

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	2016
Location of Incident:	Chicago Code BLUE Facebook Page
Date of COPA Notification:	August 30, 2018
Time of COPA Notification:	9:50 am

The Chicago Police Department received a request from BuzzFeed News for comment on an article that detailed current and former Department Members posting racially charged comments on the Chicago Code BLUE Facebook Page (“CCBFP”).¹ The request and article identified Officers Sofia Terrones and David Solski (collectively “the Officers”) as two Department Members who commented on videos posted to the CCBFP.

COPA received Initiation Reports from Lieutenant Jonathan Reckard and Sergeant Cynthia Curry detailing the Officers’ posts. The reports detail postings by the Officers to different videos of encounters between the public and law enforcement. Each Officer posted language that Buzzfeed News and the Department found concerning, and the Department requested COPA investigate the allegations detailed below, which COPA determined were **sustained**.

II. INVOLVED PARTIES

Involved Officer #1:	Officer Sofia Terrones Star #10453 / Employee ID# [REDACTED] Date of Appointment: May 17, 1993 Unit: 050 Date of Birth: [REDACTED] 1969 Female / Hispanic
Involved Officer #2:	Officer David Solski Star #19650 / Employee ID# [REDACTED] Date of Appointment: December 2, 1996 Unit: 003 Date of Birth: [REDACTED] 1958 Male / White

¹ At the time of the officers’ statements the CCBFP had more than 53,000 followers/members and almost 48,000 likes. Those numbers have grown to over 89,000 followers and almost 68,000 likes at the time this report was drafted. According to the “About” tab on the CCBFP, it is “a coalition of law enforcement supporters whos [sic] mission is to support the efforts of our brave men and women of our Chicago BLUE.” Source: <https://www.facebook.com/ChicagoCodeBlue/>.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Sofia Terrones	1. Posted the comment “[s]hoot the rhino” on a Facebook video that depicts a male officer fighting with a black female, in violation of Rules 2 and 6.	Sustained / 60-day suspension and training.
Officer David Solski	1. Posted the comment “[g]hetto lottery strikes again” on a Facebook video that depicts a male officer fighting with a black male, in violation of Rules 2 and 6.	Sustained / 45-day suspension and training.

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

General Orders

1. G09-01-06 – Use of Social Media Outlets – effective August 7, 2014.

V. INVESTIGATION²

a. Interviews

In a **statement to COPA**³ on December 4, 2018, **Accused Officer Sofia Terrones** stated that in 2016 she had a Facebook account under the name [REDACTED] [REDACTED]. She acknowledged that attachment 7 of this investigation is a capture of her Facebook account page. On her page, she had a picture of a Department star with a black band around it and also a request for others to comment “no” on the website www.chicagopoliceconsentdecree.org. Officer Terrones was shown a video posted on the Facebook page of Chicago Code BLUE and a screenshot of that same page, which contain some of the comments made about the video. Officer Terrones said that the comment with her name had the same profile picture as her own Facebook page. Officer Terrones could not recall if she had posted the comment, which was “[s]hoot the rhino,” but it is possible that she did.⁴ She was not aware the comment existed until she was contacted by BuzzFeed News. Further, Officer Terrones explained she was the only person with access to her Facebook account and was unaware of any instance when she did not have access to the account in 2016. Officer Terrones did remark

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

³ Att. 33.

⁴ Att. 33, at 5:50 and 11:50.

that her account was “hacked”⁵ in 2018, but was clear that she was unaware of any instance of “hacking” occurring in 2016, despite informing BuzzFeed News that her page was “hacked” in response to a request for comment on her 2016 post. Additionally, Officer Terrones explained that she interprets the word “rhino” to mean a large, strong, dangerous animal. Officer Terrones does not believe that her comment referring to a large woman as a “rhino” discredits or reflects poorly on the Department, or is even a disparaging comment or even negative.⁶ Instead, Officer Terrones believes it to be a “positive attribute to be that way.”⁷ Officer Terrones denied that the comment “shoot the rhino” was disparaging to any protected class.⁸ Officer Terrones admitted that she was unaware of G09-01-06 prior to her statement, but acknowledged that she should have been.⁹ COPA presented it to her immediately prior to her statement. Finally, after reviewing G09-01-06(V)(C), Officer Terrones explained that she did not believe the comment “[s]hoot the rhino” fell into any of the six categories of prohibited conduct.

In a **statement to COPA**¹⁰ on December 4, 2018, **Accused Officer David Solski** stated that in 2016 he had a Facebook account under the name [REDACTED] [REDACTED] and acknowledged that attachment 8 of this investigation is a capture of his Facebook account page, with a photograph of him in a Department uniform posted on his page. Officer Solski was shown a video posted on the Facebook page of Chicago Code BLUE and a screenshot of that same page, which contain some of the comments made about the video. Officer Solski said that the comment with his name had the same profile picture as his own Facebook page. Officer Solski admitted making the comment, “[g]hetto lottery strikes again.”¹¹ Officer Solski acknowledged that the comment “[g]hetto lottery strikes again” was a communication that discredits or reflects poorly on the Department.¹² However, he did not believe that the comment was disparaging to a person based on any protected class.¹³ Officer Solski acknowledged that the comment was insensitive and the wrong thing to say.¹⁴ Further, Officer Solski admitted that he was unaware of G09-01-06 existence and had not reviewed it until COPA provided it to him immediately prior to his statement.

b. Digital Evidence

Two videos from the Chicago Code BLUE Facebook page¹⁵ were obtained. The videos are described in more detail in the next section and are the subjects of the respective allegations in this matter.

⁵ Officer Terrones described being “hacked” as losing access to her Facebook account and needing to request a password reset link from Facebook. The link was received via her cellular telephone.

⁶ Att. 33, at 10:47.

⁷ *Id.*

⁸ Att. 33, at 11:10.

⁹ Att. 33, at 8:35.

¹⁰ Att. 29.

¹¹ *Id.*, at 6:40 and 8:00.

¹² *Id.*, at 10:30.

¹³ *Id.*, at 10:45.

¹⁴ *Id.*, at 13:40.

¹⁵ Att. 11.

c. Documentary Evidence

An **Email from BuzzFeed News**¹⁶ to CPD details a request for comment on an article about current and former Department Members posting to the CCBFP. Comment was specifically sought for Officer Sofia Terrones' posting "shoot the rhino" and Officer David Solski's posting "ghetto lottery strikes again" in response to different videos.¹⁷

Lt. Reckard's¹⁸ and **Sgt. Curry's**¹⁹ **Initiation Reports** detail that the Officers posted disparaging comments on the CCBFP that were discovered and published by a BuzzFeed News.²⁰

CCBFP²¹ contains a video of a law enforcement – civilian encounter. Officer Terrones commented on the video, which is of a Philadelphia Police Officer attempting to arrest a large black female. The female attacks the officer with his own baton and makes several attempts to gain control of his holstered firearm.²² Officer Terrones' comment was "[s]hoot the rhino."



¹⁶ Att. 5.

¹⁷ Additional comment was sought for posts by a Jim Brown and Michael Peron. A review of Jim Brown's Facebook page and photographs revealed that he is a member of an unidentified Illinois Sheriff's Office. Att. 16. A review of Michael Peron's Facebook page revealed no information that indicates he has any connection to the Department. Att. 17. Based on this information, COPA determined that this investigation would be limited to the Officers' comments.

¹⁸ Att. 14.

¹⁹ Att. 4.

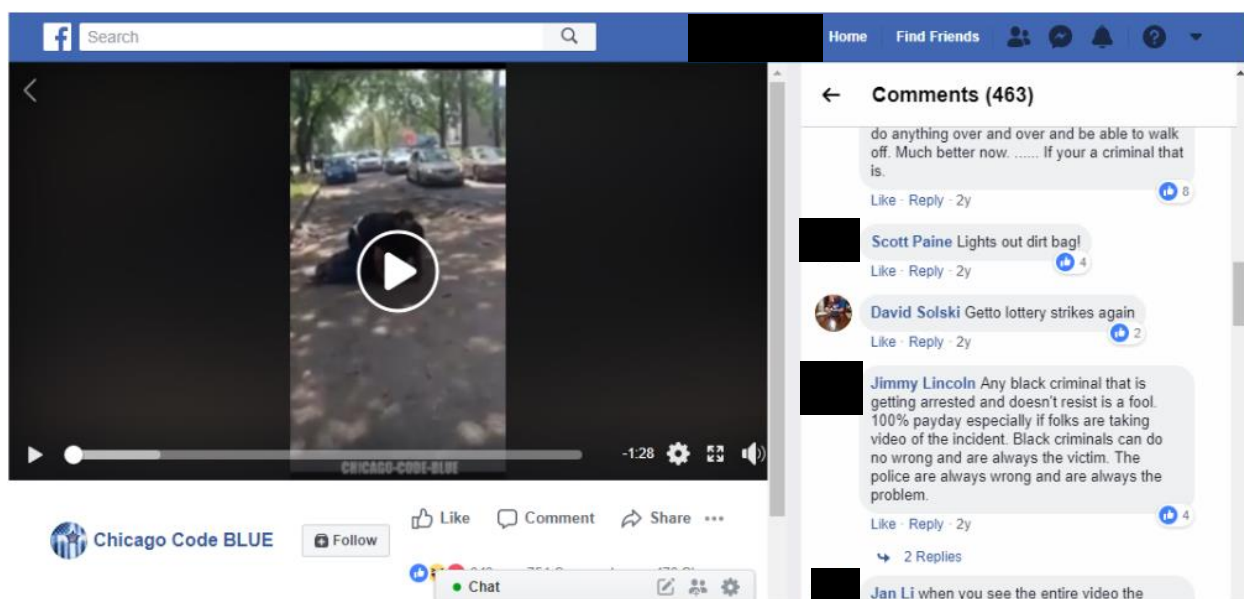
²⁰ Att. 6.

²¹ The comment was posted in 2016. Att. 10.

²² This video is at least 2 years old and is detailed in file 13470398_139380569799440_1212158907_n of Att. 11.

Officer Terrones' Facebook Page²³ contains no explicit indication that she is a Department Member. However, she authored posts encouraging Facebook users to comment on the Chicago Police Department Consent Decree and displays an image of a generic Department star with a mourning ban affixed.

CCBFP²⁴ contains a video of a law enforcement – civilian encounter. Officer Solski commented on the video, which is of a Chicago Police Officer on the ground attempting to arrest a black male who is fighting. A second officer arrives, attempts to disperse the crowd, approaches the officer and male, and kicks/stomps on the male's head.²⁵ Officer Solski's comment was "[g]hetto lottery strikes again."



Officer Solski's Facebook Page²⁶ makes no direct reference to him being a Department Member. but there is a single photograph of Officer Solski in a Police Officer uniform with the City of Chicago patch prominently displayed on his left shoulder.

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;

²³ At the time this investigation was assigned for additional investigation, Officer Terrones had deleted her Facebook page. Att. 7.

²⁴ The comment was posted in 2016. Att. 9.

²⁵ This video is from an incident that occurred on June 13, 2016 and was investigated under Log 1080972. The video is detailed in file 13454807_498055037062337_1095484130_n of Att. 11.

²⁶ At the time this investigation was assigned for additional investigation, Officer Solski had removed the photograph of him in uniform from his Facebook page. Att. 8.

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.

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

COPA finds that the allegations are **Sustained** against the Officers. G09-01-06 establishes guidelines for Department Members who use social media, such as Facebook. Section (V)(C)(1) prohibits members from "posting ... any communications that discredit or reflect poorly on the Department, its missions or goals." Additionally, section (V)(C)(2) prohibits members from "posting ... content that is disparaging to a person ... based on race, religion, sexual orientation or any other protected class."²⁷ Further, the Officers' employment by the Department can be confirmed by the public simply checking names in the City of Chicago Employee Database.²⁸

a. Officer Terrones

Here, while Officer Terrones could not recall if she posted her comment, but did state it was possible. She was not aware of an instance in 2016 when she lost access to her Facebook account. Additionally, Officer Terrones was clear that she was the only person with access to her

²⁷ Government employer limits on employees' public comments are permitted to ensure "[t]he effectiveness of a city's police department [which] depends importantly on the respect and trust of the community and on the perception in the community that it enforces the law fairly, even-handedly, and without bias." *Pappas v. Giuliani*, 290 F.3d 143, 146 (2d Cir. 2002) (internal citations omitted). Additionally, "if the police department treats a segment of the population of any race, religion, gender, national origin, or sexual preference, etc., with contempt, so that the particular minority comes to regard the police as oppressor rather than protector, respect for law enforcement is eroded and the ability of the police to do its work in that community is impaired." *Id.* at 146-47. Further, a key responsibility of a Department Member is to "foster a relationship of trust and respect with the public." *Lalowski v. City of Des Plaines*, 789 F.3d 784, 792 (7th Cir. 2015).

²⁸ <https://data.cityofchicago.org/widgets/xzkq-xp2w>

Facebook account. Based on this information, COPA determined that Officer Terrones more likely than not posted the comment to Facebook. Additionally, COPA determines, despite Officer Terrones' view, that her comment brought discredit to and reflected poorly on the Department by disparaging the female, to include her size, by equating her to a "rhino," which Officer Terrones readily admitted was a large, strong, dangerous animal. Finally, Officer Terrones' employment with the Department was clear by her postings on Facebook and her listing in the City of Chicago Employee Database. Therefore, COPA determined that when Officer Terrones posted her comment to Facebook, she violated G09-01-06.

b. Officer Solski

Here, Officer Solski acknowledged that he posted the comment. Officer Solski admitted that it is a comment that brings discredit to and reflects poorly on the Department. Officer Solski claims not to see how the comment was disparaging to a person of any protected class, yet he understood it to be an insensitive and wrong thing to say. Based on this information, COPA determines that Officer Solski posted that comment to Facebook. Additionally, COPA determines that Officer Solski's comment brought discredit to and reflected poorly on the Department and is disparaging by referring to the male's residential area as a "ghetto." Finally, Officer Solski's employment with the Department was clear by his postings on Facebook and his listing in the City of Chicago Employee Database. Therefore, COPA determined that when Officer Solski posted his comment to Facebook, he violated G09-01-06.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Sofia Terrones

i. Complimentary and Disciplinary History

- 1. Complimentary:** 2 Department Commendations, 22 Honorable Mentions, and 9 Complimentary Letters
- 2. Disciplinary:** None

ii. Recommended Penalty, by Allegation

- 1. Allegation No. 1:** 60-day suspension and training on (a) procedural justice; and (b) implicit bias.

During her statement, Officer Terrones admitted she was unaware of G09-01-06 and was insistent that her comment was not derogatory in any manner. Social media pictures, comments and posts (as well as most other things posted online, have an infinite lifespan and a continuing impact. Her claim that the comment reflected a positive attribute is a further attempt to minimize her misconduct. Comments such as this one, erode the already fragile relationship between the Department and its members, and the community. They demonstrate associations between individuals (or groups) and traits which are often negative. They are hurtful and invite backlash against law enforcement as a whole. Additionally, Officer Terrones attempted to imply that the comment was posted by an unknown person who gained access to her account in 2016. Other than

admitting the possibility that she was the one posting the comment, Officer Terrones took no responsibility for either her actions or the plain-meaning, negative interpretation of such a comment. She offered neither remorse nor understanding of her actions.

b. Officer David Solski

i. Complimentary and Disciplinary History

- 1. **Complimentary:** 5 Department Commendations, 83 Honorable Mentions, 11 Complimentary Letters
- 2. **Disciplinary:** None

ii. Recommended Penalty, by Allegation

- 1. **Allegation No. 1:** 45-day suspension and training on (a) procedural justice; and (b) implicit bias.

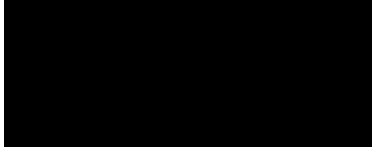
Officer Solski’s comment brings discredit to and reflects poorly on the Department well beyond the moment in time in which he made it. Social media pictures, comments and posts (as well as most other things posted online, have an infinite lifespan and a continuing impact. Comments such as this one, erode the already fragile relationship between the Department and its members, and the community. They demonstrate associations between individuals (or groups) and traits which are often negative. They are hurtful and invite backlash against law enforcement as a whole. Officer Solski fell well short of taking responsibility for the impact of the comment, claiming that it was not disparaging in nature. This claim is incredible, even to Officer Solski, who despite his own claim still claimed an understanding of it to be insensitive and wrong. This acknowledgement falls short of a meaningful acceptance of responsibility, but does differentiate him from Officer Terrones.

IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Sofia Terrones	1. Posted the comment “[s]hoot the rhino” on a Facebook video that depicts a male officer fighting with a black female, in violation of Rules 2 and 6.	Sustained / 60-day suspension and training.
Officer David Solski	1. Posted the comment “[g]hetto lottery strikes again” on a Facebook video that depicts a male officer fighting with a black male, in violation of Rules 2 and 6.	Sustained / 45-day suspension and training.

Approved:



Andrea Kersten
Deputy Chief Administrator – Chief Investigator

October 31, 2019

Date

Appendix A

Assigned Investigative Staff

Squad#:	5
Investigator:	Garrett Schaaf
Supervising Investigator:	Loren Seidner
Deputy Chief Administrator:	Andrea Kersten