

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

|                            |                    |
|----------------------------|--------------------|
| Date of Incident:          | June 3, 2018       |
| Time of Incident:          | 5:20 PM            |
| Location of Incident:      | 1809 S. Laflin St. |
| Date of COPA Notification: | June 3, 2018       |
| Time of COPA Notification: | 8:14 PM            |

On June 3, 2018, Officer Giovanni Gonzalez #8229 (“Officer Gonzalez”) and [REDACTED] [REDACTED] (“[REDACTED]”) were driving to Officer Gonzalez’s residence when an argument ensued. The argument escalated into a verbal and physical altercation. [REDACTED] alleges that Officer Gonzalez hit her arm during the verbal altercation. Officer Gonzalez then stopped in an alley near 1809 S. Laflin St., at which time [REDACTED] alleges that he exited the vehicle, approached her side, grabbed her by the arm and hair, and pulled her from the vehicle, making her fall to the ground. While on the ground, [REDACTED] alleges Officer Gonzalez proceeded to kick her. Officer Gonzalez drove away while [REDACTED] walked out of the alley crying and pleading for help, getting the attention of a civilian who called 911. COPA reviewed these allegations and reached Sustained findings.

II. INVOLVED PARTIES

|                         |  |
|-------------------------|--|
| Involved Officer #1:    | Giovanni Gonzalez, Star #8229, Employee # [REDACTED], Date of Appointment: August 29, 2016, Police Officer, Unit of Assignment: 009, Date of Birth: [REDACTED], 1992, Male, Hispanic |
| Involved Individual #1: | [REDACTED] Date of Birth: [REDACTED], 1993, Female, Asian  |

III. ALLEGATIONS

| Officer                         | Allegation   | Finding/Recommendation          |
|---------------------------------|--|---------------------------------|
| Officer Giovanni Gonzalez #8229 | 1. Engaged in an unjustified verbal altercation with [REDACTED] in violation of Rules 2, 3, 8, and 9 | Sustained/<br>15 Day Suspension |
|                                 | 2. Hit [REDACTED] on her arm, in violation of Rules 2, 3, 8, and 9                                   | Sustained/<br>15 Day Suspension |

<sup>1</sup> Officer Gonzalez and [REDACTED] were [REDACTED] on this date, but have since ended their [REDACTED].

|   |                                 |
|---|---------------------------------|
| 3. Grabbed [REDACTED] by her arm, in violation of Rules 2, 3, 8, and 9  | Sustained/<br>15 Day Suspension |
| 4. Grabbed [REDACTED] by her hair, in violation of Rules 2, 3, 8, and 9 | Sustained/<br>15 Day Suspension |
| 5. Kicked [REDACTED] in violation of Rules 2, 3, 8, and 9               | Sustained/<br>15 Day Suspension |

**IV. APPLICABLE RULES AND LAWS**

Rules

1. **Rule 2:** Any action or conduct which impeded the Department’s efforts to achieve its policy and goals or brings discredit upon the Department
2. **Rule 3:** Any failure to promote the Department’s efforts to implement its policy or accomplish its goals
3. **Rule 8:** Disrespect to or maltreatment of any person, while on or off duty
4. **Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty

General Orders

1. **G01-01:** Mission Statement and Core Values

**V. INVESTIGATION<sup>2</sup>**

**a. Interviews**

COPA conducted [REDACTED] (“[REDACTED] audio statement<sup>3</sup> on July 2, 2018. [REDACTED] stated that she requested an order of protection. [REDACTED] stated that her [REDACTED] with Officer Gonzalez had a history of verbal abuse by him. [REDACTED] stated that a previous verbal altercation with Officer Gonzalez led to the neighbors calling the police. [REDACTED] also stated Officer Gonzalez has threatened her life over the phone in the past.

<sup>2</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>3</sup> Attachment 21

<sup>4</sup> [REDACTED] indicated her [REDACTED] with Officer Gonzalez was span of a year and a half ending on June 3, 2018.

██████████ stated she and Officer Gonzalez were driving<sup>5</sup> from a festival when an argument began.<sup>6</sup> ██████████ stated that both escalated the argument and raised their voices. ██████████ said that she told Officer Gonzalez that she wished to cancel an upcoming trip due to the increase of arguments in their relationship which got Officer Gonzalez upset and angry leading him to hit ██████████ upper, left arm with his right, closed fist. ██████████ specified the hits were continuous and rapid occurring approximately three times. ██████████ stated she sustained bruises from these hits. ██████████ indicated this is when she told Officer Gonzalez to take her back to his apartment to get her keys to leave.

██████████ stated Officer Gonzalez stopped the car on the right side of the street, turned off the car leaving his keys in the ignition, exited, and proceeded to walk to the passenger side. ██████████ said she was able to lock the doors before Officer Gonzalez could open her door. ██████████ said she locked the doors because she began "freaking out."<sup>7</sup> ██████████ stated that Officer Gonzalez told her to unlock the doors and exit the car as he tugged at the door handle. ██████████ described Officer Gonzalez as angry. ██████████ indicated she was crying while inside the car.

██████████ stated Officer Gonzalez then moved to the front of the car, and she got into the driver's seat and turned on the car. ██████████ said she moved the car away from Officer Gonzalez at a ninety-degree angle to the left side of the street, never driving away. After about five to ten minutes, ██████████ stated she let Officer Gonzalez back into the car because he was screaming and she was scared he would call the police on her. ██████████ stated he started to drive and she attempted to call her father. While attempting to call, ██████████ indicated that Officer Gonzalez grabbed her phone from her hand. ██████████ said he placed the phone in a compartment in his door. ██████████ said she tried getting her phone from Officer Gonzalez by reaching over him but was unable to reach it because he pushed her back as he was stronger than her.

██████████ stated, as the argument continued, they drove onto to Laflin St., and Officer Gonzalez turned into and parked in an alley. ██████████ said Officer Gonzalez then exited the car, took the key with him, and proceeded to her side. ██████████ stated Officer Gonzalez pulled her out of the car by her hair. ██████████ specified Officer Gonzalez grabbed the back, right side of her hair. ██████████ said that Officer Gonzalez was strong enough to pull her to the ground. ██████████ stated she used her palms to stop her head from hitting the ground. ██████████ indicated she sustained a scratch on her palm from this. ██████████ said Officer Gonzalez then proceeded to kick her multiple times as she lay in the fetal position protecting her head. ██████████ stated he kicked her near the upper front of her body, right arm, and near her shoulder and chest. ██████████ stated she sustained bruises from the kicks. ██████████ stated she cried and screamed the entire time and that she was in shock. After Officer Gonzalez kicked her, ██████████ said he drove away. ██████████ stated she started screaming for help.<sup>8</sup> ██████████

<sup>5</sup> Officer Gonzalez was driving while ██████████ was in the passenger seat.

<sup>6</sup> ██████████ stated the argument was political in nature with a difference in views. Specifically, she said the argument was about the following: (1) her being a liberal; (2) liberals tending to dislike officers; (3) the possibility of her applying to Northwestern University; (4) Officer Gonzalez telling her that his police partner was treated badly at Northwestern University; and (5) she should not work at that university because it treats officers badly.

<sup>7</sup> *Id.* at 10 minutes and 48 seconds.

<sup>8</sup> ██████████ also stated she would have called the police, but Officer Gonzalez still possessed her cell phone.

indicated people on the street heard her and she approached a female standing with two men. ██████ said the female told her she heard the screams and asked what happened and she informed her of the altercation with Officer Gonzalez. ██████ said she asked the woman to call 911, the woman called 911, and the woman relayed to 911 what ██████ told her. ██████ stated officers and a sergeant arrived within five to ten minutes to whom she told what occurred. ██████ said, at the moment, she did not decide to press charges or sign a complaint against Officer Gonzalez because she was emotional from the incident and wanted to leave. ██████ stated she never hit Officer Gonzalez that day.

██████ stated she refused medical attention because she wanted to leave the situation, and felt embarrassed and ashamed. ██████ stated that the following day bruises began to appear on her upper arms which became darker the following days. ██████ stated she also sustained a scratch near her armpit. ██████ said she went to Community First Medical Center a couple of hours after the incident informing the hospital she was involved in a domestic situation and complaining of pain.

COPA conducted **Officer Giovanni Gonzalez's #8229 ("Officer Gonzalez") audio statement<sup>9</sup>** on July 18, 2018.<sup>10</sup> While driving back from a festival with ██████ Officer Gonzalez stated they got into an argument about statements she said.<sup>11</sup> Officer Gonzalez said the argument got loud, so he tried to de-escalate the situation by telling ██████ to relax and told her they could talk about it when both are not heated up. But, Officer Gonzalez said ██████ was persistent to talk. Officer Gonzalez said ██████ tried to hit him on his right arm. Officer Gonzalez said he shielded himself from these hits and told her to stop. Officer Gonzalez stated he was frustrated so he stopped the car, and repeatedly told ██████ to exit the car and to calm down, but she refused. Officer Gonzalez stated he then exited the car to tell ██████ to exit as well, but she locked the doors and got into the driver's seat. Officer Gonzalez said ██████ moved the car about five feet towards him, which hit him in the knees and torso, however, he did not sustain injury. Officer Gonzalez said once ██████ stopped the car, he told her to open the doors and exit. Officer Gonzalez indicated there was a civilian<sup>12</sup> and he told the civilian to call the police. Officer Gonzalez said he was in fear of his life as he thought ██████ would run him over since she was in control of the car. Officer Gonzalez said ██████ finally unlocked the doors and moved to the passenger side. Officer Gonzalez stated he relayed this information to the responding officers and sergeant.

Officer Gonzalez stated he proceeded to drive down Laflin St. as the verbal argument continued and he tried to calm her down. Officer Gonzalez indicated ██████ was screaming, acting like a little girl, and had a mental breakdown because of the situation. Officer Gonzalez said he was furious at this time. Officer Gonzalez stated ██████ father called. While ██████ was on the phone, Officer Gonzalez stated he told her to hang up because she was involving her father and believed they should talk this out. After ██████ hung up, Officer Gonzalez initially said he took the phone away, he then said ██████ dropped her phone in the middle

<sup>9</sup> Attachment 35

<sup>10</sup> Officer Gonzalez was represented by counsel of his choosing.

<sup>11</sup> Officer Gonzalez stated ██████ wanted to work at Northwestern University, she made an anti-police comment, and he did not like the comment.

<sup>12</sup> Officer Gonzalez indicated the civilian was about a block away from him.

compartment, so he picked the phone up. Officer Gonzalez stated [REDACTED] asked for her phone, but he tried to calm her down by grabbing her hands because she was hitting him. Officer Gonzalez then specified [REDACTED] flailed her arms hence her phone fell. Officer Gonzalez said he placed the phone in his pocket. Officer Gonzalez stated [REDACTED] did not attempt to get her phone from him. Officer Gonzalez stated he did not place the phone in his door and [REDACTED] never reached over him to get the phone. Officer Gonzalez then stated he grabbed [REDACTED] phone and held it in his hand.<sup>13</sup> Officer Gonzalez stated [REDACTED] flailed her hands and was hitting him in the chest area. Officer Gonzalez said he then grabbed her to stop the hits and calm her down. Officer Gonzalez stated everything was happening fast, but he did not strike or hit [REDACTED] Officer Gonzalez said he did not sustain injuries from these hits.

Officer Gonzalez stated he told [REDACTED] they should talk and both were chaotic and heated. Officer Gonzalez said [REDACTED] screamed and hit him, so he grabbed both of her arms and hands to get her to calm down. Officer Gonzalez said he also elevated his voice to get [REDACTED] attention because she was loud and was having a mental breakdown.

Officer Gonzalez stated he then told [REDACTED] to exit the car because she was hitting him, but she refused. Officer Gonzalez stated he exited the car, told [REDACTED] to exit, she opened the door a bit, and he opened the door more. Officer Gonzalez stated [REDACTED] eventually exited the car on her own accord as she continued to hit him. Officer Gonzalez said he held [REDACTED] wrist to stop the hitting as her other hand pushed him away. Officer Gonzalez stated he did not grab [REDACTED] anywhere else about the body, including her upper arm and hair.

When COPA asked Officer Gonzalez if [REDACTED] is known to lie, Officer Gonzalez did not answer the question, rather he said that everything was happening fast, [REDACTED] was moving around, and it is hard to give details. Officer Gonzalez said he did not pull [REDACTED] out of the car. When COPA asked Officer Gonzalez if he did not remember grabbing [REDACTED] by her hair because everything was happening fast, Officer Gonzalez answered in the affirmative, stating that it was chaotic at the time, [REDACTED] was kicking him and moving around in the car. When COPA asked whether it was possible that Officer Gonzalez grabbed [REDACTED] hair and pulled her out of the car, Officer Gonzalez replied he was unsure and did not recall, but he believes so and everything happened fast. After a break requested by his attorney, Officer Gonzalez stated he did not grab [REDACTED] hair and believed her hair got tangled up because she has long hair and she was moving in the car.

Officer Gonzalez stated [REDACTED] kicked him on his knees, arms, and face while she was inside the car. Officer Gonzalez said he did not sustain any injury from the kicks. Officer Gonzalez said he relayed this information to the responding officers and sergeant. After Officer Gonzalez reviewed the Original Case Incident Report,<sup>14</sup> he stated the fact that he told the responding officers and sergeant that [REDACTED] continuously kicked him was not included in the report. Officer Gonzalez said that everything else in the report was accurate, other than the allegations of him pulling [REDACTED] hair and kicking her.

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<sup>13</sup> Officer Gonzalez made this statement after a break requested by his attorney.

<sup>14</sup> Attachment 4

After [REDACTED] kicked him, Officer Gonzalez stated as she was exiting the car she lost her step and tripped over his leg causing her to fall onto the ground. Officer Gonzalez further stated that [REDACTED] fell sideways because she lost her balance. Officer Gonzalez indicated he helped [REDACTED] get up. Officer Gonzalez stated that [REDACTED] was still kicking him in the face at this time. Officer Gonzalez indicated he shielded himself by lifting his leg to block the kicks. Officer Gonzalez then stated [REDACTED] was only kicking him in the face while she was sitting in the car. Officer Gonzalez said he did not sustain injury to his face. Officer Gonzalez said he relayed this information to the responding officers and sergeant.

Officer Gonzalez stated [REDACTED] then walked to talk to a civilian as he told her to come back to talk. Officer Gonzalez stated he got back into the car, drove around the block, and waited for [REDACTED] on Laflin St. Officer Gonzalez indicated the civilian said the police were on the way. Officer Gonzalez believed there were six to ten officers on scene. Officer Gonzalez stated he did not sign a complaint against [REDACTED] because he loved her at the time and wanted to resolve their issues. Officer Gonzalez said he was not afraid of [REDACTED] thus, he did not seek to file an order of protection against her.

Officer Gonzalez did not observe injury, bruising, or swelling on [REDACTED] after the incident. Officer Gonzalez did not remember if [REDACTED] had any injury, bruising, or swelling prior to the argument. Officer Gonzalez indicated [REDACTED] bruises easily because, in the past, she had bruises on her legs from chairs. Officer Gonzalez did not recall if [REDACTED] had bruises on her arms at any point during that day. After reviewing the photographs,<sup>15</sup> Officer Gonzalez stated he observed bruises on [REDACTED] elbow, forearm, and upper arm in the photographs. Officer Gonzalez stated [REDACTED] probably sustained these bruises from everything that was going on, her hitting him, and him blocking her. Officer Gonzalez subsequently stated [REDACTED] hit him with her upper arm<sup>16</sup> and when he blocked the hits she flailed her entire body at him. Officer Gonzalez subsequently stated [REDACTED] hit him with her lower arms.

Officer Gonzalez said he had not spoken to, seen, or contacted [REDACTED] via text message or phone call since the incident. Officer Gonzalez reviewed a photograph of text messages<sup>17</sup> he sent [REDACTED] after the incident. COPA asked Officer Gonzalez to explain what he meant when he texted [REDACTED] the following messages: (1) "Im sorry for what i did earlier" [sic]; (2) "Just please answer your phone"; and (3) "Please."<sup>18</sup> Officer Gonzalez explained he was referring to the argument he had with [REDACTED]. Even after reviewing the photograph of the text messages he sent [REDACTED] Officer Gonzalez only said that he "thinks" that he texted [REDACTED] after the incident. COPA asked Officer Gonzalez again if [REDACTED] is known to be a liar, to which he replied "no." Officer Gonzalez subsequently said he does not know, and, moments later, said [REDACTED] lied about prior relationships.

COPA conducted [REDACTED] ("[REDACTED] audio statement"<sup>19</sup> on June 29, 2018. [REDACTED] stated she had not seen or known [REDACTED] or Officer Gonzalez prior to the incident.

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<sup>15</sup> Attachment 28

<sup>16</sup> The upper arm was signified to be from the elbow to the shoulder of an arm.

<sup>17</sup> Attachment 28, IMG\_0274

<sup>18</sup> *Id.*

<sup>19</sup> Attachment 13

██████████ stated she was sitting outside her residence located at ██████████, with her husband, ██████████ (██████████ when she heard screaming. ██████████ stated after five minutes, she heard the screaming again, this time coming closer to her. ██████████ said ██████████ told her something must be wrong because he saw ██████████ walking out of the alley, so ██████████ went towards ██████████. ██████████ stated ██████████ informed her that Officer Gonzalez pulled and dragged her out of his car by her hair, threw her out of the car, and then drove away. ██████████ said ██████████ also told her that she and Officer Gonzalez were arguing earlier, and Officer Gonzalez was mad at ██████████ about a booked flight. ██████████ stated ██████████ further told her that she fears Officer Gonzalez. ██████████ saw ██████████ hair in knots and described it as messy and in disarray. ██████████ said ██████████ was screaming, hysterically crying, asking for help, and telling her to call the police, which she did. ██████████ stated she tried to calm down ██████████ indicated that Officer Gonzalez came back to the location and looked mad.

COPA conducted ██████████ (██████████ audio statement<sup>20</sup> on June 29, 2018. ██████████ stated he has not seen ██████████ or Officer Gonzalez prior to the incident, nor did he know them. ██████████ said he heard “help me” and yelling while sitting on the sidewalk. ██████████ stated the noise and yelling continued for a while then it came closer to him. ██████████ stated he saw ██████████ who looked scared, walking out of an alley towards him. ██████████ stated he told his wife, ██████████ to go see what was happening. ██████████ indicated he saw ██████████ crying and her hair messy. ██████████ stated ██████████ talked to ██████████ about what happened to her and she relayed that Officer Gonzalez pulled ██████████ out of the car by her hair. ██████████ stated Officer Gonzalez came back to the location, ██████████ indicated that ██████████ appeared afraid of him. ██████████ indicated that it seemed as though ██████████ was dragged on the floor because her back was dirty. ██████████ said ██████████ was red, but did not see bruises or other injury. ██████████ stated Officer Gonzalez told him that he always fights with ██████████

### b. Digital Evidence

In responding officers and sergeant’s **Body-Worn Cameras (“BWC”)**,<sup>21</sup> ██████████ is heard telling them Officer Gonzalez’s actions towards her. ██████████ is seen emotional about what happened to her. The BWC did not capture the incident.

██████████ provided COPA **photographs** of her injuries<sup>22</sup> and text messages<sup>23</sup> sent by Officer Gonzalez. The photographs depict (1) bruises and red discoloration on ██████████ elbow and upper half of her arms; (2) a laceration near her armpit; and (3) a red cut on her palm.<sup>24</sup>

During ██████████ **911 calls**<sup>25</sup>, she is heard requesting the police, informing the dispatcher that she is with a woman who was beat her up and thrown out of a car by her ██████████. ██████████ told the dispatcher that she heard and saw the woman screaming for help, and that the

<sup>20</sup> Attachment 16

<sup>21</sup> Attachment 27

<sup>22</sup> ██████████ took photographs of her injuries on June 3, 2018 at about 7:07 PM and 8:07 PM; June 4, 2018 at about 9:48 AM; and June 7, 2018 at about 8:18 PM.

<sup>23</sup> ██████████ screenshotted text messages on June 4, 2018 at about 8:07 PM. She received the text messages on June 3, 2018 at about 11:10 PM.

<sup>24</sup> Attachment 28

<sup>25</sup> Attachment 41, while not mentioned by name by ██████████ the woman is presumably ██████████ and her ██████████ is presumably Officer Gonzalez.

woman was afraid of her [REDACTED]. A woman is heard crying and in distress in the background. [REDACTED] is heard consoling the woman, saying she will not let the [REDACTED] hit her and that the woman is safe with her. [REDACTED] is also heard asking the [REDACTED] why he beat the woman up and telling the [REDACTED] not to hit her.

### c. Physical Evidence

**Medical records** from Community First Medical Center indicate that [REDACTED] was involved in a domestic dispute with her [REDACTED] where she was physical abused with a diagnosis of assault. The records specify that [REDACTED] punched her left arm, pulled her hair, threw her to the ground, and kicked the left side of her ribs. The records state ecchymoses (bruising) on [REDACTED] upper arms, as well as, tenderness to her ribs and head.<sup>27</sup>

### d. Documentary Evidence

Sergeant Joseph Menoni's, Star #995 **Initiation Report** indicates he spoke to Officer Gonzalez and [REDACTED]. Officer Gonzalez related that he and [REDACTED] engaged in a heated argument that escalated into a battery when [REDACTED] stuck him in the arms and chest with a closed fist. [REDACTED] related that Officer Gonzalez parked his vehicle in an alley, exited, opened the passenger door where she was seated, and began to forcibly remove her from his vehicle. [REDACTED] related that Officer Gonzalez grabbed her arm and hair pulling her from vehicle where she fell to the ground. [REDACTED] also related that while she was on the ground, Officer Gonzalez kicked her. The report states that neither party wished to sign a complaint for the other's arrest.<sup>28</sup>

The **Original Case Incident Report**<sup>29</sup> states that officers responded to a domestic battery. The report states that the officers initially encountered Officer Gonzalez who said he got into a verbal altercation with [REDACTED] for the following reasons: (1) [REDACTED] was angry at him for working nights, (2) he was not spending time with her, (3) he criticized her decision to attend Northwestern University because it is too liberal and it does not support the police, and (4) she wanted her money back for a purchased vacation. The report states the verbal altercation escalated to a battery when [REDACTED] struck Officer Gonzalez's arms and chest with a closed fist. Officer Gonzalez exited his vehicle under a viaduct to get [REDACTED] out of the vehicle, but [REDACTED] locked the doors, got into the driver's seat, and attempted to drive away. Officer Gonzalez told a civilian to call the police at which time [REDACTED] got back into the passenger seat. The report states that Officer Gonzalez continued to drive while the verbal altercation continued which led him to park in an alley. Officer Gonzalez then exited the vehicle, grabbed [REDACTED] hands, inadvertently pulling her hair, and pulled her out of the vehicle. The report indicates that while Officer Gonzalez pulled [REDACTED] out of the vehicle, she fell to the ground. [REDACTED] told the officers that Officer Gonzalez kicked her while she was on the ground. The report states that Officer Gonzalez and [REDACTED] had no visible injuries and refused to sign complaints.<sup>30</sup>

<sup>26</sup> According to the records, [REDACTED] arrived at the hospital on June 3, 2018 at approximately 8:51 PM.

<sup>27</sup> Attachment 38; accord attachment 24

<sup>28</sup> Attachment 3

<sup>29</sup> RD # [REDACTED] Event # [REDACTED]

<sup>30</sup> Attachments 4 and 36



Office of Emergency Management and Communications **Event Query Reports**<sup>31</sup> indicate that on June 3, 2018, at approximately 17:20, the “caller is with a female who was beat up by the [REDACTED] who threw her out of her own car” and “...she is scared of him he beat her up...”<sup>32</sup>

#### e. Additional Evidence

COPA conducted a **canvass** of the incident area; however, it produced negative results.<sup>33</sup>

The **Petition for Order of Protection**<sup>34</sup> states Officer Gonzalez pulled [REDACTED] out of a car by the hair. The Petition states Officer Gonzalez dragged [REDACTED] to the ground and kicked her several times. The Petition indicates that [REDACTED] possessed several bruises on her arms, as well as, abrasions on her hand and arm. The Petition states that as a direct result of Officer Gonzalez’s actions, [REDACTED] visited the emergency room for assessment of any bodily injury and plans in seeking a trauma-informed therapist.<sup>35</sup>

[REDACTED] as the Petitioner, filed an **Emergency Order of Protection**<sup>36</sup> with Officer Gonzalez as the Respondent. The Order was issued on June 4, 2018 and in effect until June 25, 2018.<sup>37</sup> The Order lists [REDACTED] as the person protected by the Order. The Order indicates that Officer Gonzalez is prohibited from committing the following: physical abuse, harassment, interference with personal liberty, neglect, and stalking. The Order also indicates that Officer Gonzalez is “ordered to stay away from [REDACTED] and is “further ordered and/or enjoined as follows: no contact by any means.”<sup>38</sup>

## VI. ANALYSIS

In determining the finding for this case, COPA conducted a credibility analysis, as there was no one else present during the incident involving [REDACTED] and Officer Gonzalez. COPA does not find Officer Gonzalez as credible as [REDACTED] because Officer Gonzalez: (1) stated the events occurred quickly which inhibited his memory of the incident; (2) stated in detail what occurred leading up to the incident, but stated he does not recall the incident concerning the allegations because it happened quickly and it was chaotic; (3) had evasive and inconsistent answers; (4) took pauses prior to answering a question; (5) did not relay information unless COPA asked precise questions; and (6) placed all the blame of the verbal altercation onto [REDACTED]. All of these taken in totality show that Officer Gonzalez was not being forthright in his statement, and ultimately minimizing his involvement.

Additionally, in CPD reports, it states that [REDACTED] apprised the responding officers and sergeant of the incident, which she similarly stated to COPA, the hospital, [REDACTED] and the court. Contrarily, according to CPD reports, Officer Gonzalez only informed them that [REDACTED]

<sup>31</sup> Event #s [REDACTED] and [REDACTED]

<sup>32</sup> Attachments 6 and 7

<sup>33</sup> Attachment 17

<sup>34</sup> 18 OP 74201

<sup>35</sup> Attachment 23

<sup>36</sup> 18 OP [REDACTED]

<sup>37</sup> On June 25, 2018, Judge Judith Rice vacated the ex parte Order of Protection.

<sup>38</sup> Attachment 22

hit him on the arm and chest and gave reasons for the verbal altercation, however, he told COPA different information. Officer Gonzalez stated to COPA: (1) different reasons for the verbal altercation; (2) [REDACTED] continuously hit him; (3) [REDACTED] moved his car hitting him on the knees and torso; and (4) [REDACTED] kicked him on his knees, arms, and face. Accordingly, Officer Gonzalez was inconsistent and altered his version as to what occurred.

During his statement to COPA, COPA asked Officer Gonzalez to review photographs of [REDACTED] injuries, identify what he observed, and where the injuries were located. Officer Gonzalez not only paused prior to telling COPA his observations and location of the injuries, he misconstrued where the injuries were on [REDACTED] arms. Officer Gonzalez stated there were bruises present on [REDACTED] forearm, however, the photographs do not depict bruises on her forearm. More importantly, there were no photographs depicting her forearm. COPA reasons that he continued to assert this, despite available evidence, in an effort to bolster his story that [REDACTED] struck him with her forearm. Likewise, COPA asked Officer Gonzalez whether he contacted [REDACTED] via text message after the incident, to which he replied, "no." Yet, there is evidence in the record of text messages he sent to her after the incident. Even after COPA presented Officer Gonzalez the text messages, Officer Gonzalez did not admit to contacting [REDACTED] after the incident.

Furthermore, COPA took statements from two independent witnesses. Both witnesses, who did not see the incident, corroborate that [REDACTED] was screaming and appeared fearful. They further corroborate [REDACTED] condition, that her hair was mussed and she was upset.

In the 911 calls, an independent witness tells the dispatcher that she heard [REDACTED] screaming for help, Officer Gonzalez physically abused [REDACTED] and that [REDACTED] is afraid of Officer Gonzalez when he came back to the vicinity of the incident. More importantly, [REDACTED] is heard crying and in anguish moments after the incident. A reasonable inference can be made that [REDACTED] was truthful when she apprised the witness, responding officers, and COPA of what occurred even though she continued to cry and be in fear of Officer Gonzalez. The genuineness and authenticity of the 911 calls represent that this incident occurred as [REDACTED] stated.

COPA therefore recommends a finding of **Sustained** for **Allegation #1** against Officer Gonzalez, that he engaged in an unjustified verbal altercation with [REDACTED]. It is undisputed that Officer Gonzalez engaged in a verbal altercation with [REDACTED] because he admitted to it during his statement to COPA. Officer Gonzalez further admitted that the verbal altercation continued where he became furious and elevated his voice. By contributing to the argument, Officer Gonzalez engaged in the verbal altercation with [REDACTED]. Therefore, COPA recommends a finding of Sustained for Allegation #1.

COPA recommends a finding of **Sustained** for **Allegation #2** against Officer Gonzalez, that he hit [REDACTED] on her arm. In her statement, [REDACTED] said during the verbal altercation Officer Gonzalez became upset and angry leading him to hit the upper portion of her arm. [REDACTED] specifies Officer Gonzalez hit her arm, about three times, with his closed, right fist in a continuous and rapid motion. [REDACTED] also said she sustained bruises from these hits. Photographs and medical records corroborate this. The photographs depict and the medical records

indicate bruising and red discoloration on her arms. COPA finds that it is more likely than not that [REDACTED] sustained these bruises and discoloration from Officer Gonzalez hitting her arm. Therefore, COPA recommends a finding of Sustained for Allegation #2.

COPA recommends findings of **Sustained** for **Allegations #3-5** against Officer Gonzalez, that he grabbed [REDACTED] by her arm, grabbed her by her hair, and kicked her. [REDACTED] alleges that Officer Gonzalez pulled her out of the car by grabbing her arm and hair causing her to fall onto the ground, then proceeded to kick her as she was still on the ground.

COPA finds that it is more likely than not that Officer Gonzalez behaved this way, even though he denies it. The photographs of [REDACTED] her medical records and the statements of [REDACTED] and [REDACTED] make it more probable than not that this incident occurred as alleged. The photographs depict and the medical records indicate bruising and red discoloration on her arms. COPA finds that it is more likely than not that [REDACTED] sustained these bruises and discoloration from Officer Gonzalez grabbing her arm and kicking her. Officer Gonzalez stated that [REDACTED] sustained these bruises because [REDACTED] was hitting him with her upper arm and flailed her entire body at him, subsequently, he changed this statement to [REDACTED] was hitting him with her lower arms. However, [REDACTED] did not sustain bruises on her lower arms. [REDACTED] and [REDACTED] described [REDACTED] hair as messy and in disarray, lending credence to the allegations that Officer Gonzalez grabbed her hair in an aggressive manner, and pulled her out of the car by her hair. Likewise, [REDACTED] said that [REDACTED] back was dirty, and the photographs depict a red cut on her palm, corroborating that she abruptly fell onto the ground.

There is a discrepancy between Officer Gonzalez's statement and the record. Officer Gonzalez is not only inconsistent and incredible, his version of the incident is implausible as stated above. For these reasons, COPA recommends findings of Sustained for Allegations #3-5.

## VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

### a. Officer Giovanni Gonzalez #8229

#### i. Complimentary and Disciplinary History

1. Officer Gonzalez has the following complimentary history: Military Service Award: 1 and Honorable Mention: 5
2. Officer Gonzalez has the following disciplinary history: Court Appearance Violation: Reprimand

#### ii. Recommended Penalty

1. COPA recommends a **15 Day Suspension**.
2. Mitigating factor: (1) admitted to engaging in the verbal altercation.
3. Aggravating Factors: (1) caused injury and emotional harm; (2) vulnerability of victim; (3) failure to accept responsibility in the

entirety; (4) member of the public is the victim; and (5) mistreatment of a citizen, particularly an officer’s domestic partner.

**VIII. CONCLUSION**

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

| Officer                            | Allegation   | Finding/Recommendation          |
|------------------------------------|--|---------------------------------|
| Officer Giovanni<br>Gonzalez #8229 | 1. Engaged in an unjustified verbal altercation with [REDACTED] in violation of Rules 2, 3, 8, and 9 | Sustained/<br>15 Day Suspension |
|                                    | 2. Hit [REDACTED] on her arm, in violation of Rules 2, 3, 8, and 9                                   | Sustained/<br>15 Day Suspension |
|                                    | 3. Grabbed [REDACTED] by her arm, in violation of Rules 2, 3, 8, and 9                               | Sustained/<br>15 Day Suspension |
|                                    | 4. Grabbed [REDACTED] by her hair, in violation of Rules 2, 3, 8, and 9                              | Sustained/<br>15 Day Suspension |
|                                    | 5. Kicked [REDACTED] in violation of Rules 2, 3, 8, and 9  | Sustained/<br>15 Day Suspension |

Approved:

[REDACTED SIGNATURE]

Angela Hearts-Glass  
Deputy Chief Administrator – Chief Investigator

9-21-18

Date

Appendix A

Assigned Investigative Staff

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|                                    |                     |
|------------------------------------|---------------------|
| <b>Squad#:</b>                     | 10                  |
| <b>Investigator:</b>               | Anish Shah          |
| <b>Supervising Investigator:</b>   | Erica Sangster      |
| <b>Deputy Chief Administrator:</b> | Angela Hearts-Glass |