



Log # 2021-0004659

FINAL SUMMARY REPORT

I. EXECUTIVE SUMMARY

On November 20, 2021, the Civilian Office of Police Accountability (COPA) received a telephone complaint from Sergeant Michael Krueger, #2125, alleging misconduct by Officer Erick Cortez. Sergeant Krueger alleges on November 20, 2021, off-duty Officer Cortez uttered a derogatory racial epitaph toward the [REDACTED]. Upon review of the evidence, COPA served allegations that Officer Cortez engaged in behavior unbecoming of a Chicago Police Officer, in that he stated racial slurs/words to the effect of “Don’t hit and run on me nigga and get the fuck out with that shit nigga,” and used profanity to the effect of “Don’t bullshit me bro and you fucked up, you fucked with the wrong dude bro.” Following its investigation, COPA reached **Sustained** findings regarding the allegations.

II. SUMMARY OF EVIDENCE

On November 20, 2021, [REDACTED] struck Officer Cortez’s vehicle as Officer Cortez was at a red light. [REDACTED] fled the scene and proceeded to strike multiple other vehicles.¹ Officer Cortez called 911 and followed [REDACTED] until Officers arrived at the scene to place [REDACTED] in custody. [REDACTED] and Officer Cortez exchanged words because [REDACTED] denied that he struck Officer Cortez’s vehicle. During the exchange of words, Officer Cortez stated to [REDACTED] “Don’t hit and run on me nigga,”² and “Don’t bullshit me bro, you fucked up, you fucked with the wrong dude bro.”³ [REDACTED] was charged with leaving the scene, failing to reduce speed, disobeying circular red steady signal stop, and operating an uninsured motor vehicle.

In a statement to COPA, Officer Cortez related he was at a red light when [REDACTED] rear-ended his vehicle and fled the scene. [REDACTED] was detained, and they had a verbal exchange regarding [REDACTED] denying he struck Officer Cortez’s vehicle. Per Officer Cortez, [REDACTED] initially referred to Officer Cortez as a “nigga,” and in return, Officer Cortez stated he “mocked” [REDACTED] and referred to [REDACTED] as a “nigga.”⁴

¹ Att. 5 1:57 mark.

² Att. 5 2:14 mark.

³ Att. 5 2:40 mark.

⁴ Att. 20, Officer Cortez’s audio interview, starting at the 6:15 mark.

III. ALLEGATIONS

Officer Erick Cortez:

1. Engaged in behavior unbecoming of a Chicago Police Officer by using racial slurs/words to the effect of “Don’t hit and run on me nigga and get the fuck out with that shit nigga,”
-Sustained, Violation of Rules 2, 8, 9
2. Engaged in behavior unbecoming of a Chicago Police Officer, by using profanity words to the effect of “Don’t bullshit me bro and you fucked up, you fucked with the wrong dude bro.”
-Sustained, Violation of Rules 2, 8, 9

IV. CREDIBILITY ASSESSMENT

During Officer Cortez’s interview, he admitted to directing racial derogatory language and profanity at ██████████ Officer Cortez acknowledged that his behavior was unbecoming of a Chicago Police Officer and that he was remorseful of his actions.⁵ Officer Cortez stated that he is Latino, and he believes ██████████ is also Latino, and that he was not using the term “nigga” in a derogatory manner. ██████████ failed to cooperate with the investigation.⁶

V. ANALYSIS

COPA finds Allegation #1 that Officer Cortez engaged in behavior unbecoming of a Chicago Police Officer by using racial slurs/words to the effect of “Don’t hit and run on me nigga and get the fuck out with that shit nigga,” and Allegation #2 that Officer Cortez engaged in behavior unbecoming of a Chicago Police Officer, by using profanity words to the effect of “Don’t bullshit me bro and you fucked up, you fucked with the wrong dude bro,” as **Sustained**. The BWC captured the incident, and Officer Cortez admitted to the allegations. Officer Cortez’s actions were an obvious violation of the Department’s Rules and Regulations prohibiting verbal abuse whether on or off duty and prohibiting maltreatment of any individual while on or off duty.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Erick Cortez

i. Complimentary and Disciplinary History

1 Department Commendation, 14 Honorable Mentions, 1 Life Saving Award, and 2 SPARS (absence without permission).

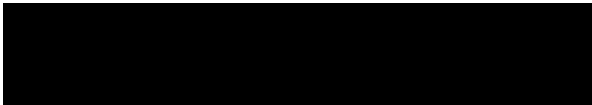
⁵ Att. 20 20:00 mark.

⁶ See CMS Notes

ii. Recommended Discipline

COPA has considered Officer Cortez's complimentary and disciplinary history. COPA has considered the totality of circumstances. Officer Cortez was remorseful and acknowledged that his conduct was unbecoming of a Chicago Police Officer. Verbal abuse and maltreatment of individuals are serious violations of Department policy. The use of racial slurs is particularly egregious and undermines public trust in the Department. COPA recommends Officer Cortez receive a suspension of 30 days up to 60 days and Racial Sensitivity Training for Officer Cortez.

Approved:



Sharday Jackson
Deputy Chief Administrator – Chief Investigator

November 30, 2023

Date

Appendix A

Case Details

Date/Time/Location of Incident:	November 21, 2021, 3:00 AM, 4333W. Irving Park Road.
Date/Time of COPA Notification:	November 20, 2021, 9:56 PM
Involved Member #1:	Erick Cortez, Star #18158, employee ID# [REDACTED], Date of Appointment: March 16, 2020, Unit of Assignment, 002 Male, White Hispanic
Involved Individual #1:	[REDACTED] male, White Hispanic

Applicable 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 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule __:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- G02-01 III (B), Human Rights and Resources (effective October 15, 2017, to current)
- G02-04 II (C), Prohibition Regarding Racial Profiling and Other Bias-Based Policing (effective December 1, 2017 to current).

Appendix B

Definition of COPA’s Findings and Standards of Proof

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 a proposition is proved.⁷ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD 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. 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.”⁸

⁷ 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 is found to be more probably true than not).

⁸ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C

Transparency and Publication Categories

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation