

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

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| Date and Time of Incident #1: | July 20, 2015 at 12:45 a.m. |
| Location of Incident #1: | ██████████, Park Ridge, IL |
| Date and Time of Incident #2: | July 20, 2015 at 7:30 a.m. |
| Location of Incident #2: | 200 Vine Ave, Park Ridge, IL |
| Date and Time of IPRA Notification: | July 20, 2015 at 4:14 a.m. |

II. SUMMARY OF EVIDENCE

On July 20, 2015, off-duty Officers Leticia Kaner and Kurt Kaner, who are married to each other, engaged in a verbal and physical domestic altercation while in Park Ridge, Illinois. Park Ridge Police responded to the incident, arrested Leticia and notified the Chicago Police Department. Sergeants Nakia Fenner and Davina Ward from the Bureau of Internal Affairs (BIA) responded to the scene. While at the Park Ridge Police Department, Sergeants Fenner and Ward conducted a breathalyzer test of Leticia Kaner, but Leticia provided insufficient breath sample. Sergeant Fenner terminated the test and did not order Leticia Kaner to provide a sufficient breath sample. As a result, Sergeant Fenner was inattentive to duty in that she did not follow the proper procedures for conducting and documenting a breathalyzer test and failed to perform her duties in that they did not complete all the required reports or obtain proper test results for this investigation. Both Leticia and Kurt Kaner engaged in unjustified physical contact with each other.

III. INVOLVED PARTIES

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| Involved Sergeant ² #1: | Nakia M. Fenner, Star #408, Employee ██████████, Date of Appointment: April 29, 2002, Lieutenant, Unit of Assignment 009, DOB: ██████████, 1976, Female / Black |
| Involved Sergeant ³ #2: | Davina F. Ward, Star #486, Employee ██████████, Date of Appointment: August 2, 1999, |

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 Nakia Fenner was the rank of Sergeant at the time of this incident and was promoted to the rank of Lieutenant on March 1, 2016. Lieutenant Fenner will be identified by the rank of Sergeant in this report.

³ Davina Ward was the rank of Sergeant at the time of this incident and was promoted to the rank of Lieutenant on March 1, 2016. Lieutenant Ward will be identified by the rank of Sergeant in this report.

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| | Lieutenant, Unit of Assignment 003, DOB: [REDACTED], 1968, Female / Black |
| Involved Officer #1: | Leticia Kaner, Star #6143, Employee [REDACTED] Date of Appointment: March 8, 1999, PO / Marine Officer, Unit of Assignment 059 / 376, DOB: [REDACTED], 1972, Female / Hispanic |
| Involved Officer #2: | Kurt G. Kaner, Star #18541, Employee # [REDACTED], Date of Appointment: October 3, 1994, PO / Marine Officer, Unit of Assignment 059, DOB: [REDACTED], 1964, Male / White |

IV. ALLEGATIONS

| Officer | Allegation | Finding / Recommendation |
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| Lieutenant Nakia M. Fenner | On or about July 20, 2015, at approximately 7:30 am, at or near 200 S. Vine, in Park Ridge, Illinois, Sgt. Nakia M. Fenner: | |
| | 1. Failing to conduct a thorough preliminary investigation relative to the arrest of Officer Leticia Kaner by the Park Ridge Police Department, in violation of Rules 3, 10 and 11. | Not Sustained |
| | 2. Failing to comply with S08-01-02(II)(E)(4)(b) regarding Notification of Charges / Allegations and Administrative Rights of Officer Leticia Kaner, in violation of Rule 6; | Not Sustained |
| | 3. Failing to comply with S08-01-02(II)(E)(4)(c) by not completing an Administrative Alcohol / Drug Influence Report, relative to the arrest of Officer Leticia Kaner by the Park Ridge Police Department, in violation of Rule 6; | Not Sustained |
| | 4. Failing to comply with S08-01-02(II)(E)(4)(c)(1) regarding Field Sobriety Tests, relative to the arrest of Officer Leticia Kaner by the Park Ridge Police Department, in violation of Rule 6; | Not Sustained |

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| | <p>5. Failing to comply with S08-01-02(II)(E)(4)(c)(2) regarding a visual examination, relative to the arrest of Officer Leticia Kaner by the Park Ridge Police Department, in violation of Rule 6;</p> <p>6. Failing to comply with S08-01-02(II)(E)(4)(c)(3) by not ordering Officer Leticia Kaner to submit to a breath test, in violation of Rule 6;</p> <p>7. Failing to comply with S08-01-02(II)(E)(4)(c)(4) by not ordering Officer Leticia Kaner to submit a urine specimen, in violation of Rule 6;</p> <p>8. Failing to comply with S08-01-02(II)(E)(4)(c)(6) by not ordering Officer Leticia Kaner to answer the questions in the “Interview” section of the Administrative Alcohol / Drug Influence Report, in violation of Rule 6;</p> <p>9. Failing to properly administer the breath test to Officer Leticia Kaner, in violation of Rule 3;</p> <p>10. Failing to give Officer Leticia Kaner allegations for impeding the breath test when Officer Kaner failed to properly blow into the machine, in violation of Rule 3; and</p> <p>11. Failing to complete all relevant reports regarding the lack of cooperation from Officer Leticia Kaner, in violation of Rule 6.</p> | <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> |
| <p>Lieutenant Davina F. Ward</p> | <p>On July 20, 2015, at approximately 7:30 am, at 200 S. Vine, in Park Ridge, Illinois, Sgt. Davina F. Ward:</p> <p>1. Impeded an Administrative Investigation, in that you failed to conduct a thorough preliminary investigation relative to the arrest of Officer Leticia Kaner by the Park Ridge, in violation of Rules 3, 10 and 11;</p> | <p>Not Sustained</p> |

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| 2. Failed to serve Officer Leticia Kaner with Notification of Charges/Allegations and Administrative Rights relative to her arrest by the Park Ridge Police, in violation of Rule 6; | Not Sustained |
| 3. Failed to complete an Administrative Alcohol/Drug Influence Report relative to Officer Leticia Kaner, in violation of Rule 6; | Not Sustained |
| 4. Failed to order Officer Leticia Kaner to complete "Field Sobriety Tests" and record the results on the Administrative Alcohol/Drug Influence Report, in violation of Rule 6; | Not Sustained |
| 5. Failed to order Officer Leticia Kaner to submit a visual examination and record the results on the Administrative Alcohol/Drug Report, in violation of Rule 6; | Not Sustained |
| 6. Failed to properly administer the B.R.A.C Test to Officer Leticia Kaner, in violation of Rule 63; | Not Sustained |
| 7. Failed to give Officer Leticia Kaner a direct order to provide proper breath for the breathalyzer test following three attempts identified as insufficient breath, in violation of Rule 61; | Not Sustained |
| 8. Failed to give Officer Leticia Kaner allegations of impeding with the breathalyzer test when she failed to properly blow into the machine, in violation of Rule 3; | Not Sustained |
| 9. Failed to order Officer Leticia Kaner to submit to a urine specimen based on inconclusive test results (i.e. insufficient breath), in violation of Rule 6; | Not Sustained |
| 10. Failed to order Officer Leticia Kaner to answer questions in the "interview" section of the Administrative/Drug Influence Report and record the results, in violation of Rule 65; | Not Sustained |

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| | 11. Failed to complete all relevant reports regarding the lack of cooperation from Officer Leticia Kaner, in violation of Rule 6. | Not Sustained |
| Officer Leticia Kaner | <p>On July 20, 2015, at 0040 hours, in the vicinity of Elm and Greenwood, in Park Ridge, Illinois, Officer Leticia Kaner:</p> <ol style="list-style-type: none"> 1. Engaged in an unjustified verbal altercation with Officer Kurt Kaner, in violation of Rule 9. 2. Punched Officer Kurt Kaner about the face, in violation of Rule 8. 3. Kicked Officer Kurt Kaner about the legs, in violation of Rule 8. 4. Was intoxicated, in violation of Rule 15. <p>On July 20, 2015, at 0040 hours, at 200 S. Vine, in Park Ridge, Illinois, Officer Leticia Kaner:</p> <ol style="list-style-type: none"> 5. Was arrested for Domestic Battery, in violation of Rule 1. | <p>Not Sustained</p> <p>Sustained / 10-Day Suspension and Counseling</p> <p>Sustained / 10-Day Suspension and Counseling</p> <p>Not Sustained</p> <p>Not Sustained</p> |
| Officer Kurt G. Kaner | <p>On July 20, 2015, at 0040 hours, in the vicinity of Elm and Greenwood, in Park Ridge, Illinois, Officer Kurt Kaner:</p> <ol style="list-style-type: none"> 1. Engaged in an unjustified verbal altercation with Officer Leticia Kaner, in violation of Rule 9. 2. Punched Officer Leticia Kaner about the head and face, in violation of Rule 8. 3. Grabbed and pulled Officer Leticia Kaner out of the vehicle, in violation of Rule 8. 4. Dragged Officer Leticia Kaner onto the parkway grass area, in violation of Rule 8. | <p>Not Sustained</p> <p>Sustained / 10-Day Suspension and Counseling</p> <p>Sustained / 10-Day Suspension and Counseling</p> <p>Not Sustained</p> |

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| 5. Was intoxicated, in violation of Rule 15. | Not Sustained |
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V. APPLICABLE RULES AND LAWS

Rules

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1. Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
 2. Rule 5: Failure to perform any duty.
 3. Rule 6: Disobedience of an order or directive, whether written or oral.
 4. Rule 8: Disrespect of maltreatment of any person, while on or off duty.
 5. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
 5. Rule 10: Inattention to duty.
 6. Rule 11: Incompetency or inefficiency in the performance of duty.
 7. Rule 15: Intoxication on or off duty.
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Special Orders

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1. S08-01-02: Special Situations Involving Allegations of Misconduct (eff. July 17, 2015)
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VI. INVESTIGATION⁴

a. Interviews⁵

In a statement to IPRA on March 23, 2016, **Officer Frank Lauria**⁶ from the Park Ridge Police Department, said that he was one of the officers who responded to a domestic call on July 20, 2015, near Elm and Greenwood in Park Ridge, IL. Upon arrival, Officer Lauria spoke with Officer Leticia Kaner who was walking down Greenwood with [REDACTED]. Leticia told Officer Lauria that she and her husband, Officer Kurt Kaner, left a party in Park Ridge and while driving home an argument ensued between them. The verbal argument became physical and Kurt punched Leticia in the face. Leticia said that Kurt stopped the vehicle, tried to push her out of the car. When he was unable to do so, he got out of the car and pulled her out from the passenger side. While Leticia was on the ground, Kurt punched her in the face. Leticia told Officer Lauria that during the altercation, she took the car keys out of the ignition and throw them out of the car.

Leticia complained of being struck in the face, and injuries to her ankle and elbow, but refused medical attention. Officer Lauria observed her to favor one ankle and a little swelling to the left side of her face. Leticia did not provide specifics, but said if she did hit Kurt, it was in self-

⁴ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁵ IPRA attempted to interview an additional Park Ridge Police Officer who responded to this incident, Officer Anna Juarez, but those attempts were unsuccessful. Additionally, a canvass of the location of incident was conducted, but no witnesses or videos were located. (Att. 5).

⁶ Att. 33.

defense. Leticia then took [REDACTED] ([REDACTED]) out of the vehicle, called 911 and walked away from Kurt. Officer Lauria described Leticia to be visibly upset, distraught and shaken, and slightly sobbing. Officer Lauria described Leticia as having a strong odor of alcohol on her breath, mumbled speech and bloodshot eyes, but noted that she had been crying. Leticia admitted to consuming alcohol, but she was able to stand on her own and communicate her thoughts. Officer Lauria could not determine Leticia's level or extent of intoxication without having administered sobriety tests. The investigation continued at the police station and all the involved parties were taken there to speak with Commander Shaughnessy. While at the station, Commander Shaughnessy determined that Leticia was the aggressor in the altercation, and she was placed under arrest for domestic battery. Photos were taken of Leticia and Kurt's injuries. Officer Lauria did not see anybody from the Chicago Police Department respond to the station.

In a statement to IPRA on March 29, 2016, **Officer Jeff Koller**⁷ of the Park Ridge Police Department, said that he and two other officers responded to [REDACTED], for a domestic call on July 20, 2015. Upon arrival to the scene, Officer Koller spoke with Officer Kurt Kaner, who was searching for his car keys near the parkway grass area. Officer Koller stated that Kurt was calm, cordial and respectful. Kurt appeared to have been drinking, but he maintained his balance and did not appear to be intoxicated.

Upon recovering the keys, Kurt informed Officer Koller that he and Leticia engaged in a verbal argument while at a party in Park Ridge, IL. The argument started after Leticia's shirt had torn, exposing one of her breasts in front of other men and people at the party. Kurt took offense to what occurred with Leticia's shirt, since it appeared that Leticia did not care that people were looking at her exposed breast. Kurt admitted that the argument between him and Leticia escalated into a physical altercation, when Leticia struck him in the face while he was driving home. Kurt raised his arms up to defend himself and Leticia began to kick him. Leticia continued to kick Kurt on his legs while he was still driving. Kurt stopped and exited the vehicle to stop the altercation. Leticia climbed over to the driver's side seat and tried to leave with the vehicle and [REDACTED] sitting in the rear. The struggle continued when Kurt tried to take the vehicle keys from Leticia and she continued to fight him. Kurt pulled Leticia out of the vehicle. Leticia fell back onto the street and in the process of this struggle, and the keys were tossed in the grass. [REDACTED] was in the back seat of the vehicle and witnessed the incident. Kurt stated that Leticia was intoxicated. Officer Koller learned from other police officers that both Kurt and Leticia Kaner were police officers with the Chicago Police Department. Office Koller observed multiple marks and abrasions to Kurt's face near his chin and eyes. Photographs were taken of the injuries. Leticia sustained an injury to her elbow, which he later photographed.

In a statement to IPRA on March 29, 2016, Park Ridge Police Department **Commander Kathy Shaughnessy**⁸ detailed her involvement in this matter. On July 20, 2015, she was notified by Park Ridge officers and responded to 1200 West Elm for a domestic call involving off-duty Chicago Police Officers Leticia and Kurt Kaner. She encountered Kurt, who told her that while driving, his [REDACTED] started hitting him and they had a fight. During the fight, she moved into the driver's seat and was somehow able to throw the keys. Kurt requested that if someone had to be arrested, that it be him. She described him as upset from being in a fight with his [REDACTED] and

⁷ Atts. 43 (audio) and 46 (transcript).

⁸ Atts. 39 (audio) and 41 (transcript).

apologetic that the police were involved. Commander Shaughnessy got within a couple of feet of Kurt at that time, and she did not smell any alcohol on him nor did she notice any indications that he was intoxicated.

Commander Shaughnessy next spoke with Leticia, who was with her [REDACTED]. Leticia said that she and her [REDACTED] and [REDACTED] were on their way from a friend's house, when Kurt started hitting her. Kurt then stopped the car, got out and walked to her side of the car. He opened her door, pulled her out and threw her to the ground on the parkway. Commander Shaughnessy described Leticia's demeanor as upset and angry. She did not think that Leticia was intoxicated or under the influence of drugs.

Everyone was relocated to the station. Leticia and Kurt were separated. Commander Shaughnessy stated that prior to her conversation with the Kaner's [REDACTED] she heard Leticia tell him, "remember, [REDACTED] hit [REDACTED]." Commander Shaughnessy did not know if Leticia said this to help her [REDACTED] remember or was telling him what to say. She talked to [REDACTED] who stated that his [REDACTED] were arguing and hitting each other while Kurt was driving. [REDACTED] said that his [REDACTED] stopped the car and [REDACTED] crossed over to the driver's seat. [REDACTED] continued to say that Kurt pulled Leticia out of the car. [REDACTED] could not recall any other details of the incident and the interview concluded.

Commander Shaughnessy and her officers determined that Leticia was the aggressor and placed her under arrest. Kurt appeared to have more serious injuries than Leticia, and his account appeared to be truthful. Commander Shaughnessy called Chicago Police Department and notified Leticia's supervisor of the incident and the arrest.

In a statement to COPA on April 11, 2018, **Officer Leticia Kaner**¹⁰ stated that she and Officer Kurt Kaner have been married for over nine years and have a son together, [REDACTED] [REDACTED] at the time of the statement). On July 19, 2015, Leticia, Kurt and [REDACTED] went to a BBQ party hosted by her friend, [REDACTED] several blocks from Elm and Greenwood, in Park Ridge, Illinois.¹¹ They arrived at the party around 7:00 pm and left at approximately midnight. Leticia drank several glasses of wine while at the party, however she did not know if her [REDACTED] had any alcoholic beverages since he was driving. They left the party, and while driving home, they argued about her shirt being low and revealing. While Kurt was still driving, the verbal argument escalated into a physical altercation, where they struck each other about the face and body. Kurt stopped and exited the vehicle, and attempted to pull her out of the vehicle. Leticia moved over to the driver side seat and tried to lock the doors, but she was not successful. Kurt opened the passenger door, grabbed and pulled Leticia out of the vehicle, causing her to fall onto the pavement. As a result, Leticia struck her head against the pavement, sustained other injuries and sprained her ankle.

Leticia kicked Kurt as a defensive tactic when Kurt pulled and dragged her out of the vehicle, and struck her in the face while in the car and on the ground. Leticia admitted that she struck Kurt during their altercation and that she called Park Ridge Police for assistance. However, Leticia could not recall what she said to the Park Ridge 911 dispatcher. She denied being under

⁹ Att. 41, page 31.

¹⁰ Atts. 73 (audio) and 80 (transcript).

¹¹ Officer Kaner could not recall [REDACTED] address.

the influence of drugs. Leticia said she was drinking and may have been buzzed, but she did not believe that she was intoxicated. Leticia stated that she was upset, in shock and emotional about her altercation with Kurt. She could not recall all the details of her conversations with various Park Ridge police officers.

While at the Park Ridge Police Department, two African American, female Chicago Police Department members from I.A.D.¹² came and met with her. Leticia was interviewed about what happened and had her perform a breathalyzer test. She was told to take a deep breath and blow into the mouthpiece. Leticia blew into the breathalyzer, but no results came out. She heard the I.A.D. officers talking about how the machine had been having problems and was not working. The I.A.D. officers were doing something to the machine, but Leticia could only see that they changed the mouthpiece. Leticia said that after the I.A.D. officers attempted the breathalyzer and did not get any results; she and the officers were told by Park Ridge officers that Leticia had to be taken to court. On the second court date, the charges against her were dropped.

In a statement to COPA on August 24, 2018, **Officer Kurt Kaner**¹³ discussed the incident with his wife, Leticia, which occurred in the early morning hours of July 20, 2015. Kurt stated that while driving home and during the verbal altercation with Leticia, she struck him about the chest and upper body in order to get him to stop arguing. Kurt struck Leticia back. They went back and forth striking each other about the face and body with open hand strikes while Kurt was still driving. Kurt stopped the vehicle and exited. Kurt had the car keys in his hand and somehow the keys flew out of his hand and into the grass. Kurt could not recall how the keys ended in the grass whether it was due to his haste to exit the vehicle or if Leticia struck his hand causing the keys to fly out of his hand. Leticia climb to the driver's seat and tried to close the driver's side door. Kurt opened the passenger side door, grabbed Leticia by the arms and pulled her out of the vehicle. Leticia resisted and fought back from being pulled out of the car by using her feet and pushing Kurt away. During this back and forth between them, [REDACTED] (of age at the time) who was seated in the rear passenger side, yelled at them to stop, however they did not. As Kurt pulled Leticia out of the vehicle, she fell onto the ground causing an injury to her ankle and possibly the shoulder as he later saw an abrasion on Leticia's shoulder. Kurt said that Leticia got up, took [REDACTED] out of the vehicle and walked away from him. Leticia called the police and Park Ridge Officers responded.

Kurt informed a male officer of the incident and they were all taken to the Park Ridge Police Station. At the station, Kurt and Leticia were kept in separate rooms. They were re-interviewed at the station by the officers then Kurt was informed that Leticia was going to be arrested. Kurt sustained a cut and puffiness to his eyes and a cut to his chin due to the altercation. Kurt stated that Leticia sustained an abrasion to her elbow, red mark and swelling to her ankle, and a bruise on her cheek bone and possibly an abrasion to her shoulder. Photographs were taken by the Park Ridge officers of their injuries. Kurt denied being intoxicated or that Leticia was intoxicated. Kurt denied dragging Leticia while she was on the grass but confirmed that he pulled Leticia out of the vehicle causing her to fall onto the pavement. Kurt denied punching Leticia on the face or that she punched him on the face. However, he confirmed that they struck each other about the face and body with open hand strikes while driving and in the vehicle. Kurt could not

¹² The Internal Affairs Division, now known as the Bureau of Internal Affairs (BIA).

¹³ Atts. 78 (audio) and 102 (transcript).

explain why the Park Ridge reports documented that he admitted that Leticia was intoxicated. Kurt did not sign a criminal complaint against Leticia. The case against her was tossed out.

In a statement to IPRA on November 22, 2016, **Sergeant Davina Ward**¹⁴ stated that on July 20, 2015, at approximately 4:05 am, Sgt. Nakia Fenner received notification from CPIC¹⁵ regarding the arrest of Officer Leticia Kaner for a Domestic Battery in Park Ridge, Illinois. Upon arrival at the Park Ridge Police Department, they waited 30 – 45 minutes before they met several officers, who provided them with their completed police reports regarding the arrest of Leticia. Sgt. Ward said that she and Sgt. Fenner received and read the reports before proceeding.¹⁶ One of the officers informed Sgt. Fenner and Sgt. Ward that Leticia admitted to them that she had been drinking. The officer told them the reasons PO Leticia Kaner was arrested, which was due to the injuries sustained by the victim, Kurt. The victim, Kurt Kaner, is the husband of PO Leticia Kaner and was not at the Park Ridge Police station upon their arrival. Sgt. Ward and Sgt. Fenner read the police reports and contacted their supervisor, Lt. Gregory Klichowski¹⁷ from BIA. They informed Lt. Klichowski what they were informed by a Park Ridge Police personnel about Leticia admitting that she had been drinking. Lt. Klichowski advised them to proceed with a Breathalyzer test. Sgt. Ward and Sgt. Fenner proceeded to see Leticia and explained to her that she was going to be released of her police powers.

Sgt. Ward described Leticia to be upset and crying but sitting quietly. Sgt. Ward said that Leticia did not appear to be intoxicated at the time of their meeting or testing. Sgt. Ward did not smell any alcohol on Leticia, did not detect slurred speech, but said that Leticia's eyes were red. However, Sgt. Ward said the redness to Leticia's eyes could be the result of her crying or being upset. Sgt. Ward indicated that Sgt. Fenner initiated the test, asked Leticia to blow into the machine. Leticia blew into the machine; however, she provided an insufficient breath sample. The test was conducted three times and each of the results were void due to insufficient breath. Sgt. Ward explained that insufficient breath occurs when the person is not providing enough breath to get a reading from the machine. This could be due to breathing problems, medical history or intentionally not blowing properly. Sgt. Ward admitted that neither she or Sgt. Fenner asked Leticia if she had any breathing problems or any other medical impairments that impeded her from properly blowing into the breathalyzer machine. Further, she did not know if Leticia intentionally did not blow properly. After receiving three voids from Leticia for not providing enough breath, Sgt. Ward and Sgt. Fenner contacted Lt. Klichowski at BIA and informed him of the results. Lt. Klichowski advised them to wrap up their investigation and to return to the office. Sgt. Ward indicated that since there was no allegation of intoxication just the domestic battery arrest, they ended the testing and left Park Ridge.

Sgt. Ward could not recall if a direct order was or not given to Leticia about providing enough breath. However, she said that it was not documented in the Synoptic Report or any other report if one had been given. Sgt. Ward said that an Administrative Alcohol / Drug Influence Report (AADI) was not completed for this incident because it was not required. She said the results

¹⁴ Atts. 59 (audio) and 81 (transcript).

¹⁵ CPIC is the Crime Prevention and Information Center for the Chicago Police Department.

¹⁶ Att. 81, pages 14, 43. Sgt. Ward subsequently stated that she did not look at the reports prior to their contact with Leticia Kaner but did so after leaving the Park Ridge Police Department. (Att. 81, pages 70-71).

¹⁷ Lt. Klichowski retired from the Chicago Police Department.

of the 20-minute observation test were not detailed in the Synoptic Report or the Administrative Alcohol/Drug Influence Report. However, Sgt. Ward stated that the AADI report is usually completed if there is an allegation of intoxication or driving under the influence (DUI) where a department member is or will be arrested for that offense. She further related that a Notification of Charges/Allegations and an Administrative Rights forms were not presented to Leticia. Sgt. Ward indicated that when she had responded to incidents where she had to release an officer of their police powers, she did not present them with allegations for the arrest.

Sgt. Ward continued that no urine specimen was collected from Leticia, and no visual examination was conducted. Leticia told her and Sgt. Fenner that her ankle was hurting. They confirmed with the Park Ridge Police Department that medical attention was given to Leticia. The Park Ridge Officers confirmed that paramedics responded, and they provided Leticia a bag of ice for her ankle, since Leticia refused any further medical treatment. Sgt. Ward confirmed that neither she or Sgt. Fenner made observations regarding Leticia's injuries or conducted any preliminary investigation regarding Leticia's arrest. Sgt. Ward also confirmed that when Leticia attempted to talk about the details of her domestic incident with her husband, she told Leticia that she had to refrain from talking to them about the incident because they were there only to strip her of her police powers. Sgt. Ward stated that neither she nor Sgt. Fenner saw or spoke with Kurt and they did not know or ask of his whereabouts.

In statements¹⁸ to COPA on December 4, 2019,¹⁹ and March 10, 2020,²⁰ **Sergeant Nakia Fenner** gave a similar account as Sgt. Ward regarding their response on July 20, 2015, to the Park Ridge Police Department, her contact with Park Ridge Police personnel and their contact with PO Leticia Kaner. Sgt. Fenner was notified by CPIC that an officer was arrested, and she responded to verify that the member was in fact a Chicago Police Officer. Sgt. Fenner could not recall the specifics of conversations with Park Ridge personnel, Sgt. Ward or Leticia. At some point while at Park Ridge Police Department, Sgt. Fenner received the Park Ridge police reports, spoke with Park Ridge Police Department officers, learned that Leticia had admitted to drinking alcohol, and that Park Ridge officers believed that she was intoxicated. Although she does not remember what time she received the reports from Park Ridge, Sgt. Fenner was able to review them once she had them. Sgt. Fenner decided to conduct a breathalyzer test on Leticia. Sgt. Fenner did not recall anybody instructing her to do so. Sgt. Fenner did not consider herself to be an experienced breath test operator and thought that she may have administered a breathalyzer prior to this incident. Although she said that she received no training for giving breathalyzer tests when she was assigned to BIA, she did acknowledge that she received training at the academy and received her certification as a breath test operator on October 23, 2014. Sgt. Fenner conducted a 20-minute observation period beginning at 7:31 am, to make sure that Leticia did not put anything in her mouth. Sgt. Fenner administered three breathalyzer tests starting at 7:57 am, each ended with an insufficient breath sample from Leticia.

Sgt. Fenner explained that Leticia was aware of what to do and was cooperative. However, Sgt. Fenner explained that she did not ask Leticia if she had any breathing problems, impairments

¹⁸ It was discovered after Sgt. Fenner's statement on December 4, 2019, that the audio recording was partially corrupt. Therefore, a second statement was necessary and took place on March 10, 2020.

¹⁹ Atts. 100 (audio) and 103 (transcript).

²⁰ Atts. 104 (audio) and 111 (transcript).

or medical conditions that could interfere with the breathalyzer test. Sgt. Fenner did not know and did not believe Leticia to be purposely not giving enough breath. Sgt. Fenner believed the machine was working properly, but she did not believe she checked the machine for any malfunctions. Sgt. Fenner stated that after receiving three insufficient breaths from Leticia, she notified her supervisor, Lt. Gregory Klichowski at BIA. Sgt. Fenner told Lt. Klichowski of the breathalyzer test results. She could not recall any further instructions from Lt. Klichowski other than to return to the office.

Sgt. Fenner did not recall serving Leticia with any documents. Sgt. Fenner said when a Department member is in the custody of another police department, as was the case in PO Leticia Kaner's situation, Special Order S08-01-02 does not apply, the member cannot be served with anything, and the BIA officers are not required to do anything or present the member with anything. . She did not serve Leticia with allegations for intoxication or for being arrested for domestic battery because it was not her responsibility to serve Leticia the allegations. Sgt. Fenner continued to state that the order does not require her to give allegations to Leticia for the arrest of domestic battery because she was arrested outside of city limits. Sgt. Fenner further placed the responsibility of serving allegations to Leticia on IPRA, now COPA, and / or BIA Investigators. When asked, Sgt. Fenner explained that she was responsible for serving allegations only when an officer is arrested in Chicago, arrested for a DUI and / or when there are allegations of intoxication as the reason for her response. She further explained that she may serve these documents where a sworn affidavit has been signed and obtained. Although Park Ridge personnel and their police reports indicated that Leticia was intoxicated, Sgt. Fenner did not have a signed sworn affidavit from them complaining of Leticia's intoxicated state. Sgt. Fenner indicated that allegations of intoxication are given to a Chicago Police Officer only when it is received from a Department member or when a signed sworn affidavit is obtained.

Sgt. Fenner instructed Leticia to return her police equipment later that afternoon. Sgt. Fenner denied all the allegations made against her, but she agreed that officers have to abide by the Department's Directives, Rules and Regulations whether they are on or off duty. Sgt. Fenner further stated that intoxication is not illegal and the incident with Leticia occurred outside the City of Chicago limits. Sgt. Fenner stated that, due to the fact that Leticia was arrested outside of Chicago by a suburban agency, she was not responsible for completing the steps or the reports alleged in the allegations or described in Special Order 08-01-02. Sgt. Fenner stated that because Leticia was in the custody of another agency, they could not serve her with allegations.²¹ Sgt. Fenner said that she did not respond to a call regarding allegations of intoxication or a DUI, therefore Special Order 08-01-02 did not apply to Leticia's incident. Sgt. Fenner further indicated that the Administrative Alcohol / Drug Influence report is usually completed for incidents where officers are involved in allegations of intoxication, police-involved shootings and / or driving under the influence (DUI). Sgt. Fenner continued to say the Administrative Alcohol / Drug Influence Report was not required for Leticia Kaner's incident because she was arrested outside of City of Chicago jurisdiction. Sgt. Fenner further added that the allegation she was responding to was for an arrest of a Department member for domestic battery, not intoxication, and it would have been a violation of Leticia's rights for Sgt. Fenner to give her allegations, question her about the incident or her intoxication. Sgt. Fenner did not conduct a preliminary investigation on the incident because she would have violated Leticia's criminal rights. She placed the responsibility

²¹ Att. 111, page 39, lines 16-17.

on the Park Ridge Police Department to conduct the preliminary investigation for the criminal investigation. Sgt. Fenner did not see or speak with Kurt, did not recall any injuries to Leticia or any other details of her appearance or demeanor. Sgt. Fenner denied the allegations against her and further added that she did not fail to complete the steps outlined in Special Order 08-01-02 because they were not required by the Department for this incident. Finally, when asked of Lt. Fenner if she ever served PO Leticia Kaner allegations for being arrested after she was released from Park Ridge Police Department and before or after she was stripped of her police powers, Lt. Fenner indicated no and remained with her answer that it was not a requirement on her part.

b. Physical Evidence

The **Emergency Communications Center**²² for Park Ridge, IL, documented a call from Officer Leticia Kaner where she requested police assistance due to an altercation with her husband. Leticia told the dispatcher that her husband punched her on the face and pulled her out of the vehicle. Leticia also said that she sustained a scrape on her arm. Leticia told the dispatcher that she and her husband, Kurt, were intoxicated. When asked by the Park Ridge 911 dispatcher if drugs and alcohol were involved, and if they had taken them, and Leticia said yes to both questions.

The **Ambulance Report**²³ from Advocate Lutheran General EMSS for the Park Ridge Fire Department, documented that they were dispatched to the Park Ridge police station at 4:00 a.m. and treated Leticia. Leticia told the paramedics that she was involved in a domestic dispute and suffered an ankle injury while she was dragged out of her car. Leticia indicated that the ankle was the only injury and refused to go to the hospital. The report documented that Leticia admitted to alcohol use. The ambulance report documented that Leticia had appropriate motor responses and speech.

Photographs taken by Park Ridge Police Department of Officer Kurt Kaner²⁴ show abrasions, bruising and bumps under his right and left eyes. An abrasion is also observed on his chin. The photographs of Officer Leticia Kaner²⁵ depicted an abrasion to one of her elbows, swelling to her ankle and a minor bruise to her right cheek under her eye.

c. Documentary Evidence

The **Initiation Report**²⁶ of Commander Allison J. Schloss documented that she was notified by Sergeant Angel Romero of the Marine Unit, that he had received a telephone call from Commander Shaughnessy of the Park Ridge Police Department. Sgt. Romero was informed that a member of the Marine Unit (Officer Leticia Kaner) had been arrested for domestic battery. The report documented that Officer Molesky of CPIC²⁷ obtained the Log number after receiving the notification of the incident from Commander Shaughnessy from the Park Ridge Police Department.

²² Atts. 28 (audio), 101 (transcript).

²³ Att. 31.

²⁴ Att. 25.

²⁵ Att. 26.

²⁶ Att. 4.

²⁷ CPIC also known as the Crime Prevention and Information Center.

The **Arrest Report**²⁸ of Officer Leticia Kaner from Park Ridge Police Department documented that she was arrested for domestic battery. The Lockup Keeper Processing section noted that there was obvious pain or injury to the left elbow, left cheek and right ankle. The report also indicated that Officer Leticia Kaner admitted to drinking, was under the influence of alcohol/drugs, and had the odor of alcohol on her breath. In the victim's section, the report documented Officer Kurt Kaner's name and that he had bruising to both of his eyes.

The **Synoptic Report**²⁹ authored by Sgt. Nakia Fenner documented that she was notified by Officer Molesky from CPIC. Commander Shaughnessy of Park Ridge Police Department notified CPIC that Officer Leticia Kaner was arrested for a domestic battery. Sgt. Fenner and Sgt. Ward responded to Park Ridge Police Department and stripped Leticia of her police powers. The synoptic report further documented that Park Ridge police reports documented that Leticia admitted to consuming alcohol prior to the incident and it was noted that Park Ridge police officers detected a strong odor of alcohol on her breath. At 7:31 a.m., Sgt. Fenner began the 20-minute observation period, and the BAC (breathalyzer) test was administered at 7:57 a.m. However, the breath test was void on three different occasions due to insufficient breath. Leticia was instructed to report to BIA to return her star, shield, and police identification card.

The **Notification of Duty Restrictions**³⁰ report documented that Officer Leticia Kaner is not to carry a firearm or any other weapon, not to exercise the power of arrest or any other police power bestowed upon her employment and it documented other restrictions.

Three separate **Breathalyzer Tests Results**³¹ showed that all three test results were void. The results were signed off by Sgt. Fenner and witnessed by Sgt. Ward.

The **Supplementary Report**³² authored by **Park Ridge Officer Frank Lauria** documented that he, Officer Koller and Juárez responded to Greenwood and Elm for a domestic incident that started in a vehicle. Officer Leticia Kaner was out of the vehicle walking with [REDACTED] and she informed Officer Lauria that an argument ensued with her husband Officer Kurt Kaner after they left a party in Park Ridge. Leticia told Officer Lauria that the argument escalated into a physical altercation and Kurt punched her multiple times about the face. Kurt stopped the car, tried to push her out of the car, but was unable to do so. Kurt exited the car and pulled Leticia out of the car from the passenger side. Leticia fell to the ground and Kurt punched her multiple times about the face. Kurt attempted to leave Leticia but was unable to drive off because she had taken the car keys and thrown them in the grass. When Officer Juarez approached Officer Lauria and Leticia, Officer Juarez informed Officer Lauria of Kurt's injuries to his face. Leticia changed her story and told them that she had removed the car keys while the car was still moving then threw them out of the passenger side. Initially Leticia did not admit to striking Kurt, but later admitted that she struck and kicked Kurt while she was on the ground. Leticia took [REDACTED] out of the vehicle and walked away from Kurt. Officer Lauria

²⁸ Atts. 6, 16.

²⁹ Att. 7.

³⁰ Att. 8.

³¹ Att. 9.

³² Att. 13.

documented injuries to Leticia's elbow, ankle and left side of her face. However, Leticia declined medical attention. Leticia was later placed under arrest for domestic battery. Officer Lauria noted in his report that Leticia admitted to drinking alcohol. He included that she appeared to be intoxicated and detected a strong odor of alcohol on her breath, mumbled speech and watery, red eyes on Leticia. Officer Lauria was not sure if the watery, red eyes were from alcohol or from her being upset.

The **Supplementary Report**³³ authored by **Park Ridge Officer Jeffrey Koller** documented a similar account as Officer Lauria but indicated that he and Officer Juarez spoke with Officer Kurt Kaner. Officer Koller documented that Kurt appeared to have been drinking. Kurt told them that he became upset with Leticia because she was talking to other men at the party and her shirt had ripped causing her left breast to be exposed. They left the party and while driving home, Leticia punched him about the face and kicked him about his legs. Kurt was driving during the altercation and tried to defend himself from Leticia's strikes. Kurt admitted that he may have struck Leticia about the head or face when he was defending himself. Kurt admitted that his wife was intoxicated. Kurt stopped the vehicle and exited to stop Leticia from striking him. Leticia climbed into the driver's seat and attempted to leave Kurt; however, he had the key. Leticia refused to get out of the driver's seat and Kurt grabbed and removed her from the vehicle causing her to fall onto the pavement. Kurt went back inside the car, tried to leave with [REDACTED] but he and Leticia continued the verbal altercation. Kurt stopped the vehicle and, in the haste to exit his vehicle, his car key flew from his hand into the parkway grass area which later he located. Leticia took [REDACTED] out of the vehicle, walked away from Kurt and called the police.

Kurt told Officer Koller that he did not want Leticia arrested and refused to sign a complaint. Officer Koller documented that Kurt sustained a cut and a bump under his left eye, a cut under the right eye and to his chin. Kurt complained of blurred vision to the right eye but refused medical attention. Due to the conflicting accounts, everyone was taken to the police station. Commander Shaughnessy responded to the scene and interviewed [REDACTED] at the station. Photos were taken of Kurt and Leticia's injuries. After the conclusion of all the interviews, Leticia was placed under arrest for domestic violence. Kurt and his [REDACTED] were given a ride [REDACTED] by Commander Shaughnessy. Officer Koller checked on Leticia and called for an ambulance to provide her with a bag of ice for her ankle since she refused any further treatment.

The **Supplementary Report**³⁴ authored by **Park Ridge Commander Kathy Shaughnessy** documented that she met Leticia Kaner and [REDACTED] in the lobby area of the Park Ridge Police station. Commander Shaughnessy heard Leticia remind [REDACTED] that [REDACTED] hit [REDACTED]" Leticia told Commander Shaughnessy that Kurt stopped the vehicle during an altercation, exited the vehicle, opened the passenger side door, grabbed and dragged Leticia onto the parkway grass area. While on the ground, Kurt struck Leticia several times. After obtaining permission from Leticia to interview [REDACTED] he told Commander Shaughnessy that [REDACTED] were arguing and hitting each other while [REDACTED] was driving. [REDACTED] stated that [REDACTED] got out of the car and [REDACTED] moved over to the driver's seat. [REDACTED] stated that [REDACTED] then removed [REDACTED] from the vehicle. [REDACTED] did not know what happened after that and the interview was terminated.

³³ Att. 15.

³⁴ Att. 14.

The **Misdemeanor Complaint**³⁵ documents that Officer Leticia Kaner was charged with the offense of Domestic Battery in that she knowingly and without justification, cause bodily harm to her husband, Kurt Kaner, by punching him in the face multiple times causing injury.

VII. 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 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.

VIII. ANALYSIS

a. **Allegations against Sergeant Nakia Fenner and Sergeant Davina Ward**

COPA finds that all of the **allegations (#1 - #11)** against **Sergeant Nakia Fenner** and **Sergeant Davina Ward**, are **Not Sustained**. In order to determine the outcome of each of the allegations against Sgt. Fenner and Sgt. Ward, COPA must analyze the applicability of Special Order S08-01-02(II)(E), which is a Department policy governing BIA responses to special situations involving allegations of misconduct, specifically allegations of impairment, while on or

³⁵ Att. 11.

off duty. According to the policy, these situations not only cover when a member is driving under the influence of alcohol (or drugs), but also to non-driving intoxication. Here, the evidence that Leticia Kaner was impaired or intoxicated essentially comes from Park Ridge Police Officer Lauria. He noted in his report that Leticia appeared intoxicated to him and followed up with the observations he made that led to his opinion: strong odor of alcohol on Leticia's breath, mumbled speech and watery, red eyes. He also noted that the eyes may have been the result of her being upset, as he observed her sobbing. When Officer Lauria gave a statement to IPRA, he spoke of the same observations, including the crying, and added that she was able to communicate her thoughts and stand on her own. No tests were administered to Leticia by Park Ridge officers to determine any level of intoxication and she was not arrested for any alcohol (or drug) related offenses. Sgt. Shaughnessy, who also responded to the Park Ridge scene that morning, had contact with Leticia both on the street and at the Park Ridge Police Station. Sgt. Shaughnessy told IPRA that she did not believe Leticia was intoxicated.

The information regarding the possible intoxication of Leticia, that was communicated to Sgts. Fenner and Ward is not clear. Both sergeants stated that they do not recall what was said to them by Park Ridge officers while at the Park Ridge Police Station. They did speak with some officers and received some reports, but at what point is not certain. The one officer who thought Leticia may be intoxicated, Officer Lauria, stated that he did not see any CPD officers at the station, so he did not provide any information to Sgt. Fenner or Sgt. Ward. At some point, Sgt. Fenner became aware that Leticia admitted drinking alcohol, and that someone thought Leticia appeared intoxicated.

Based on these facts and circumstances, COPA cannot conclude that an allegation of impairment or intoxication was actually made to Sgt. Fenner and Sgt. Ward. That being the case, and because neither sergeant made such an allegation, COPA cannot conclude that S08-01-02(II)(E) controls what actions should have been taken by Sgt. Fenner or Sgt. Ward. Because each of the allegations against both sergeants are premised on alleged acts or omissions falling within S08-01-02(II)(E), COPA finds each of the allegations to be not sustained.

b. Allegations against Officer Leticia Kaner

COPA finds that **Allegation #1 against Officer Leticia Kaner**, for engaging in an unjustified verbal altercation, is **Not Sustained**. The evidence of this allegation comes primarily from the statements of Leticia and Kurt Kaner, and it does establish that Kaners argued in their vehicle. Furthermore, it is clear that the argument was regarding Leticia's clothing. What is not clear, is what words were used, or whether there were any threats, profanity, insolence, disrespectful or demeaning language being used. COPA is unable to determine if this argument was an act of verbal maltreatment. The mere conclusion that an argument took place is insufficient for COPA to determine, even by a preponderance, that it amounted to an unjustified verbal altercation. Therefore, COPA finds this allegation to be not sustained.

COPA finds that **Allegations #2 - #3 against Officer Leticia Kaner**, for punching and kicking Kurt Kaner, are **Sustained**. Leticia admitted that she the argument with her husband, Kurt, escalated into a physical altercation between them. Leticia admitted that she struck and kicked

Kurt, claiming it was to defend herself from his strikes against her. She provided her account of the details of the incident to Park Ridge Police Officers and in her statement to COPA. In Commander Shaughnessy's supplementary report and in her statement to COPA, Commander Shaughnessy said that ██████ the Kaner's ██████ told her that ██████ struck each other during the altercation. Kurt claimed that he was struck by Leticia during the altercation and received injuries as a result of the altercation. Therefore, due to the preponderance of evidence, COPA finds that these allegations occurred and are sustained.

COPA finds **Allegations #4** against **Officer Leticia Kaner**, that she was intoxicated, is **Not Sustained**. Although one Park Ridge Officers and one of their police reports documented that Leticia displayed signs of being under the influence of alcohol, and she had admitted to drinking, the results of the breathalyzer test conducted by Sgt. Fenner, were inconclusive because of the insufficient breath. Even if the breathalyzer would have provided a breath-alcohol level, the delay of approximately seven hours from the time the Park Ridge Police Department responded until the time Sgt. Fenner administered the test, would have likely affected the meaningfulness of the results of intoxication seven hours earlier. Leticia denied being intoxicated and her account was supported by her husband as well as Sgt. Shaughnessy. Although, the 911 transmission captured Leticia admitting that she and Kurt were under the influence of drugs and alcohol, that conversation appeared to be during a heightened level of excitement, with Leticia and the 911 operator talking over each other. Even considering the admission, there is insufficient evidence to support or refute the allegation. Therefore, COPA finds this allegation to be not sustained.

COPA finds **Allegation #5** against **PO Leticia Kaner** that she was arrested for domestic battery a finding of Not Sustained. Although PO Leticia Kaner was arrested for domestic battery, her case was dismissed in court. COPA further notes that it is sustaining the allegations for the conduct giving rise to the arrest, in finding this allegation not sustained.

c. Allegations against Officer Kurt Kaner

COPA finds that **Allegation #1 against Officer Kurt Kaner**, for engaging in an unjustified verbal altercation, is **Not Sustained**. For the same reasons stated in allegation #1 for Leticia Kaner, COPA reaches the same conclusion of not sustained.

COPA finds **Allegation #2** against **Officer Kurt Kaner**, that he punched PO Leticia Kaner about the head and face, is **Sustained**. In his statement to COPA, PO Kurt Kaner denied punching Leticia about the head and face. However, he said that they struck each other back and forth with open hand strikes. In his interview with Park Ridge Police officers, Kurt admitted to striking Leticia about the head and face during their altercation in the vehicle which was documented in their police reports. In her statement to COPA, Leticia accused Kurt of striking her about the head and face during their argument in the vehicle and after she was on the ground. In Commander Shaughnessy's supplementary report and in her statement to COPA, Cmdr. Shaughnessy said that ██████ the Kaner's ██████ told her that ██████ struck each other during the altercation. Therefore, due to the various documented accounts regarding Kurt's contact with Leticia, it is more likely than not that PO Kurt Kaner struck Leticia as alleged. Further support of this allegation comes from the photographs taken by Park Ridge Police Officers of their injuries, which showed swelling and bruising on Leticia's cheek and near her eye.

COPA finds **Allegation #3** against **Officer Kurt Kaner**, that he grabbed and pulled Officer Leticia Kaner out of the vehicle, is **Sustained**. In her statement to COPA, Leticia accused Kurt of committing these actions and Kurt admitted to committing them in his statement to COPA. These actions were also documented in the Park Ridge police reports, when Kurt was interviewed by Park Ridge Police Officers. Therefore, COPA finds this allegation to be sustained.

COPA finds **Allegation #4** against **Officer Kurt Kaner**, that he dragged Officer Leticia Kaner onto the parkway grass area, is **Not Sustained**. In her statement to COPA, Leticia accused Kurt of dragging her along the parkway. Kurt denied this allegation. In his statement to COPA, Kurt admitted that he pulled Leticia from the vehicle and that she fell onto the parkway grass area, however he denied dragging her. Due to the lack of evidence, there is insufficient facts and/or witnesses to support or refute the allegation.

COPA finds **Allegation #5** against **Officer Kurt Kaner**, that he was intoxicated, is **Not Sustained**. There is insufficient evidence, facts or witnesses to support or refute the allegation. Kurt denied the allegation and his account was supported by Leticia and Park Ridge Police Officers. There was no breathalyzer test or field sobriety tests conducted of Kurt.

IX. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Leticia Kaner

i. Complimentary and Disciplinary History

- 1. Complimentary:** Officer Leticia Kaner has received 8 Complimentary Letters, 13 Honorable Mentions, 2 Life Saving Awards, 3 Crime Reduction Ribbons / Awards (2004, 2009, 2019), 12 Emblems of Recognition (Physical Fitness), 1 NATO Summit Service Award, and 1 Presidential Election Deployment Award (2008).
- 2. Disciplinary:** Officer Leticia Kaner received a 4-day suspension in Log No. 1081328, for a 2016 matter that was sent to finance.

ii. Recommended Penalty, by Allegation

- 1. Allegation No. 2** COPA recommends that Officer Leticia Kaner receive a 10-day suspension, and counseling for both Domestic Violence and Anger-Management. Officer Kaner's actions were not merely defensive but were aggressive in nature. COPA has considered Officer Kaner's complimentary and disciplinary histories.
- 2. Allegation No. 3** COPA recommends that Officer Leticia Kaner receive a 10-day suspension, and counseling for both

Domestic Violence and Anger-Management. Officer Kaner's actions were not merely defensive but were aggressive in nature. COPA has considered Officer Kaner's complimentary and disciplinary histories.

b. Officer Kurt Kaner

i. Complimentary and Disciplinary History

- 1. Complimentary:** Officer Kurt Kaner has received 14 Complimentary Letters, 76 Honorable Mentions, 3 Department Commendations, 6 Life Saving Awards, 1 Unit Meritorious Performance Award, 3 Crime Reduction Ribbons / Awards (2004, 2009, 2019), 17 Emblems of Recognition (Physical Fitness), 1 Emblems of Recognition (Appearance), 1 NATO Summit Service Award, 1 Presidential Election Deployment Award (2008), 2 Attendance Recognition Awards, 1 Democratic National Convention Award.
- 2. Disciplinary:** Officer Kurt Kaner has one sustained finding on a SPAR, in which he was reprimanded on December 4, 2019, for failing perform assigned tasks.

ii. Recommended Penalty, by Allegation

- 1. Allegation No. 2** COPA recommends that Officer Kurt Kaner receive a 10-day suspension, and counseling for both Domestic Violence and Anger-Management. Officer Kaner's actions were not merely defensive but were aggressive in nature. COPA has considered Officer Kaner's complimentary and disciplinary histories.
- 2. Allegation No. 3** COPA recommends that Officer Kurt Kaner receive a 10-day suspension, and counseling for both Domestic Violence and Anger-Management. Officer Kaner's actions were not merely defensive but were aggressive in nature. COPA has considered Officer Kaner's complimentary and disciplinary histories.

X. CONCLUSION

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

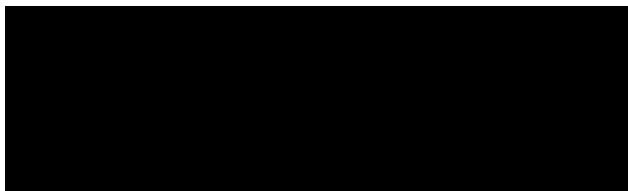
| Officer | Allegation | Finding / Recommendation |
|--|---|---------------------------------|
| Lieutenant Nakia M. Fenner | On or about July 20, 2015, at approximately 7:30 am, at or near 200 S. Vine, in Park Ridge, Illinois, Sgt. Nakia M. Fenner: | |
| | 1. Failed to conduct a thorough preliminary investigation relative to the arrest of Officer Leticia Kaner by the Park Ridge Police Department, in violation of Rule 3. | Not Sustained |
| | 2. Failed to comply with S08-01-02(II)(E)(4)(b) regarding Notification of Charges / Allegations and Administrative Rights of Officer Leticia Kaner, in violation of Rule 6; | Not Sustained |
| | 3. Failed to comply with S08-01-02(II)(E)(4)(c) by not completing an Administrative Alcohol / Drug Influence Report, relative to the arrest of Officer Leticia Kaner by the Park Ridge Police Department, in violation of Rule 6; | Not Sustained |
| | 4. Failed to comply with S08-01-02(II)(E)(4)(c)(1) regarding Field Sobriety Tests, relative to the arrest of Officer Leticia Kaner by the Park Ridge Police Department, in violation of Rule 6; | Not Sustained |
| | 5. Failed to comply with S08-01-02(II)(E)(4)(c)(2) regarding a visual examination, relative to the arrest of Officer Leticia Kaner by the Park Ridge Police Department, in violation of Rule 6; | Not Sustained |
| | 6. Failed to comply with S08-01-02(II)(E)(4)(c)(3) by not ordering Officer Leticia Kaner to submit to a breath test, in violation of Rule 6; | Not Sustained |
| 7. Failed to comply with S08-01-02(II)(E)(4)(c)(4) by not ordering Officer | Not Sustained | |

| | | |
|----------------------------------|--|---|
| | <p>Leticia Kaner to submit a urine specimen, in violation of Rule 6;</p> <p>8. Failed to comply with S08-01-02(II)(E)(4)(c)(6) by not ordering Officer Leticia Kaner to answer the questions in the “Interview” section of the Administrative Alcohol / Drug Influence Report, in violation of Rule 6;</p> <p>9. Failed to properly administer the breath test to Officer Leticia Kaner, in violation of Rule 3;</p> <p>10. Failed to give Officer Leticia Kaner allegations for impeding the breath test when Officer Kaner failed to properly blow into the machine, in violation of Rule 3. and</p> <p>11. Failed to complete all relevant reports regarding the lack of cooperation from Officer Leticia Kaner, in violation of Rule 5.</p> | <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> |
| <p>Lieutenant Davina F. Ward</p> | <p>On July 20, 2015, at approximately 7:30 am, at 200 S. Vine, in Park Ridge, Illinois, Sgt. Davina F. Ward:</p> <p>1. Impeded an Administrative Investigation, in that you failed to conduct a thorough preliminary investigation relative to the arrest of Officer Leticia Kaner by the Park Ridge, in violation of Rule 3;</p> <p>2. Failed to serve Officer Leticia Kaner with Notification of Charges/Allegations and Administrative Rights relative to her arrest by the Park Ridge Police, in violation of Rule 6;</p> <p>3. Failed to complete an Administrative Alcohol/Drug Influence Report relative to Officer Leticia Kaner, in violation of Rule 6;</p> <p>4. Failed to order Officer Leticia Kaner to complete “Field Sobriety Tests” and record the results on the Administrative Alcohol/Drug Influence Report, in violation of Rule 6;</p> | <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> |

| | | |
|-----------------------|---|--|
| | 5. Failed to order Officer Leticia Kaner to submit a visual examination and record the results on the Administrative Alcohol/Drug Report, in violation of Rule 6; | Not Sustained |
| | 6. Failed to properly administer the B.R.A.C Test to Officer Leticia Kaner, in violation of Rule 6; | Not Sustained |
| | 7. Failed to give Officer Leticia Kaner a direct order to provide proper breath for the breathalyzer test following three attempts identified as insufficient breath, in violation of Rule 6; | Not Sustained |
| | 8. Failed to give Officer Leticia Kaner allegations of impeding with the breathalyzer test when she failed to properly blow into the machine, in violation of Rule 3; | Not Sustained |
| | 9. Failed to order Officer Leticia Kaner to submit to a urine specimen based on inconclusive test results (i.e. insufficient breath), in violation of Rule 6; | Not Sustained |
| | 10. Failed to order Officer Leticia Kaner to answer questions in the “interview” section of the Administrative/Drug Influence Report and record the results, in violation of Rule 6; | Not Sustained |
| | 11. Failed to complete all relevant reports regarding the lack of cooperation from Officer Leticia Kaner, in violation of Rule 5. | Not Sustained |
| Officer Leticia Kaner | On July 20, 2015, at 0040 hours, in the vicinity of Elm and Greenwood, in Park Ridge, Illinois, Officer Leticia Kaner: | |
| | 1. Engaged in an unjustified verbal altercation with Officer Kurt Kaner, in violation of Rule 9. | Not Sustained |
| | 2. Punched Officer Kurt Kaner about the face, in violation of Rule 8. | Sustained / 10-Day Suspension and Counseling |

| | | |
|------------------------------|--|--|
| | <p>3. Kicked Officer Kurt Kaner about the legs, in violation of Rule 8.</p> <p>4. Was intoxicated, in violation of Rule 15.</p> <p>On July 20, 2015, at 0040 hours, at 200 S. Vine, in Park Ridge, Illinois, Officer Leticia Kaner:</p> <p>5. Was arrested for Domestic Battery, in violation of Rule 1.</p> | <p>Sustained / 10-Day Suspension and Counseling</p> <p>Not Sustained</p> <p>Not Sustained</p> |
| <p>Officer Kurt G. Kaner</p> | <p>On July 20, 2015, at 0040 hours, in the vicinity of Elm and Greenwood, in Park Ridge, Illinois, Officer Kurt Kaner:</p> <p>1. Engaged in an unjustified verbal altercation with Officer Leticia Kaner, in violation of Rule 9.</p> <p>2. Punched Officer Leticia Kaner about the head and face, in violation of Rule 8.</p> <p>3. Grabbed and pulled Officer Leticia Kaner out of the vehicle, in violation of Rule 8.</p> <p>4. Dragged Officer Leticia Kaner onto the parkway grass area, in violation of Rule 8.</p> <p>5. Was intoxicated, in violation of Rule 15.</p> | <p>Not Sustained</p> <p>Sustained / 10-Day Suspension and Counseling</p> <p>Sustained / 10-Day Suspension and Counseling</p> <p>Not Sustained</p> <p>Not Sustained</p> |

Approved:



Angela Hearts-Glass
 Deputy Chief Administrator – Chief Investigator

6-12-2020

Date

Appendix A

Assigned Investigative Staff

| | |
|------------------------------------|---------------------|
| Squad#: | 5 |
| Investigator: | Maira Webb |
| Supervising Investigator: | Loren Seidner |
| Deputy Chief Administrator: | Angela Hearts-Glass |