

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	June 2, 2018
Time of Incident:	Approximately 1:30 p.m.
Location of Incident:	At or near 5968 S. Archer Avenue, Chicago, IL
Date of COPA Notification:	July 17, 2018
Time of COPA Notification:	11:54 a.m.

On June 2, 2018, at approximately 1:30 p.m., at or near 5968 S. Archer Avenue, [REDACTED] ([REDACTED] and off-duty Chicago Police Department (“CPD”) Officer Michelle Sanchez (“Officer Sanchez”) were involved in a minor traffic accident. Following the accident, [REDACTED] accused Officer Sanchez of pushing [REDACTED] on the back during an exchange of information. [REDACTED] further alleged that Officer Sanchez’s boyfriend, off-duty Officer Dominik Drozdel (“Officer Drozdel”), arrived and threatened [REDACTED] with arrest without justification.

II. INVOLVED PARTIES

Involved Officer #1:	Police Officer Michelle Sanchez, Star #5789, Employee # [REDACTED], DOA: April 2, 2007, DOB: [REDACTED], 1982, Female/Hispanic
Involved Officer #2:	Police Officer Dominik Drozdel, Star #10781, Employee # [REDACTED], DOA: June 4, 2007, DOB: [REDACTED], 1984, Male/White
Involved Officer #3:	Police Michael Vargas, Star #9300, Employee # [REDACTED], DOA: September 1, 201, DOB: [REDACTED], 1982, Male/Hispanic
Involved Officer #4:	Police Officer Vincent Lombardo, Star #19450, Employee # [REDACTED], DOA: October 25, 1995, DOB: [REDACTED], 1969
Involved Individual #1:	[REDACTED] DOB: [REDACTED] 1948, Female/White

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Michelle Sanchez	<p>It is alleged by ██████████ that on or about June 2, 2018, at approximately 1:30pm, at or near 5968 S. Archer Avenue, Chicago, Illinois, Officer Michelle Sanchez committed misconduct through the following acts or omissions:</p> <p>1. Engaged in an unjustified physical altercation with ██████████</p>	Not Sustained
Officer Dominik Drozdel	<p>It is alleged by ██████████ that on or about June 2, 2018, at approximately 1:30pm, at or near 5968 S. Archer Avenue, Chicago, Illinois, Officer Dominik Drozdel committed misconduct through the following acts or omissions:</p> <p>1. Threatened to arrest ██████████ without justification.</p>	Exonerated
Officer Michael Vargas	<p>It is alleged by COPA Inv. Sanders that on or about June 2, 2018, at approximately 1:30pm, at or near 5968 S. Archer Avenue, Chicago, Illinois, Officer Michael Vargas committed misconduct through the following acts or omissions:</p> <p>1. Failed to report a complaint of misconduct as required by CPD General Order G08-01-02, II., B., 1., Specific Responsibilities Regarding Allegations of Misconduct.</p>	Sustained/5-Day Suspension
Officer Vincent Lombardo	<p>It is alleged by COPA Inv. Sanders that on or about June 2, 2018, at approximately 1:30pm, at or near 5968 S. Archer Avenue, Chicago, Illinois, Officer Vincent Lombardo committed misconduct through the following acts or omissions:</p> <p>1. Failed to report a complaint of misconduct as required by CPD General Order G08-01-02, II., B., 1., Specific Responsibilities Regarding Allegations of Misconduct.</p>	Sustained/5-Day Suspension

	2. Failed to record a law enforcement activity as required by CPD Special Order, S03-14, Body worn Cameras.	Sustained/ Violation Noted
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IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 6, “Disobedience of an order or directive, whether written or oral.”
2. Rule 8, “Disrespect to or maltreatment of any person, while on or off duty.”
3. Rule 9, “Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.”

General Orders

1. General Order G03-02-01 – Use of Force
2. General Order G08-01-02, II., B., 1. – Specific Responsibilities Regarding Allegations of Misconduct

Special Orders

1. Special Order S03-14, Body Worn Cameras

V. INVESTIGATION¹

a. Interviews

██████████

██████████ submitted a letter of complaint to COPA dated June 2, 2018. COPA investigators interviewed ██████████ on July 20, 2018. ██████████ provided the same account in the letter and during her COPA interview. In summary, ██████████ stated that following the accident, Officer Sanchez gave ██████████ her cell phone to retrieve her insurance information. ██████████ placed Officer Sanchez’s cell phone on the front seat of her vehicle. As ██████████ was writing down Officer Sanchez’s insurance information, Officer Sanchez started yelling, accused ██████████ of stealing her phone, and pushed ██████████ on the back/shoulder, causing ██████████ to fall forward, towards her vehicle, and strike her forehead on her outside front mirror. Officer Sanchez retrieved her phone from ██████████ vehicle, walked back toward her vehicle, and called someone. A male arrived (now known to be Officer Drozdel) and called the police. Officer Drozdel (speaking Polish) accused ██████████ of attempting to steal Officer Sanchez’s phone and threatened to arrest ██████████. Officers Vargas and Lombardo arrived. ██████████ told the officers that Officer Sanchez pushed her. Officers Vargas and Lombardo told ██████████ that they only cared about the accident and asked ██████████ for her driver’s license and

¹ COPA conducted an investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

insurance card. Officers Vargas and Lombardo walked away and spoke with Officers Sanchez and Drozdel. ██████ stated that the officers gave her an information exchange card.²

Officer Michelle Sanchez

During a statement with COPA investigators taken on August 13, 2019, Officer Sanchez told investigators that on the day of the incident ██████ caused the accident by sideswiping the front bumper of her vehicle.³ Following the accident, a verbal exchange occurred, in which ██████ yelled at Officer Sanchez in Polish and in English and pointed her finger at Officer Sanchez. Officer Sanchez repeatedly told ██████ to calm down. An unknown male onlooker also told ██████ to calm down. Officer Sanchez attempted to exchange information with ██████ but ██████ continued to yell at Officer Sanchez. Officer Sanchez called the 008th District Station, identified herself as an off-duty police officer and requested police assistance. Officer Sanchez displayed her driver's license and retrieved her insurance information from her cell phone. ██████ took Officer Sanchez's cell phone and walked to her vehicle. Officer Sanchez followed ██████ while telling ██████ to return her phone. ██████ opened her driver's door and was in the process of sitting down,⁴ when Officer Sanchez reached in toward ██████ again told ██████ to return her phone and took her phone from ██████⁵ Officer Sanchez walked away and called "911" to request assistance.⁶

██████ yelled at Officer Sanchez while they waited for the police to arrive, and also during a call that Officer Sanchez made to Officer Drozdel.⁷ Officer Drozdel arrived with their five-year-old son and identified himself to ██████ as an off-duty Chicago Police Officer.⁸

Officers Vargas and Lombardo arrived. ██████ approached Officer Lombardo and told him that Officer Sanchez pushed her. Officer Sanchez told Officer Vargas that she did not push ██████ Officer Sanchez explained that she grabbed her phone from ██████ and wanted a report to document the accident. Officer Sanchez did not hear any of the other verbal exchange between ██████ and Officer Lombardo.⁹

² Atts. 4 and 11.

³ Officer Sanchez was driving a 2016 Dodge Ram 1500 truck. ██████ was driving a Toyota Rav 4. Both vehicles sustained minor damage.

⁴ Officer Sanchez stated that ██████ was sitting inside the vehicle, but her legs were still outside the vehicle.

⁵ Officer Sanchez stated that she did not make any physical contact with ██████ when she took her phone from ██████ hand.

⁶ Officer Sanchez stated that she did not recall identifying herself to ██████ as the police. Officer Sanchez stated that ██████ may have overheard her identify herself when she called the 008th District Station or Officer Drozdel could have told ██████ that she was the police.

⁷ Officer Sanchez and Officer Drozdel live together and have a five-year-old son. Officer Sanchez told Officer Drozdel about the accident; that she was going to be late getting home to care for their son so he could go to work; and that ██████ was hostile.

⁸ Officer Sanchez stated that ██████ was yelling when Officer Drozdel arrived, and that aside from his introduction, she did not know what was said between Officer Drozdel and ██████ during their verbal exchange because their conversation was in Polish.

⁹ Att. 58.

Officer Dominik Drozdel

During a statement with COPA investigators on July 29, 2019, Officer Drozdel told investigators that during the incident he heard ██████ yelling in Polish, in the background, when Officer Sanchez called him and told him about the accident; about ██████ hostility toward her; and that she called the police for assistance.¹⁰ Officer Drozdel went to the accident, where ██████ called him and Officer Sanchez derogatory names in Polish. Officer Drozdel identified himself to ██████ as an off-duty Chicago Police Officer, instructed ██████ to calm down, and told her that she could be arrested and charged with Simple Battery for physically snatching Officer Sanchez' cell phone from her hand. Officer Drozdel did not observe any physical contact between Officer Sanchez and ██████¹¹

Officer Vargas

During a statement with COPA investigators on August 9, 2019, Officer Vargas told investigators he had minimal independent recollection of the alleged incident.¹² Nevertheless, Officer Vargas recalled that he was speaking with Officer Sanchez when ██████ stated that Officer Sanchez pushed her. Officer Vargas and Officer Lombardo determined that there was no evidence that Officer Sanchez pushed ██████ based upon the account that Officer Sanchez provided.¹³

Officer Lombardo

During a statement with COPA investigators on August 2, 2019, Officer Lombardo informed investigators that when he and Officer Vargas arrived, ██████ was hostile. Officer Lombardo could not independently recall what ██████ told him. Officer Lombardo and Officer Vargas determined, through their investigation at the scene, that ██████ was at fault for the accident. Officer Lombardo spoke with an independent witness named "Red"¹⁴ who stated that ██████ was yelling at Officer Sanchez. Finally, Officer Lombardo acknowledged that he did not activate his body worn camera¹⁵ and provided various reasons for not doing so.¹⁶

¹⁰ Officer Drozdel was born in Poland and speaks Polish.

¹¹ Atts. 39 and 40.

¹² Officer Vargas independently recalled that he and Officer Lombardo responded to a job regarding an auto accident and that he was the passenger and that Officer Lombardo was the driver. Officer Vargas was allowed to view footage from his BWC.

¹³ Att. 49.

¹⁴ Officer Lombardo stated that he knew "Red" from the neighborhood because he and "Red" live in the neighborhood where the accident occurred. Officer Lombardo stated that it was an oversight that he did not list "Red" as a witness on the related traffic crash report.

¹⁵ The explanations that Officer Lombardo provided for not activating his body worn camera are as follows: Officer Lombardo forgot to activate his BWC. Officer Lombardo stated the BWC's were new. Officer Lombardo stated that he did tap his BWC to activate it and thought it was on but it was not on.

¹⁶ Att. 42.

b. Digital Evidence***Body worn Camera***

BWC captured footage from the view of Officer Vargas.¹⁷ This footage captures Officer Sanchez explaining to Officers Vargas and Lombardo that she and ██████ were involved in a minor traffic accident, and that ██████ has been hostile the entire time.¹⁸ Officer Sanchez informs Officers Vargas and Lombardo that she called 911 and the 008th District to report the accident and identified herself as an off-duty Chicago Police officer. ██████ approaches the area. Officer Vargas asks Officer Sanchez where the vehicles are. ██████ informs Officers Vargas and Lombardo that Officer Sanchez pushed her. Officer Vargas walks toward the vehicles. Officer Sanchez informs Officer Vargas that ██████ cut in front of her, causing her to rear end ██████. Officer Sanchez explains to Officer Vargas that she showed ██████ her phone to give ██████ her insurance information when ██████ snatched her phone from her hands. Officer Sanchez explains to Officer Vargas that ██████ was leaning inside her vehicle with Officer Sanchez's phone when Officer Sanchez reached around ██████ and took her phone from ██████. Officer Sanchez explains to Officer Vargas that ██████ accused Officer Sanchez of pushing ██████ and that she told ██████ that she did not touch her. Officer Vargas writes down Officer Sanchez's phone number and then turns his body toward the area where Officer Lombardo and ██████ are talking. Officer Lombardo and ██████ then walk towards Officers Vargas and Sanchez. Officers Vargas and Lombardo walk toward their Department vehicle. Officer Sanchez is heard telling Officer Drozdel not to talk to ██████ anymore and states that ██████ is hostile.¹⁹

c. Documentary Evidence***The Office of Emergency Management Communications Event Query Reports***

Event Query Reports documented that ██████ and Officers Sanchez and Drozdel each called the police to report the auto accident. The Event Query remarks document that Officer Sanchez stated that she was being threatened by a person involved in the accident; that there were no injuries; that the vehicles were drivable; and that the other driver was refusing to give her license and insurance information. Additional remarks indicate that Officer Sanchez stated that ██████ was becoming irate, threatening and that both parties were fighting over information and who was at fault.²⁰

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;

¹⁷ Officer Lombardo did not activate his body worn camera during the incident.

¹⁸ Officer Drozdel is at the scene holding a minor who is his and Officer Sanchez' son. An unknown white/male is also at the scene. This person was identified by Officer Lombardo as "Red" from his neighborhood.

¹⁹ Att. 14.

²⁰ Att. 6 and 8.

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

A preponderance of evidence can be described as evidence indicating that it is more likely than not that the conduct reviewed complied with 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 conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. *See e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

VII. ANALYSIS

Allegation Against Officer Sanchez

Officer Sanchez maintained that she did not push [REDACTED]. The officer's account is plausible, in that, [REDACTED] took her phone, walked to her vehicle, and Officer Sanchez then followed [REDACTED] and grabbed her phone from [REDACTED] hand. Equally, we find [REDACTED] account also plausible, in that, at some point during this incident Officer Sanchez pushed her without justification. Therefore, in this instance, without sufficient evidence to discredit or corroborate either subjective account, COPA finds this allegation is not sustained.

Allegation Against Officer Drozdel

COPA exonerates Allegation 1 against Officer Drozdel. We find that evidence establishes that Officer Drozdel told [REDACTED] that he could arrest her battery for physically snatching Officer Sanchez's cell phone from her hand. Based upon the known evidence, Officer Drozdel's subjective belief that [REDACTED] "snatched" the phone from Officer Sanchez's hand is not absolutely unreasonable. Therefore, we find that Officer Drozdel's assertion of arrest was not baseless; instead, the officer's assertion was based upon a reasonable interpretation of the situation. Accordingly, COPA reached a finding of exonerated for allegation 1 against officer Drozdel.

Allegation Against Officer Vargas

COPA sustains Allegation 1 against Officer Vargas. Officer Vargas failed to report a complaint of misconduct as required by CPD General Order G08-01-02, entitled, *Specific Responsibilities*

Regarding Allegations of Misconduct. Officer Vargas told investigators that he heard ██████ state that Officer Sanchez pushed her. More importantly, BWC footage captured ██████ telling Officer Vargas and Officer Lombardo that Officer Sanchez pushed her. For these reasons, COPA reached a finding of sustained for allegation 1 against Officer Vargas.

Allegations Against Officer Lombardo

For the same reasons COPA sustained Allegation 1 against Officer Vargas, COPA now sustains allegation 1 against Officer Lombardo. Additionally, COPA recognizes Officer Lombardo's acknowledgement that his BWC was not activated during the incident. Accordingly, COPA reached a finding of sustained for allegation 2 against Officer Lombardo.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Vargas

- i. Complimentary and Disciplinary History:** Attendance Recognition Award, 1; Emblem of Recognition – Physical Fitness, 8; Honorable Mention, 23; Complimentary Letter, 3; 2019 Crime Reduction Award, 1; NATO Summit Service Award, 1. No applicable disciplinary history within the past 5 years.
- ii. Recommended Penalty, by Allegation**
 - 1. Allegation No. 1:** Failed to report a complaint of misconduct as required by CPD General Order G08-01-02, II., B.,1., Specific Responsibilities Regarding Allegations of Misconduct. COPA recommends a 5-day suspension.

b. Officer Lombardo

- i. Complimentary and Disciplinary History:** Democratic National Convention Award, 1; Emblem of Recognition – physical Fitness, 5; Attendance Recognition Award, 2; Presidential Election Deployment Award 2008, 1; 2004 Crime Reduction Ribbon, 1; Honorable Mention, 97; Department Commendation, 9; Complimentary Letter, 1; 2019 Crime Reduction Award, 1; Honorable Mention Ribbon Award, 1; Life Saving Award, 1; NATO Summit Service Award, 1; 2009 Crime Reduction Award, 1. No applicable disciplinary history within the past 5 years.
- ii. Recommended Penalty, by Allegation**
 - 1. Allegation No. 1:** Failed to report a complaint of misconduct as required by CPD General Order G08-01-02, II., B.,1., Specific Responsibilities Regarding Allegations of Misconduct. COPA recommends a 5-day suspension.

- 2. **Allegation No. 2:** Failed to record a law enforcement activity as required by CPD Special Order, S03-14, Body worn Cameras. COPA recommends a violation noted.

IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Michelle Sanchez	<p>It is alleged by ██████████ that on or about June 2, 2018, at approximately 1:30pm, at or near 5968 S. Archer Avenue, Chicago, Illinois, Officer Michelle Sanchez committed misconduct through the following acts or omissions:</p> <p>1. Engaged in an unjustified physical altercation with ██████████</p>	Not Sustained
Officer Dominik Drozdel	<p>It is alleged by ██████████ that on or about June 2, 2018, at approximately 1:30pm, at or near 5968 S. Archer Avenue, Chicago, Illinois, Officer Dominik Drozdel committed misconduct through the following acts or omissions:</p> <p>1. Threatened to arrest ██████████ without justification.</p>	Exonerated
Officer Michael Vargas	<p>It is alleged by COPA Inv. Sanders that on or about June 2, 2018, at approximately 1:30pm, at or near 5968 S. Archer Avenue, Chicago, Illinois, Officer Michael Vargas committed misconduct through the following acts or omissions:</p> <p>1. Failed to report a complaint of misconduct as required by CPD General Order G08-01-02, II., B., 1., Specific Responsibilities Regarding Allegations of Misconduct.</p>	Sustained/5-Day Suspension
Officer Vincent Lombardo	<p>It is alleged by COPA Inv. Sanders that on or about June 2, 2018, at approximately 1:30pm, at or near 5968 S. Archer Avenue, Chicago, Illinois, Officer Vincent Lombardo committed misconduct through the following acts or omissions:</p>	

	1. Failed to report a complaint of misconduct as required by CPD General Order G08-01-02, II., B., 1., Specific Responsibilities Regarding Allegations of Misconduct.	Sustained/5-Day Suspension
	2. Failed to record a law enforcement activity as required by CPD Special Order, S03-14, Body worn Cameras.	Sustained/ Violation Noted

Approved:



March 27, 2020

Andrea Kersten
Deputy Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	3
Investigator:	Sanders
Supervising Investigator:	Haynam
Deputy Chief Administrator:	Kersten