

SUMMARY REPORT OF INVESTIGATION ¹

I. EXECUTIVE SUMMARY

Date of Incident:	March 7, 2017 to April 9, 2017
Time of Incident:	Various times
Location of Incident:	████████████████████
Date of COPA Notification:	April 9, 2017
Time of COPA Notification:	19:24 Hours

██████████ and Detention Aide Kenneth Young were previously ██████████. In 2010 they separated, in 2013 ██████████ filed for ██████████ and in 2015 their ██████████ was finalized. On April 9, 2017, ██████████ discovered Detention Aide Kenneth Young outside of her home and contacted the police. Later, she obtained an Order of Protection barring Detention Aide Young from remaining outside of her home, church, work, and boyfriend’s home. Detention Aide Young admitted that he was following ██████████ but denied doing it for the purpose of harassing her; rather, he did it for the purpose of documenting and proving that she was cohabitating with her boyfriend to contest ██████████

COPA conducted a thorough investigation of the allegations. A detailed analysis of COPA’s findings is discussed below.

II. INVOLVED PARTIES

Involved Member #1:	Young, Kenneth, Employee ID# ██████████, DOA: December 1, 1994, Detention Aide, UOA: 18 th District, DOB: ██████████ 1967, Male, Black
Involved Individual #1:	██████████ DOB: ██████████, Female, Black
Involved Individual #2:	██████████ DOB: ██████████, Male, Black

I. ALLEGATIONS²

Officer	Allegation	Finding / Recommendation
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¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

² COPA acknowledges that the actions alleged in each allegation independently may not constitute misconduct, however, as a collective COPA finds that it does.

<p>Detention Aide Kenneth Young</p>	<p>It is alleged that on or about March 21, 2017, you knowingly and without lawful justification:</p>	
	<p>1. Waited outside the home of [REDACTED]</p>	<p>SUSTAINED</p>
	<p>2. Photographed [REDACTED] without consent;</p>	<p>SUSTAINED</p>
	<p>3. Posted photographs of [REDACTED] to Facebook without her consent;</p>	<p>SUSTAINED</p>
	<p>4. Posted [REDACTED] license plate to Facebook;</p>	<p>SUSTAINED</p>
	<p>5. Downloaded and reposted photographs of [REDACTED]</p>	<p>SUSTAINED</p>
	<p>6. It is alleged that on or about April 3, 2017, you knowingly and without lawful justification downloaded and reposted photographs from [REDACTED] Facebook account.</p>	<p>SUSTAINED</p>
	<p>It is alleged that on April 9, 2017, you knowingly and without lawful justification:</p>	
	<p>7. waited outside of the home of [REDACTED]</p>	<p>SUSTAINED</p>
	<p>8. waited outside of the church attended by [REDACTED] and [REDACTED]</p>	<p>SUSTAINED</p>
	<p>9. photographed [REDACTED] without her consent.</p>	<p>SUSTAINED</p>
	<p>10. It is alleged that on or about April 10, you knowingly and without lawful justification posted photographs of [REDACTED] to Facebook.</p>	<p>SUSTAINED</p>
	<p>11. It is alleged that you used the Facebook group "Constance" for the purpose of targeting [REDACTED]</p>	<p>SUSTAINED</p>

II. APPLICABLE RULES AND LAWS

Rules

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

III. INVESTIGATION

a. Interviews

██████████ (██████████) gave a statement to the Independent Police Review Authority on April 17, 2017. In her interview, ██████████ told investigators that Detention Aide Kenneth Young (“DA Young”) was her ██████████ DA Young and ██████████ have three ██████████ together. Prior to their ██████████ DA Young and ██████████ separated in 2010. ██████████ filed for ██████████ in 2013. Their ██████████ was finalized in December of 2015 by settlement. ██████████ told COPA investigators DA Young had been taking photographs of her, of her boyfriend ██████████ (██████████) of their vehicles, and of their residences and posting them to Facebook. ██████████ told investigators that she became aware that DA Young was following her on April 9, 2017.

On April 9, 2017, ██████████ traveled to ██████████ residence to visit. ██████████ went to the lobby of her building to check her mail and to let ██████████ in. While there, ██████████ saw DA Young outside of her home waiting in a white SUV in a no-parking zone. ██████████ knew from prior conversations with ██████████ that DA Young sometimes drove a white SUV, so when she saw the white SUV she became suspicious that it was DA Young. When ██████████ approached the vehicle, she saw DA Young sitting low in the driver’s side seat. She believed he was sitting low in the seat to avoid being seen. When ██████████ approached the SUV, DA Young “jumped up in his seat” and then immediately drove away.

██████████ sent a message to DA Young telling him that she was going to the police to report that he had been following her. He did not respond. Following the incident, ██████████ asked her ██████████ to check DA Young’s Facebook page to see if he had posted any pictures of her. ██████████ alleged that ██████████ logged on to Facebook and discovered that DA Young’s account had posted pictures of ██████████ and ██████████ outside of ██████████ building earlier that day. ██████████ showed the pictures and the page to ██████████ could not see the page from her account, as she had previously blocked DA Young to prevent him from contacting her. DA Young had also posted pictures taken outside of ██████████ church earlier that day, and a number of pictures presumably taken on previous days that ██████████ had been unaware of. She further recognized some of the pictures on his page to be pictures of her that her daughters had uploaded to Facebook, and which she believed DA Young had downloaded and reposted. ██████████ took screenshots of the Facebook pages with the photos and forwarded the screenshots to ██████████ then went to the 18th District Police Station and filed a police report about DA Young’s behavior.

██████████ stated that the pictures DA Young uploaded to Facebook depicted ██████████ on at least three separate dates. At least one picture allegedly depicted ██████████ car and her license plate. ██████████ also stated that some of the pictures allegedly posted by DA Young were of ██████████ and ██████████ residence, car, and license plates. ██████████ stated her belief that DA Young obtained ██████████ address by looking up his license plate, in order to go to ██████████ house and take pictures outside. ██████████ alleged that DA Young never himself told her about the pictures of her and of ██████████ which he had uploaded to Facebook.

³ Attachment 4

██████████ stated that in the past, her vehicle and ██████████ vehicle were damaged while they were parked outside of ██████████ previous home. Their tires were slashed, windows were broken, and sugar was put in their tanks. ██████████ suspected DA Young at the time of the event and reported that incident to the Oak Lawn Police Department, though she could not prove that it was DA Young at that time. She also reported the incident of vandalism to IPRA.⁴

██████████ also told COPA investigators about an incident where a person she believed to be DA Young unlawfully entered her home using her daughter ██████████ keys. ██████████ did not contact the police about it at the time because she did not think she could prove it was DA Young.⁵ ██████████ stated that her home had been “rummaged through” and many of her possessions and some food were stolen.

██████████ told COPA investigators that DA Young was frequently angry with her at having to make ██████████ payments as required by their ██████████ settlement. ██████████ told investigators that DA Young would frequently attempt to humiliate her to others by calling her ██████████ payments “adult child support” and would seek to distance her from his family by telling people that he was unable to loan them any money because he had to pay “adult child support” to ██████████. ██████████ also told investigators that around the same time that DA Young began following her, he posted to Facebook something to the effect of his “adult child support payments were going to come to an end soon.” ██████████ stated that she believed that he may have been taking the photographs to present in court to contest his ██████████ obligation, but she could not understand why, if so, he would post the pictures to Facebook.

██████████ told COPA investigators that DA Young had never approached or made personal threats either her or ██████████ but has taken and posted pictures.

Detention Aide Kenneth Young⁶ gave a statement to the Civilian Office of Police Accountability (“COPA”) on May 15, 2019. At the outset of the statement, DA Young told investigators that there was an issue pending in court where he was attempting to terminate his ██████████ payments based on ██████████ cohabitating with a “live-in boyfriend.” DA Young further explained that the course of conduct ██████████ alleged was an effort to gather evidence to support termination of ██████████

DA Young told investigators that he and ██████████ were ██████████ for approximately 25 years and lived together at ██████████, prior to their separation in 2010. ██████████ filed for ██████████ in 2014. The ██████████ was finalized in December 2015. DA Young told investigators that he did not have much contact with ██████████ since she left in 2010. On or about February 28, 2017, DA Young came to believe that ██████████ had a live-in boyfriend after someone at a birthday party suggested she was taking food home to her boyfriend. DA Young stated that he then began following ██████████ with the intention of proving her cohabitation, believing that cohabitation by ██████████ would terminate his ██████████ obligation.

⁴ See Log 1067203 - Those allegations were investigated and unfounded by IPRA

⁵ In his interview with COPA, DA Young admitted that he did in fact enter ██████████ apartment with their ██████████ keys and without her permission, though he contended that he had the right to do so because they were still ██████████ but separated, at the time.

⁶ Attachment 39

DA Young told investigators that on April 9, 2017, he was attending church services at Holy Family Church, which is across the street from ██████ home. After church, DA Young decided that he would wait and try to get some pictures for his case because he knew that “she usually came home at that time.” He waited for thirty or forty minutes before he encountered her. DA Young stated that he did not interact with ██████ that day but did receive a message from her saying that she saw him outside of her home and was going to the police. He did not respond. He stated that he had previously been taking photos of her and of ██████ and posted those photos to a private Facebook group named “Constance.” He stated that he stopped posting photographs to his Constance group page but that he had continued taking photos after April 9th and continued gathering “stuff all the way through November 2017.”⁷ DA Young admitted to taking or downloading each of the photos that ██████ had provided in her screenshots to COPA.

DA Young told investigators that at some point after April 9, 2017, he was served with notice of a hearing in response to an Order of Protection filed by ██████. At the hearing, the judge asked why DA Young had been following and photographing ██████. When the judge at the hearing asked DA Young why he followed and photographed ██████, Young did not tell the judge his reasoning in order to avoid revealing his plan to terminate his ██████ payments.

In his statement, DA Young denied that he had posted the pictures of ██████ and ██████ publicly, but admitted that he had posted them to Facebook in a private group that is not visible to the public called “Constance.” He believed that ██████ used one of their ██████ Facebook accounts to gain access to the photographs. DA Young was not aware that anyone had access to that group. DA Young told investigators that he used the group to store the photographs in an organized way. DA Young told investigators that he consulted with a private investigator to determine whether the evidence he collected would help his case and the private investigator confirmed. Ultimately, he did not retain that investigator’s services.

When asked if he used Department resources to investigate ██████, DA Young first stated no and explained that he looked up ██████ online. He then told investigators that he could not remember if he ever used Department resources because he has limited access and would only be able to do it if he had the correct numbers and access.⁸ When asked if he ever entered ██████ home without her consent by using a key he obtained from one of their daughters, he admitted to doing so, but stated, “that was way before our ██████.” When confronted with the allegations that he unlawfully followed ██████ prior to the Order of Protection, DA Young said, “I don’t know that [waiting] on a public street is unlawful.” DA Young also denied every threatening ██████ or ██████.

b. Digital Evidence

⁷ DA Young does not specify what “stuff” he gathered and there is no evidence that it was gathered in violation of the Order of Protection against him.

⁸ COPA’s investigation yielded negative results for DA Young using CPD resources to retrieve any information about ██████.

██████████ produced a series of **Photographs**,⁹ which she stated were screenshots of the photographs that DA Young had taken without permission and uploaded to the Facebook group “Constance.” ██████████ stated that her daughter ██████████ had taken the screenshots. When shown the photographs, Kenneth Young admitted that he had taken each of the photographs depicted and explained why he took them and what his intent was in taking each particular photograph; to wit that he intended to prove that ██████████ and ██████████ were cohabitating and thereby terminate his own ██████████ obligation. There were no captions or comments associated with the photographs in the screenshots.

c. Documentary Evidence

On December 3, 2015, ██████████ and DA Young finalized their ██████████ in a **Judgment for ██████████**.¹⁰ Notably, Article 1 Section 3 states that DA Young’s support obligation shall terminate upon the death of ██████████ her remarriage, her cohabitation, or the death of DA Young.

██████████ gave statements to the police on April 9th and 16th 2017. According to the **Reports**,¹¹ ██████████ complained that her ██████████ Kenneth Young, a CPD Detention Aid, had followed her and taken pictures of her and her boyfriend without permission on a number of occasions and posted the pictures to Facebook without sending them to her directly. At the time the reports were written, ██████████ had obtained an order of protection but had not yet served it upon DA Young.

On April 10, 2017, ██████████ filed a **Petition for Order of Protection**.¹² In her petition, she wrote that she was being stalked and harassed by DA Young, in that he was photographing her, her boyfriend, and their vehicles and was remaining outside of her home and the home of ██████████ on multiple occasions, including April 9, 2017. She wrote that they were in fear of their lives, felt intimidated, and were very nervous because she knew that DA Young owned firearms. The court entered **Emergency Order of Protection**¹³ on the same day and prohibited DA Young from engaging in courses of conduct involving physical abuse, harassment, interference with personal liberty, and stalking. Further, it prohibited DA Young from entering or remaining near ██████████ and ██████████ respective homes, places of work, and churches.

DA Young was served with a **Notice of Order of Protection**¹⁴ on April 21, 2017. The notice advised DA Young that he was to have no contact with ██████████ by any means.

On May 1, 2017, the judge’s **Findings**¹⁵ regarding the Order of Protection were that DA Young engaged in stalking, mentally abused, committed repeated surveillance, and repeatedly

⁹ Attachments 15 - 22

¹⁰ Attachment 27

¹¹ Attachments 9 and 10

¹² Attachment 12

¹³ Attachment 11

¹⁴ Attachment 31

¹⁵ Attachment 30

followed ██████ by posting about her on social media, remaining outside of her residence, and photographing her. A **Plenary Order of Protection**¹⁶ was granted on May 1, 2017. The Plenary Order of Protection prohibited DA Young from stalking ██████ and from entering or remaining at her home, work, and church.¹⁷ The protections were granted for one year.¹⁸

DA Young produced to COPA copies of several **court documents**¹⁹ purportedly corroborating his admission that he had followed and photographed ██████ and ██████ to gather evidence of their cohabitation. Among those documents was a motion to modify the ██████ payments filed in December of 2017. Also included was a court order directing ██████ to comply with a subpoena and denying her motion for modification. Additionally, there was a court order regarding attorney's fees.

d. Additional Evidence

In 2014, ██████ filed a **Police Report**²⁰ with the Oak Lawn Police Department after she discovered that her car had been vandalized in a parking lot outside of the home of ██████

The **Name/Plate Check**²¹ revealed a LEADS inquiry into ██████ license plate during the relevant time period, but that inquiry could not be decisively linked to DA Young.

The **Investigator's Log** indicates that COPA reached out to ██████ for a follow-up interview twice in June of 2019 to which she failed to appear at COPA offices for the interviews without calling to notify the office of her absence.

IV. LEGAL STANDARD

For each allegation COPA must make one of the following findings:

Sustained - where it is determined the allegation is supported by a preponderance of the evidence;

Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;

Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or

¹⁶ Attachment 33

¹⁷ In his interview with COPA, DA Young admitted that he continued following and photographing ██████ while the Order of Protection was in place.

¹⁸ The findings state that a transcript was taken of the hearings and the findings. When COPA reached out to the court transcriptionist, we were told that no transcript existed.

¹⁹ Attachment 38

²⁰ Attachment 41

²¹ Attachments 43 and 44

Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed 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 conduct violated Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

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

Rule 2 prohibits a Department member from engaging in any conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

COMMENT: This Rule applies to both the professional and private conduct of all members. It prohibits any and all conduct which is contrary to the letter and spirit of Departmental policy or goals or which would reflect adversely upon the Department or its members. **It includes not only all unlawful acts by members but also all acts, which although not unlawful in themselves, would degrade or bring disrespect upon the member or the Department[.]**

V. ANALYSIS

The following analysis applies to **allegations 1-11** against DA Young. DA Young admitted to engaging in each individual behavior alleged with the justification that he engaged in the behaviors for the purpose of collecting evidence to prove that his [REDACTED] was cohabitating with her boyfriend [REDACTED]. Cohabitation would be a substantial change of circumstances such that he would be allowed to modify his support obligation under the Judgement for [REDACTED].²²

Detective Aide Kenneth Young, in his interview with COPA, admitted that he had followed both [REDACTED] his [REDACTED] and [REDACTED] her boyfriend, on multiple occasions prior to, including, and after April 9, 2017. He admitted that he had photographed both [REDACTED] and [REDACTED] and their vehicles, prior to and on or about April 9, 2017. DA Young admitted that he used another person's account to download Facebook photos and repost them to his group. Further, DA Young himself admitted to the allegations as stated. He admitted to taking photos repeatedly and without permission of both [REDACTED] and [REDACTED] and their cars. He admitted to posting those photographs online. He admitted to doing so in order to terminate his [REDACTED] obligation to her.

²² Attachment 27

DA Young identified each photo as one he had taken or downloaded, verified their authenticity, and volunteered his motivation for taking and/or downloading those photographs; to wit, for use as evidence in terminating his support obligation. DA Young, when confronted with the allegation that he had committed misconduct, alleged that there was nothing wrong with “standing in the street.”

COPA must also assess the weight of the Order of Protection and related Findings as evidence. ██████████ filed an Emergency Petition for an Order of Protection (“the Order”). In her Petition, ██████████ stated that knowing that Young had been taking pictures, following them, and documenting their license plates put her in fear. ██████████ stated that a part of that fear arose from the fact that DA Young owned and/or carried firearms, and that he was an employee of the City of Chicago in a law enforcement capacity. ██████████ was also motivated by her fear that DA Young had previously entered her house without her permission, an act DA Young admitted to having committed. However, ██████████ admits to that DA Young never made and threats, verbally or physically, to her or ██████████

DA Young admitted that he had been served with the Order. DA Young further admitted to attending the hearing on the Order and decided not to defend or justify his behavior before the judge, in order to keep his purposes secret. However, DA Young denies every making physical or verbal threats to either party. Although ██████████ stated she was fearful because DA Young has a weapon, DA Young states that he has had his weapon his entire career and that he has never threatened, or done anything threatening to ██████████

In the Court’s Findings on the Order, the Court stated that it had found that ██████████ was abused by Kenneth Young. The Court specified, that said abuse consisted of stalking, of mental abuse through taking photos of ██████████ and her home and posting those photos on social media, and in following ██████████ at multiple times and places. The Court indicated via the Findings form that additional findings included that Kenneth Young had “committed repeated surveillance” of ██████████ and that he had “repeatedly followed her.” The existence of this Order, and of these findings, represents a significant concern. The Order and its findings are significant evidence that DA Young engaged in the alleged misconduct, and that evidence weighs heavily in favor of sustaining the allegations.

While we ultimately accept that DA Young did engage in most of these behaviors to attempt to prove that ██████████ was cohabitating with ██████████ to reduce his ██████████ payment, he went about it in such a way warrants serious scrutiny. DA Young’s actions are contrary to the letter and spirit of Departmental policy or goals and reflect adversely upon the Department. DA Youngs actions bring disrespect upon the member or the Department.

COPA therefore finds that a preponderance of the evidence requires Allegations 1-11 be **SUSTAINED**.

VI. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Detention Aide Kenneth Young

DA Young’s complimentary, disciplinary and training history were considered when recommending discipline in this matter. DA Young received a reprimand for neglect of duty regarding an incident that occurred February 27, 2019.

COPA finds DA Young’s actions to be both serious and problematic. While COPA accepts DA Young’s explanation for his conduct and finds it to be mitigating, he exhibited a serious lack of judgement in the situation. Furthermore, he engaged in a course of conduct which was ultimately found to be abusive by a court, requiring the issuance of a Plenary Order of Protection. DA Young’s actions caused distress to ██████████ and brought discredit to the Department. Accordingly, COPA recommends a 15-day suspension for each allegation.

VII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Detention Aide Kenneth Young	It is alleged that on or about March 21, 2017, you knowingly and without lawful justification:	
	1. Waited outside the home of ██████████	SUSTAINED/Suspension 15 Days
	2. Photographed ██████████ without consent;	SUSTAINED/Suspension 15 Days
	3. Posted photographs of ██████████ to Facebook without her consent;	SUSTAINED/Suspension 15 Days
	4. Posted ██████████ license plate to Facebook;	SUSTAINED/Suspension 15 Days
	5. Downloaded and reposted photographs of ██████████	SUSTAINED//Suspension 15 Days
6. It is alleged that on or about April 3, 2017, you knowingly and without lawful justification downloaded and reposted photographs from ██████████ Facebook account.	SUSTAINED//Suspension 15 Days	

It is alleged that on April 9, 2017, you knowingly and without lawful justification:

7. waited outside of the home of [REDACTED]
[REDACTED] SUSTAINED/Suspension
15 Days

8. waited outside of the church attended by [REDACTED] and [REDACTED] SUSTAINED/Suspension
15 Days

9. photographed [REDACTED] without her consent. SUSTAINED/Suspension
15 Days

10. It is alleged that on or about April 10, you knowingly and without lawful justification posted photographs of [REDACTED] [REDACTED] to Facebook. SUSTAINED/Suspension
15 Days

11. It is alleged that you used the Facebook group "Constance" for the purpose of targeting [REDACTED] SUSTAINED/Suspension
15 Days

It is alleged that on or about March 21, 2017, you knowingly and without lawful justification:

1. Waited outside the home of [REDACTED]
[REDACTED] SUSTAINED/Suspension
15 Days

2. Photographed [REDACTED] without consent; SUSTAINED/Suspension
15 Days

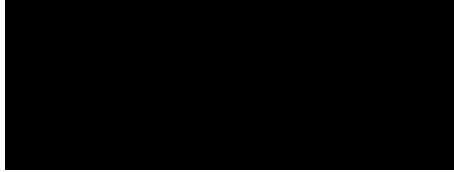
3. Posted photographs of [REDACTED] to Facebook without her consent; SUSTAINED/Suspension
15 Days

4. Posted [REDACTED] license plate to Facebook; SUSTAINED/Suspension
15 Days

5. Downloaded and reposted photographs of [REDACTED] SUSTAINED/Suspension
15 Days

6. It is alleged that on or about April 3, 2017, you knowingly and without lawful justification downloaded and reposted photographs from [REDACTED] Facebook account. SUSTAINED/Suspension
15 Days

Approved:



October 29, 2019

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	6
Investigator:	Burns, Adam
Supervising Investigator:	Tarver, Elaine
Deputy Chief Administrator:	Kersten, Andrea