

**SUMMARY REPORT OF INVESTIGATION<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Date of Incident:	June 12, 2018
Time of Incident:	4:31p.m.
Location of Incident:	████████████████████
Date of COPA Notification:	June 12, 2018
Time of COPA Notification:	5:38p.m.

On the afternoon of June 12, 2018, ██████████ (██████████) was in hospice care at the residence of his sister, ██████████ (██████████) and brother-in-law. His brother-in-law, John Bakopoulos (“Officer Bakopoulos”), is a Chicago Police Officer who was off-duty at the time. Friends and family were present as they visited ██████████ during his last days. At one point, Officer Bakopoulos became upset with ██████████ wife, ██████████ (██████████) because he felt she was lying to him. ██████████ mom, ██████████ (██████████) came to ██████████ defense and began yelling at Officer Bakopoulos. Officer Bakopoulos ordered ██████████ and ██████████ out of his home. When ██████████ refused to leave, Officer Bakopoulos escorted her out of the home and refused to let her back in. Shortly thereafter, police responded to the residence. Responding officers were unable to determine what had occurred due to two conflicting accounts, so they did not make any arrests. Ultimately, COPA faced the same issue and was unable to determine by clear and convincing evidence whether Officer Bakopoulos engaged in misconduct.

**II. INVOLVED PARTIES**

Involved Officer #1:	John Bakopoulos Star #12689 Employee ID # ██████████ Date of Appointment: December 18, 2000 Rank: Police Officer Unit of Assignment: 015 DOB: ██████████ 1976 Gender: Male Race: White
Subject #1:	████████████████████ DOB: ██████████, 1980

<sup>1</sup> 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.

Subject #2:

Gender: Female  
 Race: White  
 [REDACTED]  
 DOB: [REDACTED], 1952  
 Gender: Female  
 Race: White

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer Bakopoulos	<p>It is alleged that on June 12, 2018 at approximately 3:22p.m., at or near [REDACTED] Chicago, Illinois, Officer Bakopoulos:</p> <ol style="list-style-type: none"> <li>1. Grabbed [REDACTED] by the arm while off duty, without justification, in violation of Rules 8 and 9.</li> <li>2. Pushed [REDACTED] while off duty, without justification, in violation of Rules 8 and 9.</li> </ol>	<p>Not Sustained  Not Sustained</p>

**IV. APPLICABLE RULES AND LAWS**

Rules

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

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

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

**a. Interviews**

<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.

COPA interviewed ██████ ██████ on June 13, 2018. During the interview ██████ stated that on June 12, 2018 she went to the home of Officer Bakopoulos and ██████ to visit her daughter, ██████ who was living there with her husband, ██████ was dying of cancer and was on hospice care at Officer Bakopoulos and ██████ home. ██████ was ██████ sister and Officer Bakopoulos and ██████ had been friends since childhood. ██████ had been living with ██████ at ██████ and Officer Bakopoulos' home.

While ██████ and ██████ were in the bedroom with ██████ Officer Bakopoulos asked ██████ to speak with him outside of the room. ██████ heard Officer Bakopoulos yelling and cursing at ██████ so ██████ exited the room and asked why Officer Bakopoulos was screaming. Officer Bakopoulos responded, "I'm a Chicago Police Officer. I can do whatever I want."<sup>4</sup> Officer Bakopoulos pushed ██████ with both hands and told her to get out. ██████ did not want to leave because her daughter was there and her son-in-law was dying. Officer Bakopoulos then grabbed ██████ by the arm and pushed her out of the home onto the porch. ██████ asked to go back into the house to get her shoes, but Officer Bakopoulos would not let her.

During the physical altercation with Officer Bakopoulos, ██████ became so shaken and nervous that she lost her bowels.

Once ██████ and ██████ were out of the house, they called the police. Two officers (now known to be Officers Aguilera and Cortes) responded and spoke with everybody that was there. A sergeant (now known to be Sergeant Vanderploeg) arrived on scene, but he stated he could not do anything and that he would call ██████ in two days with a report number. The paramedics arrived and asked if ██████ wanted to go to the emergency room. ██████ declined and stated that she would go to her doctor once she calmed down.

At the time of the altercation, some of ██████ and Officer Bakopoulos' friends had been hanging out on the porch. ██████ and Officer Bakopoulos grew up together, so their friends were mutual. The friends all heard Officer Bakopoulos use profanity but they did nothing about it.

████████ stated she had encountered Officer Bakopoulos multiple times at his home previously and he had always been nice to her.

COPA interviewed ██████ ██████ on June 13, 2018. During the interview ██████ stated that her husband, ██████ had been dying from stomach cancer. At the beginning of the year ██████ and ██████ had agreed to stay with ██████ sister, ██████ and her husband, Officer Bakopoulos, on weekends when ██████ had chemotherapy so ██████ son could play with Officer Bakopoulos and ██████ children. When they learned ██████ only had a few weeks to live, they decided to do hospice at Officer Bakopoulos and ██████ home so that ██████ would have help caring for ██████ Tensions between ██████ and ██████ family had grown as ██████ continued to get weaker. ██████ felt that ██████ family was trying to control the situation and take advantage of ██████ According to ██████ a week

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<sup>3</sup> Att. 13.

<sup>4</sup> *Id.* at 4:36.

<sup>5</sup> Atts. 14, 15.

prior to the incident someone in his family tricked [REDACTED] into signing a new power of attorney for healthcare while he was high on medications.

On the afternoon of June 12, 2018, [REDACTED] got into a verbal altercation with Officer Bakopoulos because he wanted [REDACTED] to turn over [REDACTED] wallet and [REDACTED] refused to give it to him since Officer Bakopoulos was not [REDACTED] financial power of attorney. Officer Bakopoulos became very angry and began shouting at [REDACTED] calling her a “fucking liar.”<sup>6</sup> [REDACTED] mom, [REDACTED] who had been in the bedroom visiting [REDACTED] came out and told Officer Bakopoulos to calm down. Officer Bakopoulos began shouting at [REDACTED] and then shoved her with his hands. At that point, [REDACTED] walked toward the front of the house and called her brother to tell him that Officer Bakopoulos had assaulted [REDACTED] then called 911. Then [REDACTED] looked up and saw Officer Bakopoulos “popping”<sup>7</sup> [REDACTED] with his chest and put his arms around [REDACTED] in a “bear hug”<sup>8</sup>, as if he were wrestling her. [REDACTED] called her brother back and by that time she saw that [REDACTED] and Officer Bakopoulos were outside the house on the back deck. Officer Bakopoulos was by the door screaming at [REDACTED] approached to diffuse the situation, but Officer Bakopoulos yelled at her. [REDACTED] and Officer Bakopoulos’ friends were on the deck at the time, along with [REDACTED] family. Nobody did anything to help. [REDACTED] urged [REDACTED] to leave but [REDACTED] purse and shoes were still inside. Officer Bakopoulos refused to let [REDACTED] or [REDACTED] back inside to retrieve them.

[REDACTED] and [REDACTED] walked down the driveway towards the front of the house. Officers Aguilera and Cortes arrived and spoke with [REDACTED] and [REDACTED] When they learned the incident involved a Chicago Police Officer, the officers called a sergeant to the scene. In the meantime, they called an ambulance to the scene for [REDACTED] because Officer Bakopoulos had touched her and she was all shaken up.

When Sergeant Vanderploeg arrived, he spoke with [REDACTED] and her family, and then spoke with [REDACTED] family and friends. Sergeant Vanderploeg then told [REDACTED] that there were conflicting stories and he could not do anything. Officer Bakopoulos did not want [REDACTED] or [REDACTED] back in his house, and Sergeant Vanderploeg could not do anything about that. [REDACTED] told Sergeant Vanderploeg she wanted to press charges. Sergeant Vanderploeg said he would make a report and he would call them with a report number. [REDACTED] and [REDACTED] left the residence and [REDACTED] called COPA to report Officer Bakopoulos’ behavior.

COPA interviewed [REDACTED] ([REDACTED])<sup>9</sup> on July 18, 2018. During the interview, [REDACTED] stated that on June 12, 2018, he was visiting the Bakopoulos’ residence because his friend, [REDACTED] was terminally ill was staying there during his last days. Various friends and family members of [REDACTED] were also present. [REDACTED] had known [REDACTED] for several years as both a neighbor and a coworker. [REDACTED] had met Officer Bakopoulos one time before at the hospital while visiting [REDACTED] While [REDACTED] was sleeping, [REDACTED] was out on the back patio with [REDACTED] ([REDACTED]) ([REDACTED]) and [REDACTED] dad. At one point [REDACTED] could hear

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<sup>6</sup> Att. 15 at 11:35.

<sup>7</sup> *Id.* at 14:27.

<sup>8</sup> *Id.* at 15:32.

<sup>9</sup> Att. 23.

unidentified raised voices coming from inside the house. ██████ could not determine who was yelling or what was being said. At some point Officer Bakopoulos and ██████ mother-in-law, came outside to the back patio and were screaming at each other. Officer Bakopoulos told ██████ to leave his residence. At that point ██████ left the back yard and went towards the front of the residence as he did not want to be involved in whatever was going on. ██████ did not see any physical contact between Officer Bakopoulos and ██████ called an Uber immediately and waited in front of the residence for his ride to arrive.

**COPA interviewed** ██████ ██████ on November 2, 2018. On June 12, 2018, ██████ and ██████ left work to visit their friend, ██████ and Officer Bakopoulos had all been friends for over twenty years. ██████ wife, ██████ stayed with ██████ at the Bakopoulos residence regularly.

██████████ and a few others were on the back patio while others visited inside with ██████. At some point, ██████ began to hear yelling and swearing from inside the house. When things started getting heated, Officer Bakopoulos and ██████ mom, ██████ came out to the back patio as they continued yelling at each other. As they exited, Officer Bakopoulos was holding ██████ by the elbow and telling her to get out of his house. Officer Bakopoulos did not push ██████. They were arguing because Officer Bakopoulos was trying to get some of ██████ belongings from ██████ and ██████ would not provide them. ██████ was defending ██████ to Officer Bakopoulos. ██████ tried to separate the parties. At that point, a couple officers arrived and broke everything up. ██████ and ██████ went to the front of the house. ██████ did not seem distressed or shaken.

**COPA interviewed** ██████ ██████ on November 2, 2018. ██████ provided a substantially similar account of what had transpired at Officer Bakopoulos' residence on June 12, 2018. ██████ emphasized how stressful the situation was, as they all watched their friend and family member die. When asked about any physical interaction between Officer Bakopoulos and ██████ stated Officer Bakopoulos was holding ██████ by the elbow as he escorted her out of the residence. It was not forceful or overly physical, but Officer Bakopoulos had been asking her to leave and she had not complied.

**COPA interviewed witness Sergeant Vanderploeg<sup>12</sup>** on December 10, 2018. During the interview, Sergeant Vanderploeg stated that on June 12, 2018 he was working as a beat sergeant when he responded to a call at ██████. When Sergeant Vanderploeg arrived on scene, Officer Aguilera filled him in on the situation. Sergeant Vanderploeg spoke with ██████ and ██████ on the front sidewalk. ██████ and ██████ told him there was an argument inside and Officer Bakopoulos pushed ██████ out of the house.

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<sup>10</sup> Att. 31.

<sup>11</sup> Att. 32.

<sup>12</sup> Att. 43.

Sergeant Vanderploeg then went to the back yard and spoke with Officer Bakopoulos. Officer Bakopoulos stated there had been an argument and ██████ began screaming at Officer Bakopoulos and poking him in the chest. Officer Bakopoulos told ██████ to leave the home multiple times, but she did not comply. Officer Bakopoulos grabbed ██████ by the arm and escorted her out of the house. Sergeant Vanderploeg also spoke with three or four other individuals who were present, who stated they saw ██████ walk out of the home and that she was not pushed.

Sergeant Vanderploeg did not arrest any of the parties because he was unable to determine exactly what had transpired. The situation was very stressful and all parties were agitated. There were two different sides to the story. A police report was completed to document the incident, but Sergeant Vanderploeg did not feel that an arrest was warranted given the totality of the circumstances. When asked why Officer Bakopoulos was listed as the victim on the police report and ██████ was listed as the suspect, Sergeant Vanderploeg responded, “Due to what we could gather, she pushed the homeowner in the house and that’s when he escorted her out of the house. And that’s why.”<sup>13</sup>

**COPA interviewed witness Officer Cortes**<sup>14</sup> on December 4, 2018. During the interview, Officer Cortes stated that June 12, 2018 was his first day on duty as a Chicago Police Officer. Officer Cortes was partnered with his Field Training Officer, Officer Aguilera. They responded to a call for domestic disturbance. When they arrived at the residence, Officer Bakopoulos and ██████ were standing in the driveway and ██████ and ██████ were on the sidewalk. Officer Cortes first spoke with ██████ and ██████ who related that they had been inside Officer Bakopoulos’ residence visiting with ██████ dying husband and Officer Bakopoulos had kicked them out. Upon learning that the incident involved an off-duty police officer, Officer Aguilera immediately requested a sergeant to the scene. ██████ indicated that she was shaking, so Officer Cortes also requested an ambulance to the scene.

Officer Aguilera and Sergeant Vanderploeg spoke with Officer Bakopoulos, who indicated that ██████ had gotten very close to him and was pointing her finger in his face and pushing his chest. There were other people present, but Officer Cortes did not speak with anyone who saw any physical interaction between Officer Bakopoulos and ██████. The hospice nurse related that he had heard an argument but did not see anything.

Officer Cortes was unable to determine who was the primary aggressor in this situation. Ultimately Sergeant Vanderploeg decided that no arrests would be made because there was no evidence to corroborate either side of the story. Officer Cortes drafted a police report for the incident. In the report, Officer Cortes listed Officer Bakopoulos as the victim and ██████ as the Offender because that is what his sergeant directed him to do.

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<sup>13</sup> *Id.* at 15:45.

<sup>14</sup> Att. 42.

COPA interviewed accused Officer Bakopoulos<sup>15</sup> on April 11, 2019. During the interview, Officer Bakopoulos stated that on June 12, 2018 he was at his home and he had company over because his good friend and brother-in-law, █████ was on hospice at his home. █████ had been living with Officer Bakopoulos on and off since December 2017. █████ wife, █████ stayed with █████ at the Bakopoulos residence “once in a while.”<sup>16</sup> Officer Bakopoulos did not like █████ at all, although he respected █████ decision to be with her. Officer Bakopoulos had been friends with █████ for twenty-six years and had been married to █████ sister, █████ for four years.

On June 12, 2018, █████ was in and out of consciousness. █████ father had asked █████ several times for some of █████ personal belongings because he had the financial power of attorney. █████ refused to turn over the items, so █████ father had Officer Bakopoulos ask █████ for the items. █████ lied to Officer Bakopoulos about the location of the items. While inside the kitchen, Officer Bakopoulos began yelling at █████ telling her that if she is going to lie to him she can leave his house. At this point, █████ came running up and began yelling at Officer Bakopoulos, telling him not to talk to her daughter in that manner. █████ pushed past him and began hitting him in the chest. Officer Bakopoulos had his hands up because he did not want to have a physical confrontation with █████ continued to shove him. Officer Bakopoulos told █████ to get out of his house. █████ continued to push Officer Bakopoulos in the chest, so Officer Bakopoulos grabbed her by her left wrist and bicep, and he “escorted” her out the door, through the mudroom, and onto the porch. When asked to describe this interaction, Officer Bakopoulos stated that █████ did not leave voluntarily, but he also did not force her out of the house. When asked to reconcile these two seemingly conflicting statements, Officer Bakopoulos stated that he did not use force in that he did not hurt █████ in any way or throw her out; he merely walked her out of his house.

Once outside of the house, █████ screamed at █████ threatening to slap her. At some point █████ also exited the house. Officer Bakopoulos did not recall either █████ or █████ asking to retrieve their belongings from inside the house.

Two officers and a sergeant arrived and took a statement from those who were present. An ambulance arrived for █████ but Officer Bakopoulos stated this was just “to make a scene.”<sup>17</sup>

█████ brother, █████ arrived after the altercation. Both Eli and █████ threatened Officer Bakopoulos, stating that they were going to “fuck with”<sup>18</sup> his job and get him fired. Officer Bakopoulos did not recall if any responding officers were present when these threats were made.

Later that evening, Officer Bakopoulos texted █████ telling her to come back, but she did not respond.

#### **b. Digital Evidence**

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<sup>15</sup> Att. 49.

<sup>16</sup> *Id.* at p. 12.

<sup>17</sup> *Id.* at p. 41.

<sup>18</sup> *Id.* at p. 71.

Officer Aguilera and Sergeant Vanderploeg were both equipped with body-worn cameras<sup>19</sup>. However, because they arrived after the incident occurred, the footage does not capture any interaction between Officer Bakopoulos and ██████████

### c. Physical Evidence

A **Chicago Fire Department Ambulance Report**<sup>20</sup> for ██████████ states that she was found in the care of CPD and she had been pushed by a family member. ██████████ "continued to be verbally harassed by family member and was pushed more." ██████████ stated that she was not injured but wanted her heart rate and blood pressure checked. The report indicates that ██████████ refused transport to the hospital and was left in the care of CPD and other family members not involved in the altercation.

### d. Documentary Evidence

An **Initiation Report**<sup>21</sup> completed by Sergeant Vanderploeg states that on June 12, 2018, he responded to ██████████ for a complaint against an off-duty police officer. Complainant ██████████ stated that Officer Bakopoulos grabbed her by the arm and pushed her out of his house. Officer Bakopoulos stated that he was in an argument with ██████████ and, after asking her to leave, ██████████ put her finger in his face and pushed him in the chest. Officer Bakopoulos grabbed her arm and escorted her out of the house. The incident occurred at the home of Officer Bakopoulos while his wife's brother was a hospice patient there.

An **Original Case Incident Report**<sup>22</sup> lists Officer Bakopoulos as the Victim and ██████████ as the Suspect. The narrative states that officers responded to a "very high stress situation involving a very ill person who is on hospice ... and could potentially decease at any time". Officer Bakopoulos stated that he had a verbal altercation with ██████████ and "she got very close to victim, was pointing her finger at his face, and pushed victim on his chest. At that point in time, victim stated that he grabbed offender's arm and escorted offender out of his residence." Officers then spoke with ██████████ who stated that she was shaking. Officers requested an ambulance to the scene, and ██████████ was ultimately cleared by the paramedics. ██████████ told officers that Officer Bakopoulos pushed ██████████. A hospice nurse was present during the altercation, but he stated he only heard an argument and did not see anything. Officers were "unable to determine what exactly occurred at the time of the argument."

A **Case Supplementary Report**<sup>23</sup> documents subsequent investigation by Detective Rodriguez in which she spoke with Officer Bakopoulos. According to the report, Officer Bakopoulos stated that his brother-in-law was in hospice in his residence on June 12, 2018. ██████████ his brother-in-law's wife's mother, was visiting his residence and had interfered with civil matters concerning his brother-in-law. During a verbal altercation, ██████████ pointed her finger and

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<sup>19</sup> Att. 25.

<sup>20</sup> Att. 20.

<sup>21</sup> Att. 18.

<sup>22</sup> Att. 6.

<sup>23</sup> Att. 50.



then pushed Officer Bakopoulos in the chest. Officer Bakopoulos then escorted ██████ out of his residence.

COPA spoke with the hospice nurse, ██████ (██████████) over telephone and summarized the call in an **Investigative Report**<sup>24</sup>. During the conversation, ██████ stated he was providing hospice care for a patient at ██████ on June 12, 2018. ██████ stated that this was the only time he provided care to this patient and he was unaware of any discord among the patient's family members. ██████ stated that he did not see any altercation or hear any yelling because he was on the opposite side of the house in the living room. ██████ stated there were a "bunch" of people there and all of a sudden everyone went outside to the back of the house. At this point, ██████ became uncomfortable remaining in the house. He called his supervisor and left.

## 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 reviewed complied with Department policy. See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proven 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 complied with 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.

## VII. ANALYSIS

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<sup>24</sup> Att. 30.



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Approved:



November 23, 2019

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Andrea Kersten  
*Deputy Chief Administrator – Chief Investigator*

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Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	4
<b>Investigator:</b>	Kerri Wyman
<b>Supervising Investigator:</b>	James Murphy-Aguilu
<b>Deputy Chief Administrator:</b>	Andrea Kersten