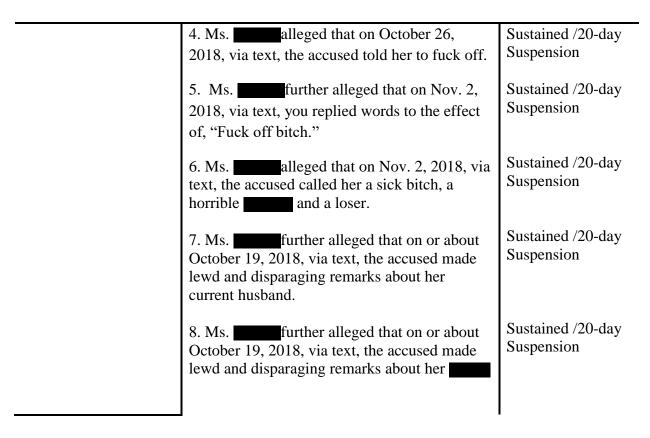
# SUMMARY REPORT OF INVESTIGATION

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



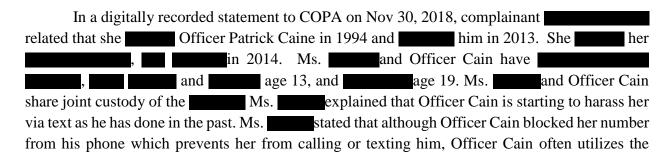
#### IV. APPLICABLE RULES AND LAWS

#### 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

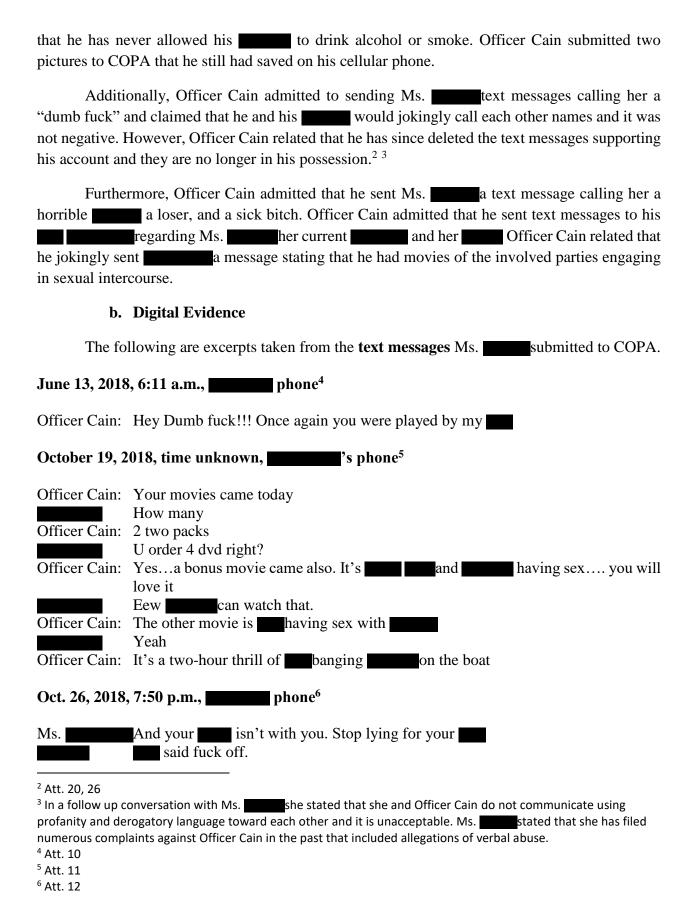
## a. Interviews

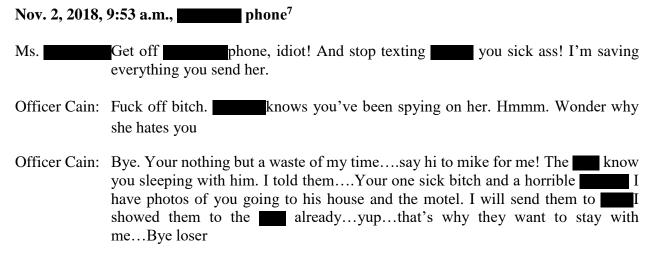


cellphones to send her text messages or tells the what to type and transmit to her. Ms. stated that if she needs to communicate with Officer Cain regarding the she emails him. Ms. submitted multiple text messages to COPA that she obtained from her phones. Ms. related that one of the disturbing text messages 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.
In a digitally recorded statement on April 17, 2019, <b>Accused Officer Cain</b> related that he was to for 19 years, from her in January 2012 and fin 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 the 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 related the pictures of her holding a beer and lit cigarette to irritate Ms.

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<sup>&</sup>lt;sup>1</sup> Att. 7, 25





# c. Physical Evidence

Officer Cain and Ms. submitted two **pictures** of their 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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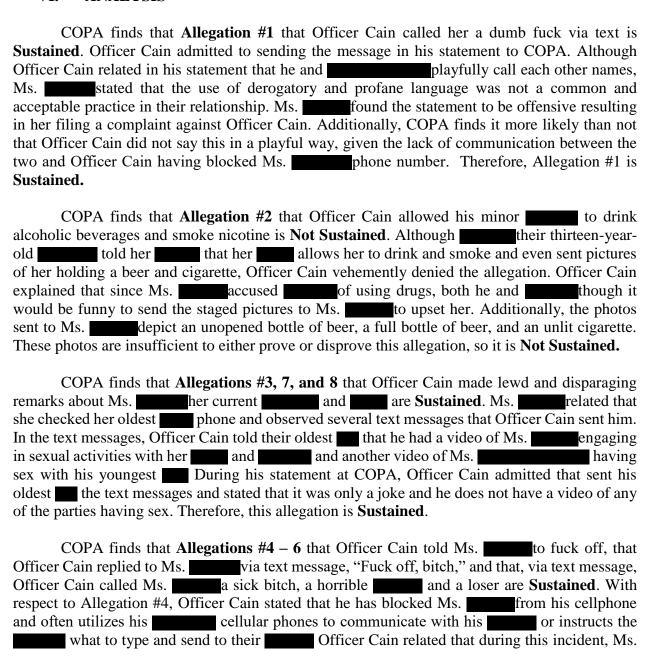
<sup>&</sup>lt;sup>7</sup> Att. 13

<sup>&</sup>lt;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  $\P$  2

#### VI. ANALYSIS



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 <b>Sustained.</b>

## 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 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. always called each other names through the course of their However, the text messages COPA obtained from Ms. 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. 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, 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
	4. Ms. alleged that on October 26, 2018, via text, the accused told her to fuck off.	Sustained /20-day Suspension
	5. Ms. 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. alleged that on Nov. 2, 2018, via text, the accused called her a sick bitch, a horrible and a loser.	Sustained /20-day Suspension

7. Ms. \_\_\_\_\_further alleged that on or about October 19, 2018, via text, the accused made lewd and disparaging remarks about her current husband.

8. 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

Approved:

Andrea Kersten

July 10, 2019

Date

Andrea Kersten

Deputy Chief Administrator – Chief Investigator

# Appendix A

Assigned Investigative Staff

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