █████ on September 25, 2019. █████ has been close friends with █████ for 10 years. █████ husband, █████ (█████) is also friends with █████ brother.

⁶ Id. at 13:30

⁷ Id. at 14:17

⁸ Id. at 14:29

⁹ Id. at 14:52

¹⁰ Id. at 15:04

¹¹ Id. at 15:10

¹² Id. at 15:34

¹³ Id. at 38:19

¹⁴ Id. at 56:48

¹⁵ Att. 11

██████████ recalled texting with ██████████ regarding her date with Eddie or Edward, now known to be Sgt. Leighton. ██████████ believed ██████████ was excited about meeting with Sgt. Leighton. Prior to meeting Sgt. Leighton, ██████████ described him as nice. ██████████ called ██████████ on the evening of the date, around 9:00 pm, but ██████████ missed the call. When ██████████ called ██████████ back, ██████████ told her she was done with her date. ██████████ thought she sounded “weird.”¹⁶ ██████████ started crying and told her that the date was fine, but when Sgt. Leighton walked her to her car, “he was a little aggressive with her”¹⁷ and kissed her. He then asked her for a ride to his vehicle, so she gave him a ride. ██████████ found this odd. ██████████ told her Sgt. Leighton leaned over and kissed her again, began grabbing her breasts, and pulled her strapless bra down. ██████████ was trying to get everything back on and get away from him, but Sgt. Leighton was “kind of laughing at her”¹⁸ and stated, “Let me get a taste of that.”¹⁹ ██████████ told ██████████ she said, “No,”²⁰ to Sgt. Leighton, but he kept “going at her”²¹ and tried roughly to get inside her pants, but she was able to fight him off. ██████████ related he grabbed her by her throat, not choking her, but pushing her back and trying to kiss her. ██████████ kept saying, “No. No. No.”²² ██████████ told ██████████ she did not know what he was going to do, but she believed he may rape her. ██████████ finally kissed him back; she thought kissing him back may have turned him off.

██████████ did not know what to do after the incident. ██████████ suggested she come to her house, so they could figure out what to do next. ██████████ described ██████████ as unsure about going forward with a police report, expressing concerns about Sgt. Leighton being a police officer and a fear of not being believed.

██████████ drank with ██████████ in the past and would be able to tell if ██████████ was drinking, but she believed ██████████ to be sober that evening. ██████████ had never seen ██████████ in that state. ██████████ was not wearing the clothes from the incident, when she arrived at ██████████ home. The police came to ██████████ house and took ██████████ initial statement. ██████████ went with ██████████ to ██████████ home to get her clothing and wait for an Evidence Technician. ██████████ described ██████████ as visibly upset and crying throughout the evening. ██████████ accompanied ██████████ to speak with the detective the following week.

COPA obtained a statement from **Sergeant Edward Leighton**²³ on February 10, 2020. Sgt. Leighton met ██████████ on the dating app Hinge on August 21, 2019, and the two began texting. ██████████ told him she was dreading a scheduled girl’s trip. Sgt. Leighton stated that prior to the date on August 29, 2019, ██████████ sent him a text saying she was messaged by the girls whom she was scheduled to go on the trip with. Sgt. Leighton responded saying, “hahaha you’re fucked, you have to tell them”²⁴ and ██████████ responded, “I’m just gonna to call them in the morning and tell them I got

¹⁶ Id. at 8:17

¹⁷ Id. at 8:42

¹⁸ Id. at 9:52

¹⁹ Id. at 9:59

²⁰ Id. at 10:04

²¹ Id. at 10:09

²² Id. at 10:27

²³ Att. 13

²⁴ Id. at 10:34

date raped by officer friendly.”²⁵ Sgt. Leighton stated he thought it was “banter”²⁶ and she was goofing around. He responded by saying he was a sergeant, meaning he was a “bigger fish to fry.”²⁷ Sgt. Leighton’s text about “no lube” was “witty banter”²⁸ between the two of them to deflect her text. He did not immediately tell anyone about these texts. Sgt. Leighton tendered text messages between him and ██████ to COPA, during his interview.²⁹

When Sgt. Leighton met ██████ at Open Outcry on, August 29, 2019, they had a good time and shared similar interests and values. ██████ checked her phone a couple times during dinner and related to him that she was receiving texts about the planned trip to Nashville. Sgt. Leighton believed her to be upset as she checked her phone, and he encouraged her to tell her friends she was not going on the trip. ██████ did not want to go to Nashville because she was recently on another trip where she ate and drank too much, and she had a stressful week.

Sgt. Leighton ordered three light beers, consuming two and not finishing the third. ██████ ordered three Moscow Mules, accidentally spilling half of one and consuming two. He did not believe either of them to be intoxicated. They ordered pizza and appetizers. Sgt. Leighton described ██████ as nice and funny. At the end of the date, the two left Open Outcry together and ██████ asked him where he parked. Sgt. Leighton pointed to his vehicle, a 2011 Ford Edge, and ██████ told him she could not imagine him driving the car because it was “a soccer mom car.”³⁰ Sgt. Leighton’s car was parked at 10936 or 10938 South Western Avenue. ██████ told him she was parked on 110th Street, about a block south of where they were. ██████ told him she had a good time and looked forward to seeing him, when she returned from her trip. He told her he had a good time and told her to text him, when she arrived home. They walked to her vehicle together and began kissing “deeply and passionately.”³¹ ██████ arms were around his shoulders and she caressed his head with her hand, while Sgt. Leighton’s hands were on her waist or buttocks. Sgt. Leighton said ██████ did not object to the contact and continued kissing him. Sgt. Leighton stated they mutually stopped kissing. He needed to go home, since he had to work the next day.

██████ offered him a ride back to his vehicle, which he accepted. During the ride, ██████ told him, he was a good kisser, and he returned the compliment. He then suggested they pull over to make out some more. ██████ “enthusiastically and willingly said yes, but where?”³² Eventually, ██████ pulled into the Home Runn Inn parking lot and pulled into one of the first parking spaces. Sgt. Leighton suggested they would be seen if they stayed in this spot, so ██████ relocated toward the back of the parking lot and turned the headlights off. The two resumed kissing “deeply and passionately.”³³ ██████ “tongue was down [his] throat.”³⁴ Sgt. Leighton touched her breast over her clothing, simultaneously kissing her, and ██████ continued to kiss him, moaning and breathing heavily. ██████ arms were around him, while they were kissing. Sgt. Leighton touched ██████ inner

²⁵ Id. at 10:38

²⁶ Id. at 11:07

²⁷ Id. at 55:28

²⁸ Id. at 55:43

²⁹ Att. 40

³⁰ Att. 13 at 14:27

³¹ Id at 16:16-__

³² Id. at 17:00-17:06

³³ Id. at 19:58

³⁴ Id. at 20:03

thigh midway between her genital area and knee, and she continued moaning and breathing heavier. █████ told him they were “not doing this today and we’re not doing this in an alley.”³⁵ He told her, they were technically in a parking lot, and they laughed. █████ told him she was serious and wanted him to respect her. Sgt. Leighton respected this and was happy she said that, so he told her that was fine, kissed her good night, and went to his vehicle. They made plans to go for sushi, after she came back from Nashville. Sgt. Leighton walked back to his vehicle from the parking lot.

Sgt. Leighton denied all allegations made against him. Sgt. Leighton denied touching █████ body or breasts under her clothing. Sgt. Leighton denied █████ bra ever came off. Sgt. Leighton denied touching █████ neck and her genital area over her clothing. Sgt. Leighton denied saying anything to her during the encounter in the vehicle including, “Let me get a little taste of you” or “Then you get a little taste of me.” He further denied having his weapon on his person. Sgt. Leighton texted her the following morning and wished her a safe trip, but never heard back from her. The two never spoke again.

Sgt. Leighton stated he believed the encounter was consensual because █████ never said no, and she continued to kiss him. █████ only pushed his hand away, when he touched her inner thigh. After that, they made out for approximately thirty seconds before he left. Sgt. Leighton was in her vehicle for five to 10 minutes. During the interview, Sgt. Leighton repeatedly mentioned he believed █████ had mental health issues. When asked about this, he stated █████ mentioned she suffered from anxiety and on the petition for the Order of Protection she mentioned she suffered from increased anxiety, fear of retaliation, and post-traumatic stress disorder (PTSD). Sgt. Leighton was made aware of her allegations, September 11, 2019, when he was served with the Order of Protection by internal affairs. Sgt. Leighton described his reaction as shocked and disgusted.

On March 5, 2020 COPA conducted a **second interview of █████**³⁶ █████ related that after the incident, she obtained an Emergency Order of Protection against Sgt. Leighton. █████ learned through her attorney that at one court date, prior to the order of protection being dismissed, Sgt. Leighton called her a liar and referenced text messages she sent him where she stated she was going to say she was date raped by an officer. Though █████ did not see the text messages Sgt. Leighton showed at that court date, █████ knew what text message he was referencing and identified the text messages, which she COPA provided her during her interview.³⁷ █████ decided to drop the order of protection, after discussions with her attorney regarding the texts with Sgt. Leighton and concerns about a lack of evidence she had to present. █████ related that prior to their meeting on August 29, 2019, she and Sgt. Leighton were joking via text message about how she could avoid going on a trip to Nashville, which she was scheduled to go on, but did not want to attend. █████ explained she did not want to go to Nashville, because she had been on several trips, spent a lot of money, and was tired. █████ discussed this with Sgt. Leighton over the phone as well. Sgt. Leighton suggested █████ tell the people going on the trip she was sick. █████ did not want to use this excuse because it was like saying your grandmother died and something might happen to your grandmother.³⁸ █████ recalled telling Sgt. Leighton on the phone that she wanted to lie about

³⁵ Id. at 25:05-__

³⁶ Att. 9

³⁷ Att. 14

³⁸ Att. 9 at 8:00

something that would not happen.³⁹ During the text message exchange, she told Sgt. Leighton she would tell the other people going on the trip she was date raped by officer friendly in order to avoid the trip. ██████ believed Sgt. Leighton understood she was joking, and he partook in the joke too, correcting her by saying she should say she was date raped by a sergeant rather than an officer. Sgt. Leighton continued the joke, saying, “No lube,”⁴⁰ which she took as a joke referencing rough sex. She responded, “Gotta sit on a donut.”⁴¹ He then replied, “I’m a gentleman. I’d at least spit,”⁴² which she believed was a joke referring to the original text she sent about the date rape. ██████ stated she understood how this text looked in retrospect. ██████ denied ever making a false allegation of this nature and she stood by the allegations she made in this case. Additionally, ██████ went on the trip to Nashville.

During the interview, ██████ was presented with several text messages between herself and Sgt. Leighton.⁴³ ██████ recognized all the text messages. ██████ explained that Sgt. Leighton propositioned her for sex in one of the text messages, asking her if she would “hit it,” which she took to mean have sex.⁴⁴

When asked if she ever saw Sgt. Leighton’s vehicle on the night of August 29, 2019, ██████ denied seeing it. Sgt. Leighton told her he was parked on Western right outside of the bar. ██████ was parked around the corner past the alley and he offered to walk her to her vehicle. ██████ stated, when he kissed her outside the car, “his tongue was down [my] throat immediately from the get-go.”⁴⁵ ██████ found this unusual because most people usually have a softer kiss for a first kiss. Sgt. Leighton later asked for a ride to his car. ██████ denied offering to drive him to his vehicle. ██████ felt she went out of her way to drive him back to his car, and in hindsight she believes he wanted to get her to the parking lot. Looking back, she does not understand why he needed a ride. ██████ drove him toward where he stated his vehicle was located, and when she pulled over, she thought he might kiss her goodnight and then leave. ██████ stated when he asked to kiss her again in the car, she thought she could get him to slow down, but he immediately put his tongue in her mouth again.

██████ denied ever caressing Sgt. Leighton but had her hand on his chest as “a barrier”⁴⁶ when they were outside of the car and when they were inside the car. ██████ placed her hand on the back of his neck briefly, when they were outside her vehicle, but she was not caressing him or playing with his hair. ██████ denied making any sounds or moaning inside the vehicle. ██████ became scared, when they were in her vehicle and stated, “when he wouldn’t stop kissing me and grabbing me and putting his hand under my shirt and grabbing me. Just knowing that he had his gun on him, I, that’s when I just felt extremely threatened and you know, he could pull it out at any second and then I wouldn’t know what to do.”⁴⁷ ██████ saw the top of the brown or black handle of the gun, on his right hip, when they were inside the restaurant. ██████ assumed it was a firearm but did not

³⁹ Id. at 8:37

⁴⁰ Att. 14, p. 7

⁴¹ Id.

⁴² Id.

⁴³ Att. 14

⁴⁴ Att. 14, p. 1-4; Att. 9 at 15:03 – 15:45

⁴⁵ Att. 9 at 48:11

⁴⁶ Id. at 31:20-22

⁴⁷ Id. at 34:30

mention it to him. However, Sgt. Leighton saw her eyes go to the weapon and said, “Oh it’s my gun, and just like fixed his shirt to kind of, cover it up, a little more.”⁴⁸

█████ did not believe he knew she was uncomfortable with his advances because she kept telling him to stop and he kept going. █████ stated, “The more I was saying no, the more like aggressive he became and was just grabbing me harder, more forcefully.”⁴⁹ █████ stated she said the words “no” and “stop” out loud.⁵⁰ █████ stated she nonverbally communicated she wanted him to stop by pushing his arm as he grabbed her and pushing his chest. █████ became emotional during her interview, crying and described his statements toward her as disgusting and they made her feel gross. Sgt. Leighton told her, “You’re gonna get wet for me.”⁵¹ █████ was sweating because she was scared. She was horrified, when he said, “Then why don’t you get a taste of me,”⁵² because no one had spoken to her like that, on a first date. After the incident, █████ was afraid of him because she did not know what behavior to expect from him.

It should be noted that because Sgt. Leighton accused █████ of having an anxiety disorder and being mentally unstable, COPA asked █████ if she ever discussed having anxiety or being diagnosed with an anxiety disorder with him. █████ denied speaking to Sgt. Leighton about anxiety or being diagnosed with an anxiety disorder.

b. Digital Evidence⁵³

COPA obtained **Office of Emergency Management and Communications (OEMC) audio recording⁵⁴ and Event Query⁵⁵** of the call to 911 relative to this incident. The audio recorded a call made by █████ now known to be █████⁵⁶ on August 29, 2020, at approximately 9:48 pm, requesting an officer come to his home to file a complaint. █████ relates he would like a female officer, as the complainant is a woman complaining of a sexual assault.

Text messages were submitted to COPA by both █████ and Sgt. Leighton.⁵⁸ These submissions were largely the same. Overall, the text messages demonstrate the two getting to know one another. It should be noted that in the texts both parties often exchange jokes with each other. Both text submissions captured relevant text messages from August 29, 2019, prior to the incident. In these messages,⁵⁹ the conversation between █████ and Sgt. Leighton is as follows:

█████ I’ll call them in the am and tell them I got date raped
By officer friendly

⁴⁸ Id. at 33:50

⁴⁹ Id. at 50:55

⁵⁰ Id. at 51:04 – 51:19

⁵¹ Id. at 52:42

⁵² Id. at 53:05

⁵³ COPA canvassed for video from businesses in the area, but the canvass yielded no results. See Case Notes.

⁵⁴ Att. 28

⁵⁵ Att. 16

⁵⁶ █████ is █████ husband.

⁵⁷ Att. 12

⁵⁸ Att. 40

⁵⁹ Att. 12, p. 17

SGT. LEIGHTON: Damn
Sgt
Even better
██████████
Hahahaha
SGT. LEIGHTON: No lube
██████████
Gotta sit on a donut
SGT. LEIGHTON: I'm a gentleman I'd at least spit
[Emoji: man, with one hand up]
██████████
Well praise Jesus
SGT. LEIGHTON: I got u baby
██████████
I'm a lucky girl!
SGT. LEIGHTON: I spoil my women

COPA obtained **Body Worn Camera (BWC)**⁶⁰ recordings from officers who responded August 29, 2019. The BWC video footage shows two female officers, now known as Officers Clarivel Rivera, Star #18645, and Paloma Sandoval, Star #5436, arrive at the home of ██████████ and ██████████ in response to the 911 call reporting a sexual assault. Upon their arrival, the officers speak with ██████████ regarding the incident. ██████████ relates essentially an abbreviated version of the same information to the responding officers as she related to COPA. At times, ██████████ becomes visibly upset and at one point is crying and places her face on ██████████ shoulder. After learning the perpetrator is a Chicago police officer, the responding officers called Sergeant Joseph Fernandez, Star #1569, who gives them further instruction and eventually arrives on scene.

c. Physical Evidence

COPA obtained the **Crime Scene Processing Report**⁶¹ and **Evidence Technician Photos**⁶² of ██████████ on August 29, 2019 at approximately 11:39 pm. In total, 18 photos were taken of ██████████ clothing and body. Photos of ██████████ neck depict no obvious physical injury. Evidence technicians took photos undergarments ██████████ was wearing that day. Those photos depict a beige strapless bra, a floral thong, a coral V-neck shirt with thin straps, and denim jeans.

d. Documentary Evidence

The **Initiation Report**⁶³ and **Original Case Incident Report #JC412734**⁶⁴ document the allegations made to police by ██████████ on the date of the incident. According to the Case Report, police arrived on scene at 9:38 pm, approximately 38 minutes after the alleged incident occurred. Beat 2211R responded to the residence of ██████████ and ██████████ and met with ██████████ related essentially the same basic information she related to COPA.

⁶⁰ Atts. 41 – 43

⁶¹ Att. 25.

⁶² Att. 10.

⁶³ Att. 1.

⁶⁴ Att. 2.

COPA obtained copies of the **Petition for the Order of Protection**,⁶⁵ **Emergency Order of Protection**,⁶⁶ and **Synoptic Report for Service of the Order of Protection**.⁶⁷ These documents reflect that █████ petitioned for an emergency order of protection on September 9, 2019 and the Emergency Order of Protection was granted the same day under case number 19OP76660. In the petition, █████ alleged Sgt. Leighton became “sexually aggressive”⁶⁸ with her, while the two were inside her vehicle. █████ alleged he grabbed her “crotch” and attempted to undo her pants “several times despite telling him ‘no’ and ‘you need to stop.’”⁶⁹ █████ further alleged that Sgt. Leighton pulled her bra off, grabbed her breast after being pushed off her, and grabbed her neck. █████ related this incident caused her increased anxiety, trouble sleeping, and concern about retaliation, due to his status as a police officer. Sgt. Leighton was served with the Emergency Order of Protection on September 11, 2019.

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;
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.⁷⁰

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

⁶⁵ Att. 46

⁶⁶ Att. 27

⁶⁷ Att. 39

⁶⁸ Att. 46 at 2

⁶⁹ Id.

⁷⁰ The preponderance of the evidence standard applies even if some Sgt. Leighton’s alleged misconduct may also constitute criminal conduct. *See Board of Education v. State Bd. of Education*, 113 Ill. 2d 173, 189 (1986); *Clark v. Board of Fire & Police Comm'rs*, 245 Ill. App. 3d 385, 390-92 (3d Dist. 1993). Moreover, while Sgt. Leighton’s conduct may constitute criminal conduct, COPA has not specifically alleged any violations of the law and rather focuses on how Sgt. Leighton’s conduct violated Department rules and directives.

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 ¶ 2

VII. ANALYSIS

a. Credibility Assessment

While some facts are consistent among the accounts of ██████ and Sgt. Leighton (i.e. what they had to eat and drink at the restaurant, whose vehicle they were in, etc.), other material facts are entirely divergent. ██████ described an encounter where Sgt. Leighton repeatedly made verbal and physical unwanted sexual advances toward her without her consent. In contrast, Sgt. Leighton described not only a largely consensual and positive encounter, but also an encounter ██████ was enthusiastic and passionate about. Sgt. Leighton denied the allegations made against him.

The credibility of an individual relies primarily on two factors: 1) the individual’s truthfulness and 2) the reliability of the individual’s account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual’s ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory. In this case, Sgt. Leighton’s account is so divergent from ██████ account that both accounts simply cannot be accurate. COPA finds that a preponderance of the evidence demonstrates ██████ account of the incident is more credible than Sgt. Leighton’s.

1. ██████ Outcry Was Immediate and Plausible

██████ account was plausible, and her emotional disposition and immediate outcry support her reliability. COPA recognizes sexual violence often occurs in a manner that makes witnesses to the incident unlikely and requires the investigator to use the surrounding events to determine whether the conduct occurred. Though this incident occurred in a somewhat public space, the conduct occurred in a concealed area. Specifically, according to both accounts, the two were in a parked car that was in a somewhat secluded area of a parking lot. It is plausible Sgt. Leighton could make unwanted verbal and physical sexual advances toward ██████ without anyone observing this conduct.

Furthermore, ██████ emotional state immediately following the incidents enhances her credibility. ██████ related ██████ was crying, when she spoke to her minutes after this incident occurred. ██████ stated she had never seen ██████ in that state before. She further described ██████ as visibly upset and crying throughout the evening. ██████ demeanor was corroborated by the BWC video footage, which captures ██████ becoming visibly upset and crying on ██████ shoulder at times. Additionally, ██████ outcry was immediate. ██████ immediately reported this incident to ██████ and law enforcement. It is important to note that according to ██████ and ██████ ██████ was initially uncertain about reporting the incident to law enforcement. This reluctance is significant. It is well known many victims of sexual violence do not immediately report these incidents. ██████ did not consider making the report likely and needed to be convinced to do so, which only enhances the likelihood her account of the incident was truthful and easily recalled from fresh memory.

2. ██████ *Account Remained Consistent*

██████ account remained consistent and was corroborated, in part, by ██████ gave her statement multiple times, to different parties and in different venues. In each recounting of her experience, ██████ remained consistent. Specifically, ██████ gave two statements to COPA, gave a statement to responding officers, made statements in her petition for an order of protection and made statements to her friend, ██████. Those statements are consistent within themselves and amongst each other. Specifically, ██████ consistently reported Sgt. Leighton made unwanted verbal and physical sexual advances toward her without her consent. ██████ stated, while at Open Outcry the two consumed three alcoholic beverages each but were not intoxicated. ██████ stated she noticed Sgt. Leighton had his weapon on his person, and upon seeing her eyes on the gun, Sgt. Leighton commented on it, confirming it was his firearm. After they left the restaurant, the two went to her vehicle, where Sgt. Leighton kissed her and grabbed her buttocks. ██████ found this behavior to be somewhat aggressive. Sgt. Leighton then requested a ride to his vehicle, to which ██████ agreed. ██████ pulled into a parking lot and Sgt. Leighton suggested they move further into the parking lot. ██████ relocated the vehicle, and upon placing the car in park, Sgt. Leighton aggressively kissed her, pulled her bra down, grabbed her breast, and grabbed her genital area over her clothing. According to ██████ Sgt. Leighton continued this behavior after being repeatedly told, “No” and “Stop” and being physically pushed away by ██████. Sgt. Leighton made unwelcome verbal sexual advances toward her in that he stated, “Let me get a little taste of you,” and “Then you get a little taste of me.” ██████ continued to reject his advances. Sgt. Leighton then grabbed her by the neck and kissed her. Finally, Sgt. Leighton exited the vehicle.

██████ reported consistent accounts of the incident to the responding police officers, in her petition for an order of protection, in her statements to ██████ and in her statements to COPA. ██████ maintained throughout her statements that Sgt. Leighton’s sexual advances were unwanted, repeatedly saying she verbally asked him to stop and nonverbally demonstrated her lack of consent by pushing him away. Additionally, ██████ corroborated ██████ account of her actions, after the incident, relating ██████ called her shortly after leaving Sgt. Leighton and was crying and upset by his behavior toward her. ██████ recollection provided logical, consistent, and plausible accounts of the incident.

3. ██████ *Does Not Have Motive to Lie*

Finally, ██████ does not appear to have a motive to lie about this incident or fabricate this story. COPA has considered the text message ██████ sent to Sgt. Leighton shortly before this incident but does not find it outweighs the other evidence in the case, nor does COPA find ██████ lied about this incident. Sgt. Leighton suggests she lied about their interaction to avoid a trip to Nashville with friends. However, COPA does not find it plausible ██████ lied, to police, to COPA, to the courts, and to her best friend, in order to avoid a trip. Perhaps the most convincing fact on this point is ██████ initial statement to COPA and petition for an order of protection occurred *after* the trip to Nashville, so there was no further need for her to tell this story if it was to avoid this trip. Additionally, the tone of the text messages from both parties shows them to be engaged in joking banter. Although ██████ did not initially disclose these text messages, she was not hesitant in addressing them when asked and agreed to give a second statement to COPA. ██████ explained that

it was a joke she regrets in retrospect and denied lying about Sgt. Leighton's conduct. Lastly, her demeanor following the incident both, when she was on the phone with ██████████ with the police officers, and in her statements to COPA suggests she was distraught by the events and not the demeanor of one fabricating a story. Therefore, COPA finds ██████████ to be credible.

4. Sgt. Leighton's Account is Less Plausible

Sgt. Leighton's explanation of events clearly varies from ██████████ on key points. First, Sgt. Leighton denies carrying his firearm on his person that evening. Additionally, Sgt. Leighton denies the verbal and physical interactions between the two were anything other than consensual. During his statement, he repeatedly described ██████████ kissing him "deeply and passionately." The repeated use of this phrase struck COPA investigators as unusual and purposeful. He also described ██████████ as caressing him and moaning. It is clear Sgt. Leighton used this language to convey a mutually consensual encounter. However, the repeated emphasis on these words and the description of her behavior struck COPA as insincere rather than genuine and truthful. Furthermore, Sgt. Leighton claims ██████████ saw his car, which was within a block of hers, but offered to drive him to his vehicle. Given the proximity of his car to hers, it seems odd she would offer him a ride, when he could easily walk there. It seems more likely he requested a ride to spend more time with her. Additionally, Sgt. Leighton's description of ██████████ as mentally unstable lacks any evidentiary support. Sgt. Leighton repeatedly stated he believed ██████████ to be mentally unstable because she mentioned she had anxiety. ██████████ denied discussing this with him or having any sort of medical diagnosis for anxiety. Furthermore, such a diagnosis does not ordinarily cause individuals to fabricate stories.⁷¹ Believing his account would require finding ██████████ lied consistently on multiple occasions for no apparent purpose. It should also be noted Sgt. Leighton's demeanor and tone throughout his statement appeared defensive. Overall, Sgt. Leighton's claims and actions were disingenuous, whereas ██████████ actions and demeanor appeared to be vulnerable and forthright. Lastly, unlike ██████████ Sgt. Leighton does have motive to fabricate his account of this incident, as these allegations have significant consequences for him.

Therefore, the totality of the evidence demonstrates the incident did not occur as Sgt. Leighton alleged. Based upon the totality of the evidence as reflected above, COPA finds ██████████ credible and her account of the incident remained consistent.

b. Allegations

COPA finds **Allegation #1, 2, 3, 4, 6, 7, 8, and 9** against Sgt. Leighton that he kissed her, grabbed her by the neck, touched her breasts, touched her vagina over her clothes, attempted to undo her pants, pulled down her bra without her consent, made unwanted sexual advances towards her in that he stated words to the effect of, "Let me get a little taste of you," and "Then you get a little taste of me" are all **SUSTAINED**. As previously discussed, COPA finds ██████████ account was consistent, credible, and was corroborated in part by other witnesses. COPA finds by a preponderance of evidence the following occurred. Once ██████████ pulled her vehicle over, Sgt. Leighton began kissing her. He then touched ██████████ vagina over her clothes. ██████████ pushed his arm away and pulled her body away from him while saying, "Stop." Sgt. Leighton then began kissing her again, placed his hand under her shirt and pulled her bra down, grabbing her breast. ██████████

⁷¹ See DSM V, Generalized Anxiety Disorder Symptoms.

pushed him off again, pulled her body away from his, and pulled her bra up, saying “I said stop.” Sgt. Leighton then moved his hand around her arm and toward her pants, quickly unbuttoning her pants. [REDACTED] then pushed him away again, saying, “I told you to stop.” Sgt. Leighton grabbed her between her legs again and went toward her zipper as if to pull it down. [REDACTED] told him, “Nothing is happening.” Sgt. Leighton then made unwelcome sexual advances, saying, “Let me get a little taste of you.” [REDACTED] pushed him away and said, “Ew” or No.” Sgt. Leighton, reclined his seat and said words to the effect of, “Then you get a little taste of me.” [REDACTED] again refused. Sgt. Leighton then grabbed her by the front of her neck and kissed her again. [REDACTED] initially held her mouth open, but eventually kissed him back hoping he would stop. Sgt. Leighton did stop and eventually left the vehicle. [REDACTED] repeatedly told Sgt. Leighton verbally to stop, but he refused to listen. [REDACTED] also repeatedly indicated physically that she wanted Sgt. Leighton to stop, in that she pushed him away and pulled her body away from his repeatedly, but Sgt. Leighton refused to listen and continued his behavior. Therefore, based on a preponderance of the evidence standard, COPA finds **Allegations #1, 2, 3, 4, 6, 7, 8, and 9** against Sgt. Leighton are **SUSTAINED**.

COPA finds **Allegation #5** against Sgt. Leighton, that he touched her buttocks without her consent, is **Not Sustained**. Although both parties agree Sgt. Leighton touched [REDACTED] buttocks, while he kissed her outside of her vehicle, there is insufficient evidence to find Sgt. Leighton would have understood this was without [REDACTED] consent. This is alleged to have occurred early in the encounter. At the time of this action, [REDACTED] had not told Sgt. Leighton to stop or pulled away from him. [REDACTED] did pull away after he grabbed her buttocks, and he did not continue to touch her buttocks. Therefore, COPA finds **Allegation #5**, that Sgt. Leighton grabbed [REDACTED] buttocks without her consent, is **Not Sustained**.

COPA finds **Allegation #10** against Sgt. Leighton, that he consumed an alcoholic beverage, while in possession of his firearm, is **Sustained**. Per the Chicago Police Department’s Uniform and Property order U04-02, “While sworn members are permitted to carry firearms during non-duty hours, they are instructed to refrain from doing so when there is a likelihood that they will be consuming alcoholic beverages or medications which may impair their physical and/or mental abilities.” Both [REDACTED] and Sgt. Leighton acknowledge he consumed alcoholic beverages, while at Open Outcry. Sgt. Leighton denies he had his firearm on his person. However, [REDACTED] stated she observed the handle of the gun and upon seeing her eyes on the weapon, Sgt. Leighton acknowledged that it was his firearm. Additionally, it was [REDACTED] awareness of the weapon that caused her to be more fearful of Sgt. Leighton once they were inside her vehicle. As stated above, COPA finds [REDACTED] account of the events credible and Sgt. Leighton’s account not credible. Therefore, based on the preponderance of the evidence, COPA finds **Allegation #10** against Sgt. Leighton, that he consumed an alcoholic beverage, while in possession of his firearm, is **Sustained**.

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VIII. CONCLUSION

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

Officer	Allegation	Finding
Sergeant Edward Leighton	1. The complainant, [REDACTED] alleged that on August 29, 2019, at approximately 9:00 pm, in the vicinity of 10934 S. Western, the accused kissed her without her consent in violation of Rules 2, 3, and 8.	SUSTAINED
	2. The complainant, [REDACTED] alleged that on August 29, 2019, at approximately 9:00 pm, in the vicinity of 10934 S. Western, the accused grabbed her by the neck in violation of Rules 2, 3, and 8.	SUSTAINED
	3. The complainant, [REDACTED] alleged that on August 29, 2019, at approximately 9:00 pm, in the vicinity of 10934 S. Western, the accused touched her breasts without her consent in violation of Rules 2, 3, and 8.	SUSTAINED
	4. The complainant, [REDACTED] alleged that on August 29, 2019, at approximately 9:00 pm, in the vicinity of 10934 S. Western, the accused touched her vagina, over her clothes, without her consent in violation of Rules 2, 3, and 8.	SUSTAINED
	5. The complainant, [REDACTED] alleged that on August 29, 2019, at approximately 9:00 pm, in the vicinity of 10934 S. Western, the accused touched her buttock without her consent in violation of Rules 2, 3, and 8.	NOT SUSTAINED
	6. The complainant, [REDACTED] alleged that on August 29, 2019, at approximately 9:00 pm, in the vicinity of 10934 S. Western, the accused attempted to undo her pants without her consent in violation of Rules 2, 3, and 8.	SUSTAINED

<p>7. The complainant, [REDACTED] alleged that on August 29, 2019, at approximately 9:00 pm, in the vicinity of 10934 S. Western, the accused pulled her bra down without her consent in violation of Rules 2, 3, and 8.</p> <p>8. The complainant, [REDACTED] alleged that on August 29, 2019, at approximately 9:00 pm, in the vicinity of 10934 S. Western, the accused made unwanted sexual advances towards her in that he stated words to the effect of, “Let me get a little taste of you” in violation of Rules 2, 3, and 8.</p> <p>9. The complainant, [REDACTED] alleged that on August 29, 2019, at approximately 9:00 pm, in the vicinity of 10934 S. Western, the accused made unwanted sexual advances towards her in that he stated words to the effect of, “Then you get a little taste of me” in violation of Rules 2, 3, and 8.</p> <p>10. It is alleged that on or about the evening hours of August 29, 2019 at Open Outcry Brewing Company, located at 10924 S. Western, the accused consumed an alcoholic beverage while being in possession of his firearm in violation of Rule 6.</p>	<p>SUSTAINED</p> <p>SUSTAINED</p> <p>SUSTAINED</p> <p>SUSTAINED</p>
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IX. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Sergeant Edward Leighton

i. Complimentary and Disciplinary History⁷²

- 1. Complimentary:** 2 Crime Reduction Awards (2009 & 2019), 1 Attendance Recognition Award, 6 Complimentary Letters, 6 Department Commendations, 2 Emblem of Recognitions (Physical Fitness), 58 Honorable Mentions, 1 Honorable Mention Ribbon

⁷² Att. 47 & 48

Award, 1 NATO Summit Service Award, 1 Presidential Election Deployment Award 2008, 1 Unit Meritorious Performance Award

2. Disciplinary: None

ii. Recommended Discipline

Sgt. Leighton made unwanted sexual advances against [REDACTED]. He repeatedly sexually violated her without her consent after being told repeatedly physically and verbally to stop. This conduct is severe and egregious. The conduct is unbecoming of any individual and especially a sworn member of the Chicago Police Department charged with protecting and serving the public. Such conduct warrants separation from the Department.

Approved:

/s/ James Murphy-Aguilu
James Murphy-Aguilu
Deputy Chief

10/30/2020
Date

[REDACTED]
Andrea Kersten
Chief of Investigative Operations

10/30/2020
Date

[REDACTED]
Sydney Roberts
Chief Administrator

10/30/2020
Date