

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	November 19 through November 24, 2018/ Various locations
Date/Time of COPA Notification:	November 26, 2018/ 12:09 PM
Involved Officer #1:	Thomas Sebastian, Star 7774, Employee Number [REDACTED], DOA November 27, 2006, Police Officer, Unit 024/376, DOB [REDACTED], 1971, Male, Asian Pacific Islander
Involved Individual #1:	[REDACTED] ¹ DOB [REDACTED], 2000, Male, Asian Pacific Islander
Case Type:	Sexual Misconduct

I. ALLEGATIONS

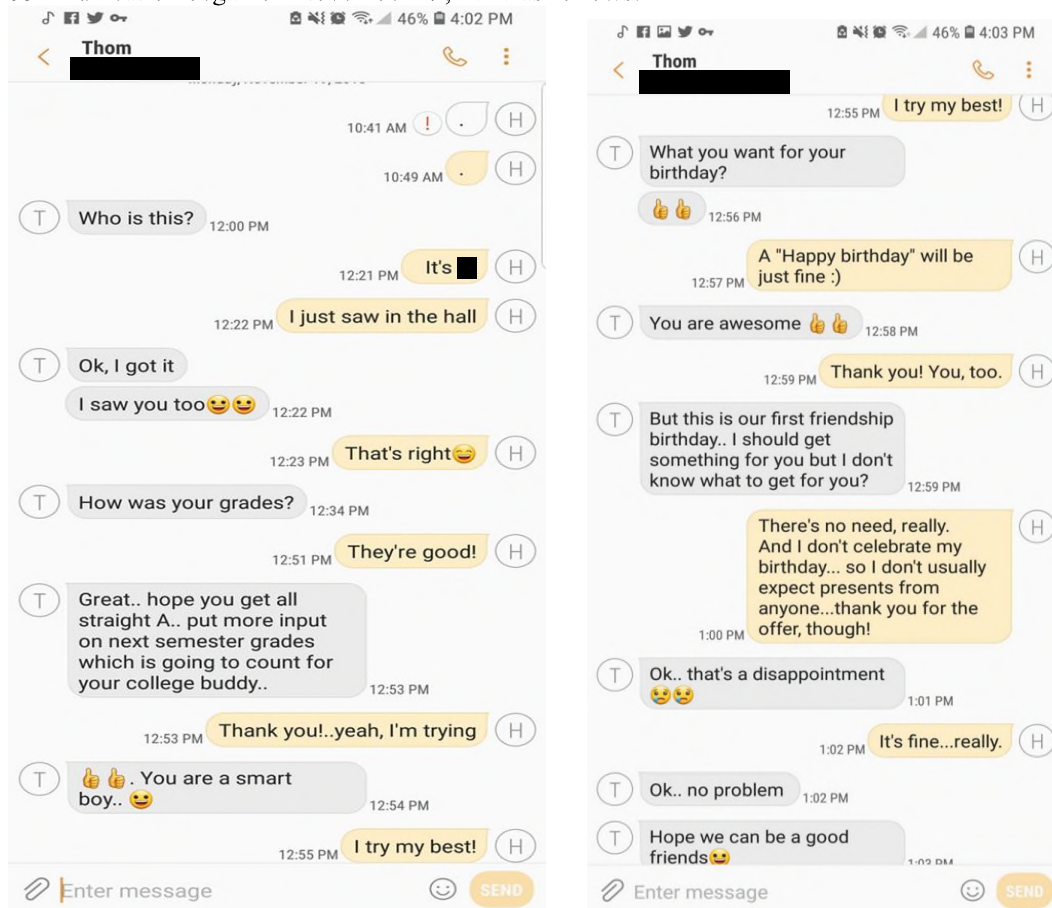
Officer	Allegation	Finding
Officer Thomas Sebastian	1. It is alleged that on or about November 19, 2018, through November 24, 2018, the accused sent inappropriate text messages to the victim while being in a position of authority in violation of Rule 2.	Sustained
	2. It is alleged that on or about November 19, 2018, through November 24, 2018, at various times and locations, the accused engaged in an inappropriate relationship with the victim while being in a position of authority in violation of Rule 2.	Sustained
	3. It is alleged that on or about November 19, 2018, through November 24, 2018, at various times and locations, the accused made unwanted sexual advances towards the victim in violation of Rule 2.	Sustained

¹ [REDACTED] will be referred to as [REDACTED] in this Summary Report of Investigation.

II. SUMMARY OF EVIDENCE²³

In his **Initiation Report**⁴ dated November 26, 2018, Sgt. Luis Gaytan #2069, initiated this complaint after receiving information that Officer Sebastian, who worked secondary employment as a security officer at [REDACTED], sent several text messages to a student between November 20, 2018, and November 23, 2018. It was reported that Officer Sebastian sent a text message asking the student to send pictures of himself and telling him he was handsome.

COPA extracted⁵ and downloaded the **text message** exchange from [REDACTED] phone between him and Officer Sebastian and obtained some **screenshots** from [REDACTED].⁶ Their text communication began on November 19, 2018 as follows:



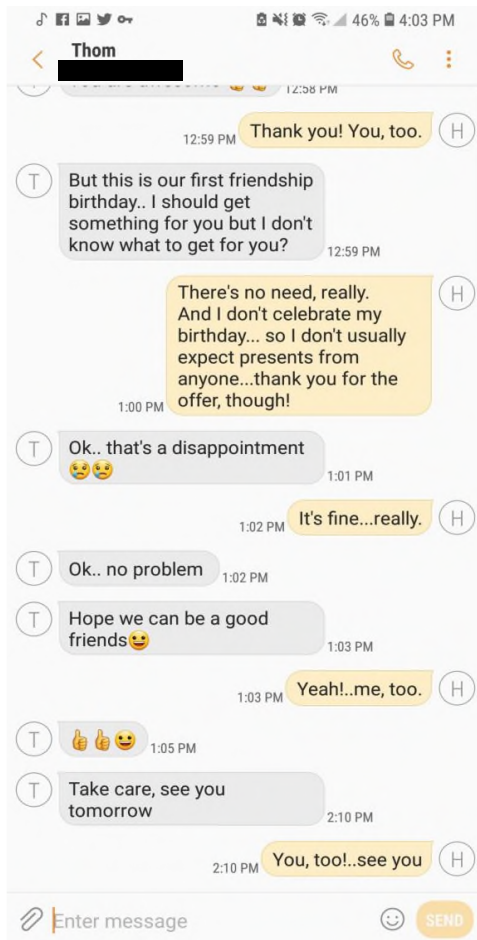
²COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence.

³ During this investigation, COPA learned that BIA was investigating the same matter under LOG# 1091833, Log# 1091833 was administratively closed and incorporated into this investigation. See Attachment 35.

⁴ Att. 4

⁵ Att. 31 and 42. The extraction report included text messages that had possibly been deleted from [REDACTED] phone.

⁶ Att. 6, 33, 37, 38



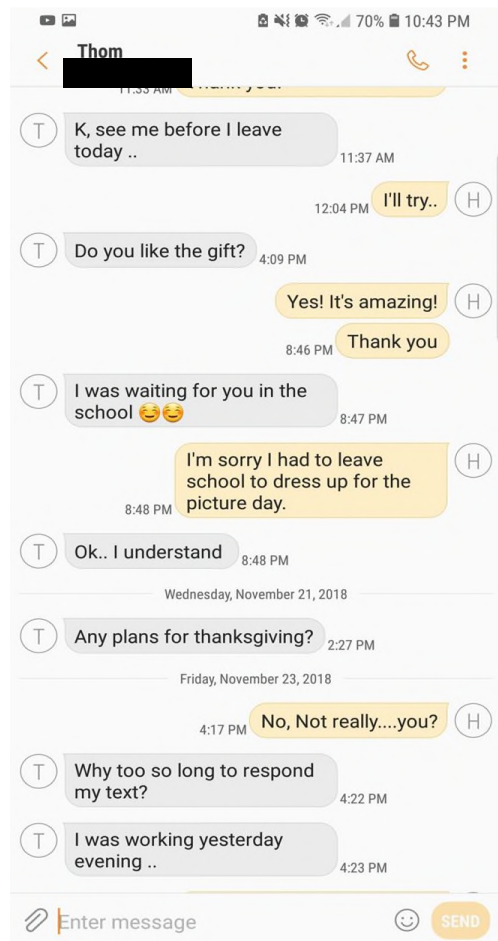
The next text message between the two was from Officer Sebastian to [REDACTED] on November 19, 2018 at 11:24 PM saying, “Many many happy returns of the day. May God bless you abundantly. Happy birthday [unknown emojis].”⁷ [REDACTED] responded at 7:40 AM the following morning, and the following exchange occurred:

[REDACTED] Thank you very much!
 Officer Sebastian: Any party today?
 [REDACTED] Not really...it's a busy day
 Officer Sebastian: Why busy?
 [REDACTED] I have some work I need to get done.
 Officer Sebastian: Meet me in the second floor hallway
 [REDACTED] Thank you for the present! ... it's really awesome..A appreciate it very much
 Officer Sebastian: You are welcome .. it's small but very valuable [unknown emojis]
 [REDACTED] It is more than enough! Thank you.⁸

⁷ Att. 42 at 9

⁸ Id.

The conversation proceeds:



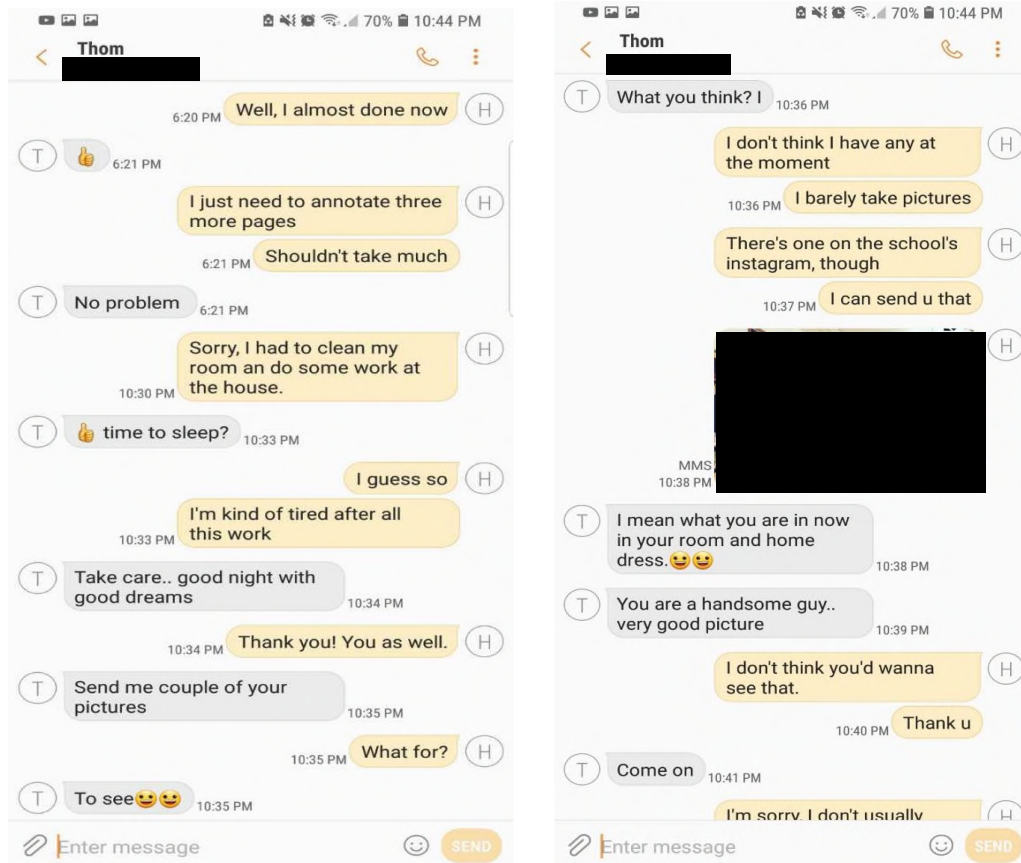
The conversation continues about [redacted] schoolwork and obtaining a job. When [redacted] asks him what he does besides work, Officer Sebastian says, “Nothing, wish we can hang around.”⁹ [redacted] does not respond, and Officer Sebastian texts him approximately an hour and forty-three minutes later, “??”¹⁰ Al responds, “Yes?” and Officer Sebastian says, “You didn’t say anything.”¹¹ [redacted] says he didn’t think Officer Sebastian was waiting for a response and that he was focused on homework.

The conversation continues:

⁹ Id. at 11

¹⁰ Id.

¹¹ Id.



█ responds, “I’m sorry, I don’t usually send any pictures of me at home.”¹² Officer Sebastian says, “No problem ... take care .. good night.”¹³

In a statement to COPA on April 26, 2019, the victim, █ (hereafter █¹⁴ related that he resides with his █, █, and █ on the northside of Chicago. At the time of the allegations, █ was a senior at █ and described himself a good student, achieving As and participating in the school’s journalism program.

While attending the fall semester of high school, █ met Officer Thomas Sebastian in the school cafeteria during lunchtime. When they met, █ was 17-years-old.¹⁵ █ was aware that he was a security guard at █ and later learned that he was a Chicago Police Officer. █ would see Officer Sebastian in the lunchroom or hallway dressed in casual attire, not

¹² Id. at 12

¹³ Id.

¹⁴ Att. 10, 11

¹⁵ His legal date of birth is █ 2001, but his actual birthday is on █, 2000, due to his █ delay in registering him as a United States citizen.

a police or security uniform. When they first met, Officer Sebastian approached his table and asked him his name and where he was from, and they engaged in casual conversation. ■■■ believed that Officer Sebastian was ■■■ based on his looks and thought Officer Sebastian approached him thinking maybe he was from a nearby country. Later, during the same lunch period, Officer Sebastian returned to the table and offered ■■■ chocolate candy. ■■■ related that, at the time, he was sitting with his ■■■ and several classmates.

After first meeting, ■■■ would often see Officer Sebastian in passing, and Officer Sebastian would engage him in small talk. ■■■ recalled Officer Sebastian giving him a handshake and holding his hand for a lengthy time. ■■■ said he initially did not find the length of time Officer Sebastian held his hand suspicious; he thought it was just a part of Officer Sebastian's culture.

Approximately two weeks before ■■■ birthday, Officer Sebastian asked ■■■ for his phone number and asked him to text him so that he (Officer Sebastian) would have his phone number. ■■■ told his school counselor, ■■■, that Officer Sebastian gave him his phone number. According to ■■■ told him it was "weird, but it's not that suspicious right now."¹⁶ On another occasion, Officer Sebastian asked ■■■ his age. ■■■ told him he was turning 18 years old the following week. ■■■ said the first time he communicated with Officer Sebastian by text¹⁷ was on or about ■■■, 2018, ■■■ eighteenth birthday. When ■■■ saw Officer Sebastian in the hallway at school, Officer Sebastian asked why he did not text him back. ■■■ told him he forgot. ■■■ sent Officer Sebastian a text following the conversation, in which Officer Sebastian replied, "Who is this?" ■■■ said he identified himself and told Officer Sebastian that he had just seen him in the hallway.

Officer Sebastian asked ■■■ what he should give him for this birthday, and ■■■ told him he did not want a present. Despite ■■■ telling Officer Sebastian that he did not want a present for his birthday, on his birthday, ■■■, 2018, Officer Sebastian sent a text to ■■■ asked him to come see him. ■■■ saw him in a hallway between classes, and Officer Sebastian gave ■■■ a wrapped gift including two pens and a bar of chocolate. Following this, Officer Sebastian continued to text ■■■ related that they did not meet after school or see each other in any areas other than the hallway at school.

However, ■■■ became uncomfortable when Officer Sebastian asked him to send pictures of himself. ■■■ refused to send him additional photos and contacted ■■■ to report the incident and forwarded his text message exchange¹⁸ with Officer Sebastian. ■■■ related that ■■■ informed ■■■ that he would speak to the principal because the text messages were "highly inappropriate."¹⁹ ■■■ and Officer Sebastian had no further communication after this.

¹⁶ Att. 11 at 23.

¹⁷ Att. 31, 38

¹⁸ Att. 17

¹⁹ ■■■ noted that his friend ■■■ a student at his school who had since graduated, was aware of his communication with Officer Sebastian. However, he was unsure if she would want to be contacted and indicated he would give her COPA's information to reach out. COPA was not contacted by her and did not obtain a statement from her.

In his interview with COPA on April 26, 2019, witness ██████████,²⁰ the ██████████ ██████████ at ██████████ related that he provides ██████████ support to students who are in the ██████████ program who are normally refugees and immigrants. ██████████ stated that although ██████████ is not on his normal caseload, he has come in contact with him quite often in the school library. While his contact with ██████████ was informal, he provided ██████████ with his Google Voice Number²¹ that is attached to his work email address and keeps a record of any communications between staff, students, and parents.

██████████ related that on November 19, 2019, he was walking out of school when ██████████ approached him and asked if it was normal for an adult to ask for your phone number and want to give you gifts. ██████████ replied that it was not normal and “pretty strange.”²² ██████████ proceeded to tell ██████████ that Officer Sebastian, the new security guard, asked for his number and asked what he wanted for his birthday. ██████████ further explained that Officer Sebastian had been texting him. ██████████ instructed ██████████ to send him screenshots of the text messages so that he could send it to the principal. ██████████ spoke to school administration about the situation but indicated that at that point the behavior was just unusual. Nonetheless, he called DCFS on November 19, 2018, to report “grooming behavior”²³ after ██████████ told him that Officer Sebastian had asked for his number and wanted to give him a gift. ██████████ described grooming behavior as “all actions that would lead to the eventual [...] physical sexual encounter between a minor and an adult. So things like gift-giving, engaging in personal relationships, and trying to hang out with minors in a way that is not in line with that person’s job or duty.”²⁴ He further related that he is able to identify grooming behavior from trainings he received in CPS and as a Catholic Church volunteer.

On November 23, 2019, during the Thanksgiving break, ██████████ called ██████████ an informed him that Officer Sebastian sent him a text asking him to send him a picture of him and what he was wearing at home. ██████████ called DCFS a second time and reported this incident. He also notified the principal. ██████████ related that he found Officer Sebastian’s conduct inappropriate because of the age difference, because ██████████ was a minor, and because ██████████ was a student and Officer Sebastian was a security officer.

In his statement to COPA on November 17, 2020, **Officer Sebastian**,²⁵ related he was employed part-time to work security at ██████████ and it was not related to his employment as a Chicago Police Officer. He worked at the school for a couple of months in 2016, returned to the school in September 2018, and was terminated²⁶ in November or December of 2017. His duties were to clear the hallways when students were dismissed between classes and to ensure there were no disturbances. If there was a disturbance, he was required to notify the main security officer and the CPD officer who was assigned to the school. His primary post was in the second-floor hallway, and sometimes, he was required to monitor the cafeteria. Officer Sebastian stated that many of the students knew him personally because he is assigned to the same district

²⁰ Att. 18, 19

²¹ ██████████ indicated this number was not his personal phone number.

²² Att. 19 at 9.

²³ Id. at 11.

²⁴ Id. at 11-12

²⁵ Att. 29, 30

²⁶ It should be noted that according to CPS Office of Inspector General Report, Officer Sebastian was removed from his position and resigned. He was not terminated. See Att. 34.

that the school is located in. Officer Sebastian assumed that ■■■ knew he was a Chicago Police Officer because other students knew.

Officer Sebastian related that one day he noticed a group of approximately five or six students gathering in an empty classroom during class hours. Officer Sebastian entered the room and asked the students why they were present. The students informed him that the principal and teachers allowed them to gather there for prayer. They responded that they were Muslim, and it was their worship time. One of the students, now known to be ■■■ told Officer Sebastian that he wanted to become a doctor, and Officer Sebastian encouraged him to study hard. Officer Sebastian stated this was his first encounter with ■■■

Officer Sebastian would see ■■■ in passing, approximately once a day. On one occasion, ■■■ informed him that his eighteenth birthday and graduation picture day were approaching and asked Officer Sebastian for his phone number. Officer Sebastian stated that ■■■ had asked him more than once for his phone number, but he refused to provide it. Officer Sebastian changed his mind after having several conversations with ■■■ Officer Sebastian stated that he was unaware that he was violating a CPS policy by giving ■■■ his number. However, Officer Sebastian denied giving any other students his number at the high school or previously giving students his number during his previous employment as a substitute teacher. Officer Sebastian stated that he would see ■■■ in passing, and ■■■ was always friendly and would shake his hand. Officer Sebastian stated they would shake hands for approximately one second and denied touching ■■■ on the biceps during the handshakes.

Officer Sebastian related that ■■■ initiated the first text exchange. Officer Sebastian admitted that he exchanged multiple text messages with ■■■ Officer Sebastian sent ■■■ a text message expressing that he wished to get him a gift for their first friendship birthday. Officer Sebastian explained that he sent ■■■ a text message and told him to meet him in the second-floor hallway where he presented ■■■ with two pens, which according to Officer Sebastian is a cultural symbolization of “career prospects” and chocolate candy. When asked to expound on the text message that he sent to ■■■ expressing that he would like to be good friends, Officer Sebastian explained that he wanted to be cordial and good school friends with ■■■ only inside of the school and it was not his intent to socialize with him outside of the school. However, Officer Sebastian admitted that he sent text messages to ■■■ both during and after school hours. Officer Sebastian explained that he would send text messages to ■■■ to encourage him and be a positive influence in his life.

Officer Sebastian stated that he sent ■■■ a text requesting him to send pictures of him. When ■■■ sent him a picture that he retrieved off the school Instagram page, Officer Sebastian sent him a text message stating, “You are a handsome guy. Very good picture.” Immediately after, Officer Sebastian sent ■■■ a text stating, “I mean what you are wearing now in your room.” When asked about this text, Officer Sebastian claimed that although he is not Muslim, in the Muslim culture the males wear long brownish dresses in their home and white long dresses at their religious and party functions, so he was asking for a picture of that attire. After ■■■ apologized to Officer Sebastian and told him that he normally does not send pictures of himself at home. Officer Sebastian replied, “No problem. Take care. Goodnight.” Officer Sebastian stated that was the last time he had contact with ■■■ The following day, the principal called him into the office and

terminated him. Officer Sebastian stated that someone made a complaint against him for the contact he had had with [REDACTED]. He was also investigated by CPS and provided a statement to a CPS investigator. Officer Sebastian stated that he did not know the outcome of the investigation. Officer Sebastian was given CPS Code of Conduct forms prior to his employment, but he just signed the forms. He also stated that he did not recall receiving any sexual misconduct or harassment trainings with CPD.

Officer Sebastian categorically denied all allegations. He stated that he did not believe his contact with [REDACTED] was inappropriate in nature.

CPS Office of the Inspector General²⁷ investigated the allegations against Officer Sebastian under Case# [REDACTED]. [REDACTED] and [REDACTED] related essentially the same information as they did to COPA. Additionally, [REDACTED] related that Officer Sebastian approached his table at lunch a few times a week and gave him chocolate. He was unsure if he gave chocolate to other students. [REDACTED] also related that Officer Sebastian touched his ([REDACTED]) bicep during the prolonged handshakes.

CPS also interviewed [REDACTED]. [REDACTED] related that Officer Sebastian was a Chicago Police Officer that was hired as part-time security at [REDACTED]. Officer Sebastian began working at the school approximately three years prior but was injured on the job with CPD and was not working at the school during the previous school year. He returned to the school for the 2018 school year. [REDACTED] stated that while Officer Sebastian was not working at the school when they had an on-site Sexual Harassment training, Officer Sebastian would have received an email that was sent out to all school employees to complete a self-guided Sexual Harassment training course. [REDACTED] further related that on November 27, 2018, he presented Officer Sebastian with a letter from CPS removing him from his duties. Officer Sebastian read the letter and stated, "I only texted *him* about grades."²⁸ [REDACTED] told CPS that the letter only referred to inappropriate texts and did not mention the students' gender. [REDACTED] stated that he had no knowledge of any other complaints related to Officer Sebastian.

Officer Sebastian related essentially the same information to CPS on January 17, 2019, as he did in his statement at COPA. In addition, Officer Sebastian related that he gave [REDACTED] his phone number because he wanted to give [REDACTED] support, since he didn't have a father and was an immigrant who was not familiar with systems. He added that they only exchanged text, and they only had in-person conversations at the school, never via phone. Officer Sebastian further related that he is married and has a son and daughter. His [REDACTED] wants to be a doctor like [REDACTED] and he thought that he would be a good support system for [REDACTED].

CPS's investigation found that Officer Sebastian exchanged inappropriate texts with [REDACTED] that were "flirtatious, romantic and/or sexual."²⁹ It further found that he singled [REDACTED] out and provided him an unapproved gift. This conduct violated CPS's policies.

²⁷ Att. 34. The investigation by CPS's OIG was investigating Officer Sebastian relative to his employment with CPS not his employment with CPD.

²⁸ Id. at 6.

²⁹ Id. at 1.

I. 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 I.L. 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.

III. ANALYSIS

A. Credibility Assessment

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory.

First, COPA finds [REDACTED] credible. The statements [REDACTED] provided to COPA, [REDACTED] and the Office of Internal General (OIG) were consistent within themselves when compared to each other. [REDACTED] consistently related that Officer Sebastian asked for his phone number, he did not want gifts from him, and he reached out to [REDACTED] when Officer Sebastian asked him to send pictures of himself. His statements were also consistent with the objective text message evidence.

In this case, COPA finds Officer Sebastian is not credible. Officer Sebastian insists that he was merely being friendly and supportive with [REDACTED]. However, his account is not supported by the

objective text message evidence or his own admissions. Rather, the evidence shows that Officer Sebastian singled ■ out and treated him differently than other students. By his own account, Officer Sebastian did not text other students or give other students gifts. Furthermore, Officer Sebastian sent ■ text messages at late hours, and these show that he was the one who initiated all the communication, despite his statements that he initially refused to provide ■ his phone number. Additionally, Officer Sebastian contradicted himself regarding his knowledge of ■ age. Officer Sebastian knew ■ was only 17 years old when they met, but when he was asked how old ■ was before they started texting, he said, "He's---he said he was 18."³⁰ This statement contradicts his earlier statement about ■ conversation with him about his upcoming graduation and 18th birthday.

B. Findings

COPA finds that **Allegations # 1-3** that Officer Sebastian (1) sent inappropriate text messages to the victim while being in a position of authority, (2) engaged in an inappropriate relationship with the victim while being in a position of authority, and (3) made unwanted sexual advances towards the victim are **Sustained**. Officer Sebastian was a security guard at the school, placing him in a position of authority over ■ a student. He was also significantly older than ■ who was a 17-year-old minor at the time they met.

The evidence shows that Officer Sebastian initially approached ■ and immediately singled him out by giving him chocolate. Officer Sebastian repeatedly approached ■ in person and took steps to increase their communication by giving him his phone number and asking ■ to reach out to him. Officer Sebastian made further attempts to build relationship with ■ by offering to buy him a gift for his birthday and repeatedly mentioning that he had hopes for a friendship with him. Despite ■ assertion that he did not want a gift from him, Officer Sebastian proceeded to purchase a gift, wrap it, and ask ■ to meet him during school to receive the gift. He then repeatedly asked if he liked the gift.

Additionally, the evidence suggests that Officer Sebastian initiated all communication with ■ via text, made attempts to see him in person, and sent him text messages outside of school hours. ■ reported that Officer Sebastian provided him with his phone number. When ■ did not immediately contact him, he asked ■ again to call or text him so he would have ■ number, which ■ finally did. After their initial conversation, Officer Sebastian initiated every subsequent conversation. Moreover, Officer Sebastian repeatedly commented on any delays in ■ text message responses to him. Furthermore, Officer Sebastian messaged ■ asking him to meet him and/or to see him before leaving school on two occasions and suggested that he wished they could spend more time together stating, "Wish we can hang around."³¹ Officer Sebastian also texted ■ at late hours after school and over the Thanksgiving holiday break.

Most importantly, Officer Sebastian's text messages to ■ on November 23, 2018 reveal that Officer Sebastian was clearly engaging in an inappropriate relationship with ■ and making unwanted sexual advances towards him when he asked for photos of him. Officer Sebastian claims his conduct was innocent and merely friendly. However, he asked ■ for pictures of himself at

³⁰ Attachment 30, page 21 line 12-14.

³¹ Id. at 11

home at approximately 10:30 PM after ■■■ indicated he was going to bed. He further tells ■■■ that he is a handsome guy. Officer Sebastian claims he merely wanted to see ■■■ in his traditional home attire, but there is no evidence to support this assertion, nor does it negate that this contact was inappropriate.

Officer Sebastian's conduct exemplifies grooming behavior. "Grooming is a method used by offenders that involves building trust with a child and the adults around a child in an effort to gain access to and time alone with her/him."³² Grooming may include "targeting the victim, securing access to and isolating the victim, gaining the victim's trust, and controlling and concealing the relationship."³³ Officer Sebastian targeted ■■■ based on his immigrant status, age, and lack of a father figure. He also singled ■■■ out by providing him gifts and communicating with him via text, behaviors Officer Sebastian did not engage in with other students. He then gained ■■■ trust by encouraging him to get good grades and giving him gifts. He made attempts to see ■■■ and communicate with him privately. He attempted to gain power over ■■■ by questioning why his text messages were not responded to immediately, and by requesting that he send pictures of himself. Officer Sebastian further initiated physical contact with ■■■ by engaging in prolonged handshakes and touching his biceps.

For the foregoing reasons, COPA finds by a preponderance of the evidence that the allegations against Officer Sebastian are Sustained.

RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

II.

a. Officer Thomas Sebastian

i. Complimentary and Disciplinary History

1. **Complimentary:** 1) 2009 Crime Reduction Award, (1) 2019 Crime Reduction Award, (4) Complimentary Letter), (1) Department Commendation, (21) Honorable Mentions, (2) Life Saving Award, (1) NATO Summit Service Award, (1) Presidential Election Deployment Award 2008. Total of (32) awards.

2. **Disciplinary History:** None

ii. Recommended Penalty

For the Sustained findings, COPA recommends a penalty of Separation from the Chicago Police Department. As a Certified Law Enforcement Officer of the State of Illinois and a member of the Chicago Police Department, Officer Sebastian took an oath to uphold the law, which include protecting children. Officer Sebastian held positions that demand the utmost trust from the public, which these positions provided him authority over a community that include a population of

³² American Bar Association citing the Department of Justice Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-34/november-2015/understanding-sexual-grooming-in-child-abuse-cases/

³³ Id.

vulnerable youth. Officer Sebastian’s conduct was deliberate. Furthermore, Officer Sebastian’s behavior erodes trust in the City of Chicago and the Chicago Police Department. Such misconduct demonstrates a lack of judgement and self-control that is dangerous and cannot be tolerated. An officer who behaves in such a manner not only brings discredit upon the Chicago Police Department but is also a risk to public safety. Thus, COPA recommends that Officer Thomas Sebastian be separated from the Chicago Police Department.

Approved:

[Redacted Signature]

Sharday Jackson
Deputy Chief Administrator – Chief Investigator

September 29, 2022

Date

[Redacted Signature]

Andrea Kersten
Chief Administrator

September 29, 2022

Date