



Log # 20198-5321

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On December 31, 2019, the Civilian Office of Police Accountability (COPA) received a complaint from ██████████ reporting misconduct by a member of the Chicago Police Department (CPD). ██████████ alleged that on or about August – October, 2016, Officer John Pham engaged in an unconsented sexual act.² Upon review of the evidence, COPA served additional allegations that Officer Pham verbally abused ██████████ provided alcohol to ██████████ who was a minor at the time, and grabbed his buttocks and testicles without ██████████ consent. Following its investigation, COPA reached Not Sustained findings regarding the allegations.

II. SUMMARY OF EVIDENCE³

██████████ reported that on or around July 4, 2016, he met a Chicago Police Officer, known only to him as John Longfield,⁵ while he was working at Subway. ██████████ reported that Officer Pham and two other officers, who were all in uniform, came to the restaurant and engaged in small talk with him. After ██████████ expressed that he was a boxer, one of the officers began sharing workout tips and videos with him. Officer Pham and ██████████ spoke of ██████████ desire to become a police officer. After having the brief conversation, the two exchanged Facebook⁶ contact information and continued to interact with one another via Facebook⁷ Messenger. Officer Pham and ██████████ made arrangements to hang out. On an unknown date sometime between August and October 2016, Officer Pham picked ██████████ up from the southside of Chicago and drove him to his home.⁸ Once there, ██████████ related that Officer Pham dared him to take off his clothes and run up the stairs. Officer Pham stated words to the effect of, “Bet you won’t do it, pussy.” While Officer Pham never threatened ██████████ expressed that he felt intimidated, so he complied with Officer Pham’s demands. ██████████ ran to the top of the stairs, removed all his

¹ Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

² One or more of these allegations fall within COPA’s jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

³ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including interviews of the complainant and accused officer, police reports, and Facebook messages.

⁴ Att. 3, 5, 6

⁵ ██████████ provided COPA with a picture of “John Longfield,” as well as information regarding “John Longfield’s” Facebook page. COPA’s investigation revealed that the Facebook page belonged to PO John Pham.

⁶ ██████████ stated that his Facebook name is ██████████ and Officer Pham added him as a friend before leaving the restaurant.

⁷ COPA issued a subpoena to Facebook to obtain the message exchanges. However, the request was denied.

⁸ ██████████ did not know the address to Officer Pham’s home. He stated that he recalled it being on the northside and you can see the river from Officer Pham’s condo.

clothing, and ran downstairs. As he ran back upstairs, Officer Pham chased him. At the top of the landing, Officer Pham began fondling [REDACTED] penis and asked [REDACTED] to perform oral sex on him. [REDACTED] refused. Officer Pham then got on his knees, grabbed [REDACTED] buttocks, and inserted [REDACTED] penis in his mouth. Officer Pham performed oral copulation on [REDACTED] until he ejaculated. After ejaculating, [REDACTED] ran to the bathroom and threw up. Officer Pham heard him in the bathroom and asked him if he was okay. [REDACTED] told Officer Pham that he was uncomfortable and wanted to go home. [REDACTED] related that Officer Pham took him back home, but he did not recall the conversation in the car during the ride. [REDACTED] stated that while Officer Pham continued to send him messages and tried to hang out with him on several occasions, he did not interact much with Officer Pham and he did not hang out with him again. [REDACTED] reported this incident a few years later in December 2019 after a brief stay at a behavioral hospital. He stated that he told his case manager, social worker, and his girlfriend, [REDACTED]⁹ before he reported the incident to the Berwyn Police Department.¹⁰ [REDACTED] related that, following his hospital stay, he sent Officer Pham a text message, accusing Officer Pham of sexually assaulting him, but Officer Pham did not reply.

In his statement¹¹ to COPA, Officer Pham explained that he viewed [REDACTED] as a mentee, and he often offered him advice. He communicated with [REDACTED] via text and Facebook Messenger. On the date and time in question, Officer Pham related that [REDACTED] and his girlfriend had a fight, which resulted in [REDACTED] being kicked out. Officer Pham picked him up and took him to his home with plans of [REDACTED] staying the night. Officer Pham explained that the two of them watched tv in the living room and lounged on the couch while [REDACTED] continued to discuss his problems. At some point, Officer Pham relocated to the kitchen, sat at his island, and logged onto the computer. While Officer Pham was seated, [REDACTED] approached Officer Pham and placed his hand on Officer Pham's penis. He then took Officer Pham's hand and placed it on his penis. Officer Pham stated that he immediately jumped up and told [REDACTED] that it was time for him to leave. Officer Pham dropped [REDACTED] off without any further incident. Officer Pham did not recall what, if anything, they discussed during the car ride. Officer Pham related that while they never discussed the incident, he did send a text message to [REDACTED] asking if they could hang out again. The text message from Officer Pham read, "Just want to be friends again, chill and catch up. Seriously, no homo, lol....on me."¹² Officer Pham related that the "no homo" reference was regarding [REDACTED] unexpected sexual advance. Officer Pham stated that the last time he had contact with [REDACTED] was in 2019, and in all his contacts with [REDACTED] never accused him of any inappropriate behavior. Officer Pham denied the allegations. Additionally, Officer Pham related that [REDACTED] told him that he had been drinking at a friend's house prior to meeting with Officer Pham. Officer Pham related he noticed that [REDACTED] was slurring his words while talking.

⁹ [REDACTED] failed to cooperate with the COPA investigation.

¹⁰ Att. 1

¹¹ Att. 24, 25

¹² Att. 20, p. 4

III. ALLEGATIONS

Officer John Pham:

1. Stated words to the effect of, "Bet you won't do it, pussy"
 - Not Sustained
2. Touched ██████ testicles and/or penis and/or performed oral sex on him without his consent and/or with knowledge that he was a minor
 - Not Sustained
3. Grabbed ██████ buttocks without his consent
 - Not Sustained
4. Provided an alcoholic beverage to ██████ an underage subject an individual under 21 years of age.
 - Not Sustained

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to doubt the credibility of any of the individuals who provided statements.

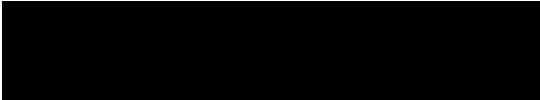
V. ANALYSIS¹³

COPA finds that **Allegations #1 - 4** are Not Sustained against Officer Pham. ██████ reported that Officer Pham fondled his genitals, performed oral sex on him and grabbed his buttocks without his consent, verbally abused him, and provided him alcohol while he was a minor. Department Members are expected to not engage in any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department. Additionally, Department Members are expected to respect and avoid maltreatment of any person, while on or off duty.

While ██████ alleged that Officer Pham engaged in nonconsensual sexual acts with him, there is insufficient evidence to support or refute the allegations. The accounts of ██████ and Officer Pham are vastly different. They both identify the other as being the individual who made unwanted sexual advances. This incident is alleged to have occurred in 2016 but was not reported until 2019. While COPA understands that such delays in reporting are not uncommon in sexual misconduct cases, these delays do impact the availability of evidence. In this case in particular, COPA was unable to interview ██████ who may have been able to corroborate some of ██████ information. Additionally, there is no other contemporaneous evidence that may allow COPA to reach a finding by the preponderance of the evidence. Therefore, the allegations are not sustained.

¹³ For a definition of COPA's findings and standards of proof, see Appendix B.

Approved:



Sharday Jackson
Deputy Chief Administrator – Chief Investigator

February 9, 2024

Date

Appendix A**Case Details**

Date/Time/Location of Incident:	August – October 2016
Date/Time of COPA Notification:	December 31, 2019/12:30PM
Involved Officer #1:	John Pham, Star 15530, Employee ID# [REDACTED], DOA: October 31, 2012, Unit 014, Male, Asian
Involved Individual #1:	[REDACTED] Male, Hispanic

Applicable Rules

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- 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 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.

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.¹⁴ For example, 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. 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.”¹⁵

¹⁴ 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).

¹⁵ *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