

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	November 21, 2018
Time of Incident:	6:00 AM-12:00 PM
Location of Incident:	██████████
Date of COPA Notification:	November 27, 2018
Time of COPA Notification:	4:43PM

On November 21, 2018, Officer Jacob Molina returned to his home at ██████████ after working his assigned first watch shift in the 12th District. After returning home, he discovered that his ██████████ had been having an affair when he saw texts of an intimate nature on her phone between her and a man, now known as ██████████. Officer Molina and his ██████████ had argument which resulted in Officer Molina leaving the home. In a subsequent encounter that same day at a nearby bank, Officer Molina called ██████████ and left a threatening message on his voicemail.

The next day, Officer Molina, while off-duty, returned to ██████████ with Officer George Perez to retrieve his belongings from the home. While Officer Molina was upstairs gathering his belongings, Officer Perez remained downstairs with ██████████. When ██████████ attempted to complain to Officer Perez about Officer Molina’s conduct the previous day, alleging that he “held her down,” Officer Perez ignored her complaint and lectured her about infidelity. The two officers then left the home.

After consulting with his union representative, Officer Molina drafted a memorandum to his superior officers documenting the event and requesting permission to temporarily reside with his sister outside of the City of Chicago. This memorandum prompted an Initiation Report for the incident. COPA finds the allegations against Officer Molina are Sustained, in part. The allegations against Officer Perez are Sustained.

II. INVOLVED PARTIES

Involved Officer #1:	Jacob Molina, Star # 7626, Employee ID# ██████████, Date of Appointment 11/29/99, Police Officer, Unit of Assignment 012, DOB ██████████/72, Male, Hispanic
Involved Officer #2:	George Perez, Star # 4463, Employee ID# ██████████, Date of Appointment 12/13/93, Police Officer, Unit of Assignment 012, DOB ██████████/68, Male, Hispanic
Involved Individual #1:	██████████ Female, White
Involved Individual #2:	██████████ Male, White

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Jacob Molina	1. On or about November 21, 2018 between the hours of 6:00AM and 12:00PM at or near [REDACTED] Ave., Officer Molina restrained [REDACTED] without cause.	Not Sustained
	2. On or about November 21, 2018 between the hours of 6:00AM and 12:00PM at or near 6620 Ogden Ave., Berwyn, IL, Officer Molina verbally threatened [REDACTED] over the phone.	Sustained
Officer George A. Perez	1. On or about November 22, 2018 at approximately 11:22 AM at or near [REDACTED] Ave, Officer Perez failed to investigate an accusation of physical abuse made against Officer Molina by [REDACTED]	Sustained
	2. On or about November 22, 2018 at approximately 11:22 Am at or near [REDACTED] Ave, shortly after he was made aware of an accusation of physical abuse, Officer Perez failed to request an evidence technician to a crime scene after discovering potential physical evidence of a crime.	Sustained
	3. On or about November 22, 2018 at approximately 11:22 AM at or near [REDACTED] Ave, Officer Perez turned off his body-worn camera while engaged in a law enforcement activity without justification.	Sustained
	4. On or about November 22, 2018 at approximately 11:22 AM at or near [REDACTED] Ave, Officer Perez failed to request a higher ranking Department member be assigned to investigate a domestic disturbance event involving a Chicago Police Officer.	Sustained
	5. On or about November 22, 2018 at approximately 11:22 AM at or near [REDACTED] Ave, Officer Perez failed to show [REDACTED] due regard by stating, "Infidelity is against the law as well, ma'am. It is. It's called adultery. That's a police report as well. I am not excusing what he did, but infidelity is also against the law."	Sustained

	<p>6. On or about November 22, 2018 at approximately 11:22 AM at or near [REDACTED] Ave., Officer Perez failed to document an allegation of misconduct made against a Chicago Police Department Member in an initiation report and/or notify the Department.</p> <p>7. On or about November 22, 2018 at approximately 11:22 AM at or near [REDACTED] Ave., Officer Perez failed to document a report of domestic violence in a case report.</p>	<p>Sustained</p> <p>Sustained</p>
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IV. APPLICABLE RULES AND LAWS

Rules

Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.

Rule 3: Any failure to promote the Department’s efforts to implement its policy or accomplish its goals.

Rule 5: Failure to perform any duty.

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

Rule 9: Engaging in any unjustified verbal or physical altercation with any person while on or off duty.

Rule 22: Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.

General Orders

G04-04: Domestic Incidents

S03-14: Body Worn Cameras

State Laws

1. 720 ILCS 5/12-1 Sec. 12-1 Assault

2. 750 ILCS 60/103 Illinois Domestic Violence Act of 1986

V. INVESTIGATION

a. Interviews

On November 27, 2018, COPA was notified of this case via an Initiation Report.¹ COPA made several attempts to obtain a statement from ██████████ and ██████████ but was unsuccessful.² COPA obtained an affidavit override and continued its investigation.³

Officer Jacob Molina gave a statement⁴ to COPA on December 15, 2021, at the COPA offices located at 1615 W. Chicago Ave. Officer Molina stated that on November 21, 2018, he got off duty and arrived home sometime after 7:00 AM, where he found his ██████████ (hereafter ██████████) asleep with her phone beside her unlocked. Officer Molina saw texts between ██████████ and a man, now known as ██████████ that were of an intimate nature. Officer Molina took ██████████ phone downstairs to read the rest of the texts. An unknown amount of time later, ██████████ came downstairs. Officer Molina recalls having an argument about infidelity. ██████████ came downstairs during the argument. ██████████ told ██████████ that Officer Molina was leaving them, and ██████████ responded with words to the effect of, “You ruined another one, huh, mom?” He then went back upstairs. Afterwards, ██████████ called for her ██████████ ██████████ and said that Officer Molina was hurting her. Officer Molina stated that he was not in physical contact with her or anywhere the vicinity of ██████████ at that time.⁵ ██████████ came downstairs, and ██████████ told ██████████ to pack some stuff and call ██████████ friend, ██████████ for a ride. Between ten and fifteen minutes later, ██████████ arrived. ██████████ tried to come in through the front door, but Officer Molina prevented it by closing the door. ██████████ then exited through the back to door and left with ██████████ Shortly thereafter, ██████████ walked out of the house and left in her vehicle, alone.⁶

At that time, Officer Molina did not know where ██████████ went. He encountered her again when, on the advice of ██████████ stepmother, ██████████ he went to the ██████████ bank in Berwyn to lock their account in order to prevent ██████████ from emptying it. ██████████ was walking out while Officer Molina was walking in. They walked to ██████████ vehicle together and got in to have a conversation about the infidelity. During this conversation, Officer Molina called the number he had seen on her phone for ██████████” ██████████ did not answer and his phone went to voicemail without Officer Molina being aware. During the call, ██████████ told Officer Molina that ██████████ was a good man and father and Officer Molina yelled at her in response, though he could not recall exactly what he said or if he said anything that could sound like a threat.⁷ Later that same morning, ██████████ texted Officer Molina that he was taking the phone call and threat seriously, and Officer Molina made apologies for what he had said.

After they spoke, ██████████ left the bank to go to her mother’s house. Officer Molina went back to ██████████ At home, Officer Molina called his boss and EAP. On advice from his union representative, Officer Molina wrote a to-from to his commanding officer detailing the incident as well as his fear about false allegations ██████████ might make. The next morning, Officer Molina requested an officer to accompany him to the residence so that he could pick up his personal belongings and arrange to

¹ Attachment 12

² See Investigative Case Log, Attachment 19

³ Attachment 10

⁴ Attachment 16

⁵ id. At p. 24

⁶ COPA was unable to interview ██████████ or ██████████ due to their age and COPA’s inability to obtain cooperation from ██████████ COPA attempted to locate ██████████ by contacting all of the phone numbers ██████████ called on that day but did not locate her.

⁷ id. At p. 37

stay at another location. Officer George Perez met him outside the house and accompanied him inside. The presence of another officer in the home upset [REDACTED] and she began cursing at Officer Molina. Officer Molina retrieved his belongings from the upstairs bedroom while Officer Perez stayed downstairs. Officer Molina does not recall Officer Perez going upstairs. Officer Molina left with his belongings. He and [REDACTED] six months later.

Officer George Perez gave a statement⁸ to COPA on September 9, 2020, at the COPA offices located at 1615 W. Chicago Ave. Officer Perez stated that on November 22, 2018 he was assigned by a desk sergeant to accompany Officer Molina to his residence to pick up his personal belongings. Upon arriving at [REDACTED] Officer Perez recognized Officer Molina as someone he knew from when they worked on the same shift in the 10th District. To the best of Officer Perez's recollection, they were never partners. When they proceeded into the house, [REDACTED] reacted in a way that led Officer Perez to believe that she was not expecting them and she was angry. Officer Molina and [REDACTED] began to make comments back and forth but nothing that led Officer Perez to believe that there was a danger of violence. Initially, Officer Perez remained downstairs while Officer Molina went upstairs to gather his belongings. While Officer Perez was downstairs, [REDACTED] was on the phone with an unknown individual. Officer Perez stated that he did not listen to any part of her conversation with the individual and had no knowledge of what she said. Furthermore, he denied hearing her state, "He tried to kill me." [REDACTED] then addressed Officer Perez directly asking if there was anything Officer Perez could do about Officer Molina holding her down the previous day. Officer Perez stated that she needed to talk to a sergeant. He denied that [REDACTED] tried to show him something on her phone. During his statement, he stated a complaint had to be made to a sergeant because a sergeant is of higher rank than Officer Molina. Officer Perez asserted that he was there about a property dispute and did not observe any physical evidence of abuse. Thus, he did not report any misconduct or call a sergeant. [REDACTED] also told Officer Perez that Officer Molina had threatened to kill [REDACTED] over the phone. Officer Perez admitted that he did not make any report or contact a superior officer about those allegations, because although she was making this allegation, he did not know if it actually happened. After [REDACTED] made these allegations, Officer Perez informed her that infidelity was "a crime as well" and that it could be the subject of a police report. Officer Perez admitted that neither he nor any other officer he knows of has ever arrested anyone for adultery, nor has he heard of an officer in Chicago arresting anyone for adultery in the last twenty years. Officer Perez claimed he informed [REDACTED] of adultery being a crime because he thought it would help one of them in potential [REDACTED] proceedings.

After some time passed. Officer Perez believed that Officer Molina was taking too long upstairs and went upstairs to hurry him. Officer Molina was packing his belongings into bags from his closet in the bedroom. He spoke with Officer Molina urging him to hurry up. At that time, Officer Perez deactivated his body worn camera because he believed that [REDACTED] behavior was his primary concern, and he was not worried about Officer Molina's behavior while they were alone in the bedroom. When Officer Molina told Officer Perez he was ready to go downstairs, Officer Perez reactivated his body worn camera. Officer Perez then noticed a droplet of blood on the floor and asked Molina about it. Officer Molina told him it was from his daughter trying to put in an earring. Officer Perez did not believe the blood on the floor warranted further investigation nor did he examine [REDACTED] for physical markings. After Officers Molina and Perez were downstairs, Officer Perez spoke to [REDACTED] briefly to tell her to not change the locks or damage Officer Molina's remaining personal possessions. Officers Perez and Molina then left the residence. Officer Perez related that thinking back on the incident, he still would not have called a sergeant to the scene.

⁸ Attachment 15

b. Digital Evidence

Body worn Camera of Officer George Perez:⁹ Officer Perez activates his body worn camera as he exited his police vehicle upon arriving at [REDACTED]. Officer Perez greets Officer Molina and expressed his condolences for “what [he was] going through.” Officers Perez and Molina enter the house and were met at the door by [REDACTED] who asks why Officer Perez was there. Officer Molina tells [REDACTED] the Officer Perez is there to protect him from false abuse allegations. Officer Molina then goes upstairs, and Officer Perez stays downstairs. [REDACTED] picks up her phone and made a call to unknown person complaining that Officer Molina had brought an officer with him and discusses a physical altercation with Officer Molina previous day though no details were discernible on the video. [REDACTED] then approaches Officer Perez and informed him that Officer Molina had held her down the previous evening and threatened the man she had been texting. Before she could continue her complaint, Officer Perez cuts her off and tells her she needed to speak with a sergeant. Officer Perez does not call for a sergeant over dispatch or offer to call a sergeant for [REDACTED]. Officer Perez then tells [REDACTED] that adultery is against the law and that Officer Molina could get a case report against her for it. Officer Perez then tells her instead of cheating she should have gotten a [REDACTED]. He then asks [REDACTED] who pays the mortgage on the house and who owns the furniture in the house. Officer Perez tells [REDACTED] that he has known Officer Molina for a long time but that he was not biased against her. He then tells her that he doesn’t understand how anyone could break the trust of their spouse and cheat. Officer Perez then tells [REDACTED] that she was insecure. Officer Perez then walks upstairs to tell Officer Molina to hurry up. Officer Molina tells Officer Perez “I don’t want to be alone with her.” Officer Perez said that he understood and deactivated his body worn camera.

Officer Perez reactivated his body worn camera approximately 30 seconds later. The sound free buffer period on the recording shows him having a conversation with Officer Molina while the recorder is off. When the recording picks back up, Officer Perez states that he thinks “she is trying to entice me into saying something, so I want to get you out of here,” to Officer Molina. Officer Perez assures Officer Molina that [REDACTED] could not change the locks or destroy his property but advised him not to leave but stay in the basement. At that time, Officer Perez observes blood on the floor of the bedroom¹⁰ and asks Officer Molina about it. Officer Molina explains that the blood was from his daughter’s earring. Officer Perez does not ask any follow up questions about the blood. Both officers then gather Officer Molina’s belongings and go back downstairs to leave. Officer Perez once again advises [REDACTED] that she could not change the locks. Officers Perez and Molina then leave the residence.

c. Physical Evidence

Texts from [REDACTED]¹¹ Officer Jacob Molina provided screenshots of texts between himself and [REDACTED] on November 21, 2018 at 11:49 AM regarding the message Officer Molina left on [REDACTED] phone. In the message [REDACTED] stated, “Jacob, I listened to your message. I’m prepared to contact my friend in the DA’s office. I’m in Dupage. I’ve taken your threat seriously.” Officer Molina then sent response stating, “No need. I just found out my [REDACTED] was cheating on me and I am devastated.” Further messaged back and forth discuss that [REDACTED] was unaware that [REDACTED] was married, and that Officer Molina wanted to try to reconcile with her.

⁹ Attachment 17

¹⁰ Id at Pt.2 (2:51)

¹¹ Attachment 14

d. Documentary Evidence

On November 27, 2018 submitted a **To-From Memorandum from Officer Jacob Molina to Chief Keith Calloway**¹² in the Bureau of Internal Affairs seeking permission to temporarily reside outside the city of Chicago due to an incident with this [REDACTED]. In that memorandum, Officer Molina recounted the events of November 21, 2018 at his home. The account was substantially similar to the statement Officer Molina gave to COPA.

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 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

Allegations against Officer Jacob Molina

COPA finds **Allegation 1** against Officer Jacob Molina for restraining [REDACTED] without cause is **Not Sustained**. On Officer George Perez’s body worn camera. [REDACTED] stated, “He tried

¹² Attachment 12

to kill me,” and “What do I do about him holding me down?” However, ██████ never responded to COPA’s requests for a statement, nor did she file a police report. Furthermore, Officer Perez did not inquire about the allegations or call a sergeant to the scene to obtain a narrative from ██████

In contrast, Officer Molina gave two separate accounts of the incident. Those accounts are consistent with each other and do not conflict with any other evidence COPA was able to obtain. In both of his accounts Officer Molina denies that there was a physical altercation of any kind. In the body worn camera footage, there are no obvious marks or injuries present on ██████. Furthermore, COPA was unable to contact any witnesses to provide further information about the events. Therefore, there is insufficient evidence to sustain these allegations.

COPA finds **Allegation 2** against Officer Jacob Molina that he threatened ██████ is sustained. In Officer Molina’s to-from report, he states that he called ██████ and was unaware that his voicemail picked up when he, Officer Molina, used “angry words describing quick retaliation for cheating with his ██████” In his statement to COPA, he stated that he could not recall what he said but conceded that he was angry and “spewing at the mouth.”¹³ Finally, in the texts between ██████ and Officer Molina, ██████ mentions the threat directly, and Officer Molina makes what appears to be an apology and retraction. Therefore, based on the accused officer’s own admission and text message evidence, COPA finds by a preponderance of the evidence that Allegation 2 is Sustained.

Allegations against Officer George Perez

COPA finds **Allegations 1, 2, 4, 6 and 7** that Officer Perez failed to investigate an allegation of physical abuse, failed to request an evidence technician to a crime scene after discovering potential physical evidence, failed to request a higher-ranking Department member be assigned to investigate a domestic disturbance, and failed to document an allegation of misconduct in an initiation report or case report are **Sustained**. While Officer Perez was downstairs with ██████ at ██████ ██████ approached him and alleged that the previous day, Officer Perez had held her down. If true, that conduct would potentially constitute domestic battery under Illinois law. Additionally, based on the body worn camera, ██████ tried to show him video evidence of physical violence.¹⁴ Furthermore, Officer Perez observed blood in the bedroom after ██████ made allegations of physical abuse, but failed to ask her about the blood or any injuries to her. Under General Order G04-04 (IV)(A), once a complaint of a domestic incident was made, it was Officer Perez’s duty to conduct a preliminary investigation. Further, under G04-04 (III)(B) since the allegation was made about a sworn member, Officer Perez was required to call a superior officer, in this case a sergeant, to investigate. Finally, Officer Perez was obligated under G04-04 (IV)(B)(3) to document the abuse and was obligated under Rule 22 to report the allegation of misconduct. Lastly, under G04-04(IV)(A)(3) Officer Perez was required to request an evidence technician after discovering physical evidence that may require processing. Officer Perez failed to take any of these actions. Therefore, by a preponderance of the evidence, COPA Allegations 1,2,4,6 and 7 are Sustained.

COPA finds **Allegation 3** against Officer George Perez that he turned off his body-worn camera while engaged in a law enforcement activity is **Sustained**. Special Order S03-14 states that body worn cameras must be activated for all law enforcement related activities, including calls for service. Officer Perez engaged in a law enforcement activity when he escorted Officer Molina while he retrieved his belongings. Additionally, once inside the residence, ██████ reported an incident of domestic violence. Thus, he was required to activate his device and record the entire incident. Officer Perez deactivated his body-worn camera for a period of approximately 30 seconds while still engaged in law enforcement

¹³ Att. 16 at P.37

¹⁴ Att. 17 at 6:48

activity without being ordered or requested to deactivate it. Therefore, by a preponderance of the evidence, Allegation 3 is Sustained.

COPA finds **Allegation 5** against Officer Perez failed to show [REDACTED] due regard by stating “Infidelity is against the law as well, ma’am. It is. It’s called adultery. That’s a police report as well. I am not excusing what he did, but infidelity is also against the law,” is **Sustained**. After [REDACTED] complained of potential domestic abuse by Officer Molina to Officer Perez, Officer responded by stating that adultery was a crime and that she could get a report filed against her for it. He further advised her that she should have gotten a [REDACTED] rather than cheat on Officer Molina. Further, Officer Perez stated that he and Officer Molina were acquainted and said he didn’t understand how anyone could break the trust of their spouse and cheat. [REDACTED] was discussing allegations of physical abuse. Officer Molina’s obligation as a law enforcement officer at the time was to take her complaint rather than advise her about infidelity. Given his previous refusal to listen to her complaint and his status as an acquaintance of Officer Molina and police officer, these comments can be credibly interpreted as Officer Perez taking sides and suggesting a threat of reprisal should a report be made. Despite Officer Perez’s feelings about infidelity and his acquaintance with Officer Molina, he was at that house while on duty in his capacity as a police officer. Therefore, based upon a preponderance of the evidence, Allegation 5 is Sustained.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Jacob Molina

i. Complimentary and Disciplinary History

1. **Complimentary:** 1 Presidential Election Deployment Award, 2 Other Awards, 3 Physical Fitness Awards, 3 Attendance Awards, 2 Crime Reduction Ribbons (2004, 2019), 5 Department Commendations, 67 Honorable Mentions, 8 Complimentary Letters, 1 Life Saving Award, 1 Honorable Mention Ribbon, 1 NATO Summit Service, 1 Unit Meritorious Performance Award

2. **Disciplinary:** None

ii. Recommended Penalty: 5-day Suspension

Officer Molina made threats to [REDACTED] in violation of Department policy. As a police officer, Officer Molina is prohibited from engaging in an unjustified verbal altercation on or off-duty and engaging in conduct which brings discredit upon the Department. COPA has considered Officer Molina’s complimentary history and lack of disciplinary history. While threats of any kind are a violation of Department policy, COPA does not have enough evidence to determine how egregious the threat in this case was. Another factor COPA has considered in making this recommendation is Officer Molina’s forthrightness throughout this investigation. Officer Molina immediately self-reported the incident to his superior officers, thoroughly documented the incident in a to-from report, requested a police escort to avoid further confrontation, was forthright in his statement to COPA, and provided screenshots of the texts between himself and [REDACTED]. Thus, COPA recommends a 5-day Suspension.

b. Officer George Perez

i. Complimentary and Disciplinary History

1. **Complimentary:** 1 Democratic National Convention Award, 1 Problem Solving Award, 1 Attendance Award, 1 Presidential Election Deployment Award, 15 Physical Fitness Awards, 1 Special Commendation, 1 Emblem of Recognition – Appearance, 5 Department Commendations, 52 Honorable Mentions, 3 Crime Reduction Awards, 41 Complimentary Letters, 1 Life Saving Award, 1 NATO Summit Service Award,

2. **Disciplinary:** None

ii. **Recommended Penalty:** Significant Suspension up to 365 days and Domestic Violence Response Training.

Officer Perez largely neglected his duties as a police officer during this incident. He failed to take a not only a misconduct complaint from a civilian seriously, but also a complaint of potential criminal conduct. He did not document the allegations in an initiation report. He did not document them in a case report. He did not call a sergeant to investigate. He did not call an evidence technician despite having seen possible physical evidence. He failed to obtain an account of the allegations from [REDACTED]. Not only did he fail to act as he was obligated to do as a law enforcement officer, but he brought discredit on the Department and impeded its efforts to achieve its fundamental goals when he chastised [REDACTED] for her affair. Officer Perez’s comments were inappropriate and create the perception of preferential treatment for his fellow officer. His misconduct contributed to the inability to obtain [REDACTED] full account and inability to sustain or unfound the allegations of Officer Molina’s possible physical abuse. His conduct embodies the disregard spouses of officers believe may exist if they attempt to report an instance of domestic violence. Moreover, he takes no responsibility to for his misconduct and insists he would conduct himself in the same manner now. Thus, COPA recommends a significant suspension up to 365 days and Domestic Violence Response Training.

Approved:

[REDACTED]
Sharday Jackson
Deputy Chief Administrator – Chief Investigator

November 28, 2022
Date