

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date and Time of Incident:	June 13, 2018 – November 2, 2018
Time of Incident:	Various
Location of Incident:	██████████, McHenry, IL
Date of COPA Notification:	November 9, 2018
Time of COPA Notification:	11:32 p.m.

██████████ and her ██████████, Officer Patrick Cain, have three teenaged ██████████ in common. The ██████████ reside with Officer Cain during the week and Ms. ██████████ on the weekend. Although Officer Cain has blocked Ms. ██████████ from his cellular device, he often utilizes his ██████████ phones to send text messages to Ms. ██████████. Ms. ██████████ filed a complaint at COPA alleging Officer Cain sent verbally abusive text messages to her and about her.

**II. INVOLVED PARTIES**

Involved Officer #1:	Patrick Cain, Star# 3620, Employee# ██████████ DOA Dec. 13, 1993, Police Officer, Unit 016, DOB ██████████, 1967, Male, White
Involved Individual #1:	██████████ DOB ██████████, 1971, Female, White

**III. ALLEGATIONS**

Officer	Allegation	Finding / Recommendation
Officer Patrick Cain	1. The complainant, ██████████ alleged that on June 12, 2018, via text, the accused called her a dumb fuck.	Sustained /20-day Suspension
	2. Ms. ██████████ also alleged that on unspecified dates, the accused allowed their under-age ██████████ to consume alcoholic beverages and nicotine.	Not Sustained
	3. Ms. ██████████ further alleged that on or about October 19, 2018, via text, the accused made lewd and disparaging remarks about her.	Sustained /20-day Suspension

	<p>4. Ms. ██████ alleged that on October 26, 2018, via text, the accused told her to fuck off.</p> <p>5. Ms. ██████ further alleged that on Nov. 2, 2018, via text, you replied words to the effect of, “Fuck off bitch.”</p> <p>6. Ms. ██████ alleged that on Nov. 2, 2018, via text, the accused called her a sick bitch, a horrible ██████ and a loser.</p> <p>7. Ms. ██████ further alleged that on or about October 19, 2018, via text, the accused made lewd and disparaging remarks about her current husband.</p> <p>8. Ms. ██████ further alleged that on or about October 19, 2018, via text, the accused made lewd and disparaging remarks about her ██████</p>	<p>Sustained /20-day Suspension</p> <p>Sustained /20-day Suspension</p> <p>Sustained /20-day Suspension</p> <p>Sustained /20-day Suspension</p> <p>Sustained /20-day Suspension</p>
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**IV. APPLICABLE RULES AND LAWS**

**Rules**

1. Rule 2 - Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 8 – Disrespect to or maltreatment of any person, while on or off duty.

**V. INVESTIGATION**

**a. Interviews**

In a digitally recorded statement to COPA on Nov 30, 2018, complainant ██████ related that she ██████ Officer Patrick Caine in 1994 and ██████ him in 2013. She ██████ her ██████, ██████ in 2014. Ms. ██████ and Officer Cain have ██████, ██████ and ██████ age 13, and ██████ age 19. Ms. ██████ and Officer Cain share joint custody of the ██████ Ms. ██████ explained that Officer Cain is starting to harass her via text as he has done in the past. Ms. ██████ stated that although Officer Cain blocked her number from his phone which prevents her from calling or texting him, Officer Cain often utilizes the

██████████ cellphones to send her text messages or tells the ██████████ what to type and transmit to her. Ms. ██████████ stated that if she needs to communicate with Officer Cain regarding the ██████████ she emails him. Ms. ██████████ submitted multiple text messages to COPA that she obtained from her ██████████ phones. Ms. ██████████ related that one of the disturbing text messages was sent to ██████████ Ms. ██████████ explained that ██████████ ordered movies to be delivered to his ██████████ house. When ██████████ texted Officer Cain to ask about the movies, Officer Cain told him that he had the movies as well as a bonus movie of Ms. ██████████ her current ██████████ and Ms. ██████████ having sex with one another. Officer Cain added that he also had a video of Ms. ██████████ having sexual intercourse with ██████████ Officer Cain's youngest ██████████ Ms. ██████████ added that in addition to Officer Cain calling her names throughout the series of text messages, he also allows the ██████████ to drink alcohol and smoke cigarettes. Ms. ██████████ submitted a photo of her ██████████ ██████████ holding an open beer bottle in one picture and lighting a cigarette in another picture. The submitted text messages are included below.<sup>1</sup>

In a digitally recorded statement on April 17, 2019, **Accused Officer Cain** related that he was ██████████ to ██████████ for 19 years, ██████████ from her in January 2012 and ██████████ in May 2016. Officer Cain related that he does not communicate with Ms. ██████████ because it is very difficult. The last time Officer Cain and Ms. ██████████ spoke was in June 2018. Officer Cain described their relationship as amicable until Ms. ██████████ told him that his handicapped ██████████ ██████████ was not getting along with her current ██████████ and she no longer wanted him at her home. Officer Cain stated that he was livid because he didn't understand how Ms. ██████████ could choose her ██████████ over her ██████████ Officer Cain, in turn, blocked Ms. ██████████ phone number, preventing her from being able to contact him. If Ms. ██████████ needed to communicate with Officer Cain, she would email him. Officer Cain stated when he wanted to contact Ms. ██████████ he would use the ██████████ cell phones to communicate with Ms. ██████████ When asked how Ms. ██████████ would know it was him and not the ██████████ texting, he responded, "She has known me thirty years and she will know my answer." Officer Cain related that on October 26, 2018, Ms. ██████████ was interested in riding in his new car. Officer Cain stated that he was driving at the time, so he instructed his ██████████ to tell Ms. ██████████ to "fuck off." ██████████ complied and sent Ms. ██████████ the message.

Officer Cain related that he was aware that ██████████ sent her ██████████ pictures of her holding a beer and a lit cigarette. Officer Cain stated that he took the picture of ██████████ and both he and ██████████ thought it would be funny to send it to Ms. ██████████ since she has accused ██████████ of experimenting with drugs. Officer Cain stated Ms. ██████████ pats ██████████ down for drugs and ██████████ comes home stressed out. Officer Cain stated that his ██████████ is a straight "A" student, involved in sports and not on drugs. Officer Cain explained that if his ██████████ was doing drugs, he would be the first to know since she resides with him most of the time. ██████████ and Officer Cain staged the pictures of ██████████ holding a beer and lit cigarette to irritate Ms. ██████████ Officer Cain related

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<sup>1</sup> Att. 7, 25

that he has never allowed his [REDACTED] to drink alcohol or smoke. Officer Cain submitted two pictures to COPA that he still had saved on his cellular phone.

Additionally, Officer Cain admitted to sending Ms. [REDACTED] text messages calling her a “dumb fuck” and claimed that he and his [REDACTED] would jokingly call each other names and it was not negative. However, Officer Cain related that he has since deleted the text messages supporting his account and they are no longer in his possession.<sup>2 3</sup>

Furthermore, Officer Cain admitted that he sent Ms. [REDACTED] a text message calling her a horrible [REDACTED] a loser, and a sick bitch. Officer Cain admitted that he sent text messages to his [REDACTED] [REDACTED] regarding Ms. [REDACTED] her current [REDACTED] and her [REDACTED] Officer Cain related that he jokingly sent [REDACTED] a message stating that he had movies of the involved parties engaging in sexual intercourse.

### b. Digital Evidence

The following are excerpts taken from the **text messages** Ms. [REDACTED] submitted to COPA.

**June 13, 2018, 6:11 a.m., [REDACTED] phone<sup>4</sup>**

Officer Cain: Hey Dumb fuck!!! Once again you were played by my [REDACTED]

**October 19, 2018, time unknown, [REDACTED]'s phone<sup>5</sup>**

Officer Cain: Your movies came today

[REDACTED] How many

Officer Cain: 2 two packs

[REDACTED] U order 4 dvd right?

Officer Cain: Yes...a bonus movie came also. It's [REDACTED] [REDACTED] and [REDACTED] having sex.... you will love it

[REDACTED] Eew [REDACTED] can watch that.

Officer Cain: The other movie is [REDACTED] having sex with [REDACTED]

[REDACTED] Yeah

Officer Cain: It's a two-hour thrill of [REDACTED] banging [REDACTED] on the boat

**Oct. 26, 2018, 7:50 p.m., [REDACTED] phone<sup>6</sup>**

Ms. [REDACTED] And your [REDACTED] isn't with you. Stop lying for your [REDACTED]  
[REDACTED] [REDACTED] said fuck off.

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<sup>2</sup> Att. 20, 26

<sup>3</sup> In a follow up conversation with Ms. [REDACTED] she stated that she and Officer Cain do not communicate using profanity and derogatory language toward each other and it is unacceptable. Ms. [REDACTED] stated that she has filed numerous complaints against Officer Cain in the past that included allegations of verbal abuse.

<sup>4</sup> Att. 10

<sup>5</sup> Att. 11

<sup>6</sup> Att. 12

Nov. 2, 2018, 9:53 a.m., [REDACTED] phone<sup>7</sup>

Ms. [REDACTED] Get off [REDACTED] phone, idiot! And stop texting [REDACTED] you sick ass! I'm saving everything you send her.

Officer Cain: Fuck off bitch. [REDACTED] knows you've been spying on her. Hmmm. Wonder why she hates you

Officer Cain: Bye. Your nothing but a waste of my time....say hi to mike for me! The [REDACTED] know you sleeping with him. I told them....Your one sick bitch and a horrible [REDACTED] I have photos of you going to his house and the motel. I will send them to [REDACTED] I showed them to the [REDACTED] already...yup...that's why they want to stay with me...Bye loser

### c. Physical Evidence

Officer Cain and Ms. [REDACTED] submitted two **pictures** of their [REDACTED] [REDACTED] to COPA. The first picture depicts what appears to be a young Caucasian female wearing a white towel on her head, blue sunglasses, a white t-shirt and dark-colored pants. The female is posing while holding an open and full bottle of Corona beer in her right hand and a potato chip in her left hand. The second picture depicts what appears to be a young Caucasian female wearing blue sunglasses and a blue t-shirt. The female is holding an unlit cigarette in her mouth, a lit lighter in her right hand, and an unopened bottle of Corona beer.<sup>8</sup>

## VI. LEGAL STANDARD

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

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A preponderance of evidence can be described as evidence indicating that it is more likely than not that the conduct occurred and violated Department policy. See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a

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<sup>7</sup> Att. 13

<sup>8</sup> Att. 22, 23

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 ¶ 2

## VI. ANALYSIS

COPA finds that **Allegation #1** that Officer Cain called her a dumb fuck via text is **Sustained**. Officer Cain admitted to sending the message in his statement to COPA. Although Officer Cain related in his statement that he and ██████ playfully call each other names, Ms. ██████ stated that the use of derogatory and profane language was not a common and acceptable practice in their relationship. Ms. ██████ found the statement to be offensive resulting in her filing a complaint against Officer Cain. Additionally, COPA finds it more likely than not that Officer Cain did not say this in a playful way, given the lack of communication between the two and Officer Cain having blocked Ms. ██████ phone number. Therefore, Allegation #1 is **Sustained**.

COPA finds that **Allegation #2** that Officer Cain allowed his minor ██████ to drink alcoholic beverages and smoke nicotine is **Not Sustained**. Although ██████ their thirteen-year-old ██████ told her ██████ that her ██████ allows her to drink and smoke and even sent pictures of her holding a beer and cigarette, Officer Cain vehemently denied the allegation. Officer Cain explained that since Ms. ██████ accused ██████ of using drugs, both he and ██████ though it would be funny to send the staged pictures to Ms. ██████ to upset her. Additionally, the photos sent to Ms. ██████ depict an unopened bottle of beer, a full bottle of beer, and an unlit cigarette. These photos are insufficient to either prove or disprove this allegation, so it is **Not Sustained**.

COPA finds that **Allegations #3, 7, and 8** that Officer Cain made lewd and disparaging remarks about Ms. ██████ her current ██████ and ██████ are **Sustained**. Ms. ██████ related that she checked her oldest ██████ phone and observed several text messages that Officer Cain sent him. In the text messages, Officer Cain told their oldest ██████ that he had a video of Ms. ██████ engaging in sexual activities with her ██████ and ██████ and another video of Ms. ██████ having sex with his youngest ██████ During his statement at COPA, Officer Cain admitted that sent his oldest ██████ the text messages and stated that it was only a joke and he does not have a video of any of the parties having sex. Therefore, this allegation is **Sustained**.

COPA finds that **Allegations #4 – 6** that Officer Cain told Ms. ██████ to fuck off, that Officer Cain replied to Ms. ██████ via text message, "Fuck off, bitch," and that, via text message, Officer Cain called Ms. ██████ a sick bitch, a horrible ██████ and a loser are **Sustained**. With respect to Allegation #4, Officer Cain stated that he has blocked Ms. ██████ from his cellphone and often utilizes his ██████ cellular phones to communicate with his ██████ or instructs the ██████ what to type and send to their ██████ Officer Cain related that during this incident, Ms.

██████ was upset because he wouldn't take her for a ride in his new Cadillac. Officer Cain was driving and unable to text Ms. ██████. He admitted that he instructed ██████ to tell Ms. ██████ to fuck off and ██████ complied with his request. Similarly, with respect to Allegations #5 and 6, Officer Cain admitted that he sent those messages to Ms. ██████. In fact, with respect to Allegation #6, Officer Cain stated that this is his opinion. He further added that his opinion of Ms. ██████ remains the same. Ms. ██████ was clear that she found all these messages to be offensive. COPA does not find it likely that a reasonable person would believe these messages to be a joke as Officer Cain claimed. Furthermore, Officer Cain acknowledged that the two were not having direct contact with each other at the time, making any claim that this was the nature of their relationship less plausible. Therefore, these allegations are **Sustained**.

## VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

### a. Officer Patrick Cain

#### i. Complimentary and Disciplinary History

- a. **Complimentary:** 2 Problem Solving Awards, 1 Democratic National Convention Award, 1 Presidential Election Deployment Award 2008, 2 Attendance Recognition Awards, 60 Honorable Mentions, 7 Department Commendations, 1 2004 Crime Reduction Ribbon, 7 Complimentary Letters, 1 Honorable Mention Ribbon Award, 1 Life Saving Award, 1 NATO Summit Service Award, 1 2009 Crime Reduction Award
- b. **Disciplinary:** 12 Day Suspension for Unnecessary Physical Contact On Duty (11/1/18); 12 Day Suspension for Unnecessary Physical Contact On Duty (11/12/18); 15 Day Suspension for Weapon/Ammunition/Uniform Deviation (2/1/19); 15 Day Suspension for Weapon/Ammunition/Uniform Deviation (2/15/19); 15 Day Suspension for Weapon/Ammunition/Uniform Deviation (2/15/19); Reprimand for Court Appearance Violation (9/28/18)

#### ii. Recommended Penalty, by Allegation

- 1. **Allegations No. 1:** 20-day Suspension
- 2. **Allegations No. 3:** 20-day Suspension
- 3. **Allegations No. 4:** 20-day Suspension
- 4. **Allegations No. 5:** 20-day Suspension
- 5. **Allegations No. 6:** 20-day Suspension

- 6. **Allegations No. 7:** 20-day Suspension
- 7. **Allegations No. 8:** 20-day Suspension

Officer Patrick Cain verbally abused his [REDACTED] sporadically over the course of five months. While he was forthcoming in his statement and admitted guilt, he attempted to downplay his behavior by stating that he and Ms. [REDACTED] always called each other names through the course of their [REDACTED]. However, the text messages COPA obtained from Ms. [REDACTED] and their lack of communication at the time disproves his explanation. Additionally, Officer Cain was accused and subsequently suspended for 12 days for similar actions in a 2015 case involving Ms. [REDACTED] wherein he was also verbally abusive to her. Officer Cain has not only failed to modify his behavior, but also shows no remorse for his actions. He continues the behavior that has been deemed unacceptable in the past and his continued conduct is troubling.

**VIII. CONCLUSION**

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

Officer	Allegation	Finding / Recommendation
Officer Patrick Cain	1. The complainant, [REDACTED] alleged that on June 12, 2018, via text, the accused called her a dumb fuck.	Sustained /20-day Suspension
	2. Ms. [REDACTED] also alleged that on unspecified dates, the accused allowed their under-age [REDACTED] to consume alcoholic beverages and nicotine.	Not Sustained
	3. Ms. [REDACTED] further alleged that on or about October 19, 2018, via text, the accused made lewd and disparaging remarks about her.	Sustained /20-day Suspension
	4. Ms. [REDACTED] alleged that on October 26, 2018, via text, the accused told her to fuck off.	Sustained /20-day Suspension
	5. Ms. [REDACTED] further alleged that on Nov. 2, 2018, via text, you replied words to the effect of, "Fuck off bitch."	Sustained /20-day Suspension
	6. Ms. [REDACTED] alleged that on Nov. 2, 2018, via text, the accused called her a sick bitch, a horrible [REDACTED] and a loser.	Sustained /20-day Suspension



	<p>7. Ms. [REDACTED] further alleged that on or about October 19, 2018, via text, the accused made lewd and disparaging remarks about her current husband.</p> <p>8. Ms. [REDACTED] further alleged that on or about October 19, 2018, via text, the accused made lewd and disparaging remarks about her [REDACTED]</p>	<p>Sustained /20-day Suspension</p> <p>Sustained /20-day Suspension</p>
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Approved:



July 10, 2019

Andrea Kersten  
*Deputy Chief Administrator – Chief Investigator*

Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	9
<b>Investigator:</b>	Shykela Carter
<b>Supervising Investigator:</b>	Sharday Jackson
<b>Deputy Chief Administrator:</b>	Andrea Kersten