



Log # 2021-0002022

## FINAL SUMMARY REPORT<sup>1</sup>

### I. EXECUTIVE SUMMARY

On May 26, 2021, the Civilian Office of Police Accountability (COPA) received a telephone complaint from Sergeant Julio Hernandez, #1834, on behalf of ██████████ reporting alleged misconduct by a member of the Chicago Police Department (CPD). ██████████ alleged that on May 26, 2021, at approximately 1:30 pm, she received a text from ██████████ the ██████████ of Officer Daniel Kennedy-Gasior, that stated, “He just had a loaded gun pointed at his own head. Then pointed it at me when I tried to stop him and take it away. I really don’t know what the fuck to do anymore.”<sup>2</sup> Upon review of the evidence, ██████████ additionally alleged that Officer Kennedy-Gasior locked ██████████ out of their mutual residence on May 25, 2021, without justification; and that on an unknown date, he also kicked ██████████ on the chest and/or threw objects at her without justification. Following its investigation, COPA reached not sustained findings.

### II. SUMMARY OF EVIDENCE<sup>3</sup>

██████████ a neighbor of Officer Kennedy-Gasior and ██████████ resided across the hall from them and periodically socialized with ██████████ and ██████████ both worked in clinical settings with children: ██████████ as social worker at ██████████ and ██████████ as a pediatric psychiatric nurse. ██████████ stated that she had minimal contact with Officer Kennedy-Gasior and that ██████████ did not share ██████████ details with her.<sup>4</sup> However, ██████████ reported to responding officers that they had been having issue for six months.<sup>5</sup> ██████████ had never seen injuries on ██████████ but related that she had heard loud verbal fights between them that prompted her to make a past noise complaint to the condo board.<sup>6 7</sup>

On May, 25, 2021, ██████████ received the below text from ██████████

---

<sup>1</sup> 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.

<sup>2</sup> 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. See Atts. 2.

<sup>3</sup> The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including BWC footage, , police reports, civilian interviews, officer interviews.

<sup>4</sup> ██████████ spoke with COPA via telephone but declined to provide a recorded statement. See Att. 3, Pg. 1 Lns, 12-15.

<sup>5</sup> Att. 12, 9:05 – 9:30 minutes.

<sup>6</sup> COPA attempted contact with the Condo Board but was unsuccessful.

<sup>7</sup> Att. 12, 7:20 – 7:45 to 8:08 minutes.



██████████ was immediately concerned because she was aware of the prevalence of murder-suicides and the seriousness of a domestic violence situation with firearms.<sup>9</sup> She called 911 at 1:44 pm to report a “domestic violence situation.”<sup>10</sup> When officers responded, ██████████ met them and showed them the text. She also reported that ██████████ had told her that Officer Kennedy-Gasior locked her out on the evening of May 25, 2022; and had also physically abused her on unknown dates by kicking her on the chest and/or throwing objects at her.<sup>11</sup> She also described Officer Kennedy-Gasior as “super-controlling.”<sup>12</sup>

██████████ initially refused to allow police into the residence and spoke to them from her apartment railing.<sup>13</sup> She called Officer Kennedy-██████████ and announced that he was walking home from the gym.<sup>14</sup> ██████████ declined to cooperate with the COPA investigation, stating via telephone that she and Officer Kennedy-Gasior were under a lot of stress and had been arguing a lot. She reported that she was in a graduate program and Officer Kennedy-Gasior had been working mandatory twelve-hours shifts with no days off. Her minor stepsons were remote learning

<sup>8</sup> Att. 8.

<sup>9</sup> Att. 3, Pg. 1, Lns. 30 – 36.

<sup>10</sup> Att. 4, 00:20-0021 seconds.

<sup>11</sup> Att. 12, 5:55 - 6:10 minutes.

<sup>12</sup> Att. 12, 9:31 -- 9:34 minutes.

<sup>13</sup> Att. 12, 2:15 to 2:50 minutes.

<sup>14</sup> Att. 15:29 – 14:45 minutes.

half the week in her home and not respecting her authority. Ms. ██████ stated that Officer Kennedy-Gasior pulled out a weapon from under the bed and cleaned it as they argued. When he was done, he went to the gym.<sup>15</sup> ██████ stated that she did not recall sending the text to ██████ until the police were at the door. She stated that she “overreacted” when she sent the text, and that the accused did not point the gun at himself or her.<sup>16 17</sup>

When Officer Kennedy-Gasior arrived dressed in gym clothes, he was met in the lobby by Responding Officers and Sergeant Hernandez, who spoke to him in the lobby. When asked if he had an argument with his ██████ he stated that they had been arguing for the past month.<sup>18</sup> He was told that his ██████ had texted an unidentified neighbor that he had pointed a gun at her. Officer Kennedy-Gasior denied it, stating that he did not point a weapon at her but had been cleaning a “sidearm” of his.<sup>19</sup> He also mentioned that they were arguing over his cancelled days off.<sup>20</sup> ██████ called him, and he stepped away, asking her if she would speak with the police. The sergeant asked him to have her open the door. Officer Kennedy-Gasior then told her to open the door and to say what had happened, including showing the police that his gun cleaning supplies were still out. He stated, “They think I pointed a gun at you.”<sup>21</sup> While still on the call, Officer Gasior-Kennedy stated that ██████ was “weird” about opening the door.<sup>22</sup> Sergeant Hernandez replied that there was a female officer upstairs who would be present. Officer Kennedy-Gasior instructed ██████ to open the door and speak with the police.

Officer Gasior-Kennedy was very emotional and cried as Sergeant Hernandez explained that here would be an investigation. He expressed concern over losing his job since he had a child that requires hearing aids; also stating, “I didn’t point my gun at her. I wouldn’t do that, man. I wouldn’t do that. I got two kids, man. You can talk to her yourself.”<sup>23</sup> Sergeant Hernandez comforted a distraught Officer Kennedy-Gasior, telling him that it was an investigation, and he would be coming to the station to initiate the investigation and not as an arrestee. Officer Kennedy Gasior stated, “I don’t even know how it got to this point. We were arguing. I didn’t want to give into it anymore. I waited for my phone to charge. It was less than ten percent and I wanted to listen to music at the gym. I had a gun in the box under the bed. I took it out and cleaned it. That’s it.”<sup>24</sup> He added that it was a foldable gun, and he did not take it apart. He also stated that they were not on bad terms when he left for the gym.<sup>25</sup> Officer Kennedy -Gasior then walked out of the

---

<sup>15</sup> Att. 11, Pg, 1, Ln

<sup>16</sup> Att.11, Pg. 1, Ln. 16.

<sup>17</sup> Attorney ██████ contacted COPA via email to report that ██████ had retained him as her counsel.

<sup>18</sup> Att. 13, 15:55 -- 15:59 minutes.

<sup>19</sup> Att. 13, 16:29 minutes.

<sup>20</sup> Att. 13, 16:40 minutes.

<sup>21</sup> Att. 13, at 18:00 to 18:05 minutes.

<sup>22</sup> Att. 13, at 18:32 to 18:39 minutes.

<sup>23</sup> Att. 13, at 19:17 to 20:05 minutes.

<sup>24</sup> Att. 13, at 21:32 to 21:49 minutes.

<sup>25</sup> Att. 13, at 23:58 to 24:00 minutes.

camera frame to take another call before being escorted to the 014<sup>th</sup> District Station by Sergeant Woodie Gibson.<sup>26</sup>

██████████ eventually opened the door and stepped into the hall. She identified herself and stated that she “overreacted” when Officer Kennedy-Gasior started cleaning his gun while they were arguing.<sup>27</sup> Sergeant Hernandez arrived; after speaking with Officer Kennedy -Gasior on the phone; and after Officer Kennedy-Gasior left. ██████████ began to cook as she explained that both she and Officer Kennedy-Gasior were “stressed out” and that they argued as he cleaned his gun.<sup>28</sup> She stated that she “overreacted” because she thought she saw a bullet in the gun. However, he showed her that the gun was unloaded. ██████████ again stated that she “overreacted” and apologized.<sup>29</sup> ██████████ was asked if he ever put the gun to his head or hers and she stated, “No.”<sup>30</sup> She denied being in fear of Officer Kennedy-Gasior. She also stated that he had been cleaning the gun, which had been put away, on the couch. ██████████ again stated that she “overreacted” when asked about the text message sent to ██████████<sup>31</sup> ██████████ said that ██████████ had texted her,” How are you doing?” and she sent the text in response during the argument.<sup>32</sup>

██████████ could be heard on the phone with Officer Kennedy-Gasior after his personal items were requested by officers. The apartment door was closed but remained ajar. She stated, “I did. I did. I told them nothing happened. Dan, nothing happened. Dan, Dan. I know. Nothing happened. Dan, I know. Nothing happened.”<sup>33</sup> ██████████ appeared to walk away from the door and her conversation became inaudible., although she could later be heard inquiring if food and water were needed.<sup>34</sup>

Responding officers who remained in the hallway while Sergeant Hernandez spoke with ██████████ were also documented on BWC that ██████████ was telling an inconsistent story and “backtracking.”<sup>35</sup> It was also noted by officers that there is no reason to “touch a gun” during a domestic argument.<sup>36</sup>

Officer Gasior-Kennedy stated that May 2021, was a very stressful time because the Department had cancelled days off for officers and ██████████ was dealing with a “mental health thing” that he described as “anxiety.”<sup>37</sup> He stated that he did not understand her condition, but related that she is on medication for it and that discussion of her medication is a topic that they

<sup>26</sup> Sergeant Woodie Gibson retired from the Chicago Police Department.

<sup>27</sup> Att. 15, at 30:24 to 30:54 minutes.

<sup>28</sup> Att. 13, at 38:27 to 39:59 minutes.

<sup>29</sup> Att. 13, 38:30 minutes.

<sup>30</sup> Att. 13, 38:44 minutes.

<sup>31</sup> Att. 13; at 40:04 to 40:14 minutes.

<sup>32</sup> Att. 13, at 40:24 to 40:54 minutes.

<sup>33</sup> Att. 15, at 35:42 to 36:00 minutes.

<sup>34</sup> Att. 15, at 36:30 to 37:00 minutes.

<sup>35</sup> Att. 12, at 49:14 to 50:13minutes.

<sup>36</sup> Att. 12, at 47:38 to 47:45 minutes.

<sup>37</sup> Att. 26, Pg. 12, Lns. 9-12.

cannot discuss.<sup>38</sup> He did not know the name of her medication nor her specific diagnosis. However, he stated that it manifests irritability in her and makes her seek verbal engagement, such as arguments.<sup>39</sup> He described her as “irritable” and “angry” over his lack of days off.<sup>40</sup>

On May 26, 2021, Officer Kennedy-Gasior knew ██████████ was in a bad mood when she stated, “Can you get the fuck out of my way?” as he got his morning glass of water.<sup>41</sup> He stayed out of her way and watched television as she complained about their dirty and disorganized residence. After eating, he dressed to go to the gym and charged his phone, which was at five percent. He made a sports nutrition drink as ██████████ became “serious about her nagging.”<sup>42</sup> ██████████ stood in front of the television and verbally argued with him while he told her to leave him alone and that he just wanted to go to the gym.<sup>43</sup>

Officer Kennedy -Gasior went to the bedroom to get away from ██████████. He took out a firearm, a Keltech Sub 2000, that he had not cleaned since he was a Probationary Police Officer approximately four years earlier. He took the gun to the living room to clean it. The barrel of this weapon bends down and he cleaned it in the living room.<sup>44</sup> ██████████ entered the living room and stated, “What are you doing with that? What are you planning on doing with that?”<sup>45</sup> Officer Kennedy-Gasior showed her the weapon folded and she walked away.<sup>46</sup> He continued cleaning the weapon and packed it away before drinking his supplement, kissing ██████████ and going to the gym. Approximately ninety minutes later, ██████████ called him at the gym to tell him that there were multiple police officers at their house and she was scared because she did not know why they were there.<sup>47</sup>

He stated that he left the gym and was met by the police in the lobby of the building and that he “broke down” when told that there was an allegation that he had pointed a firearm at himself and ██████████. He later learned that she had sent a text when she saw the gun and he recalled asking her, “Hey did you take -- are you off your meds?” while cleaning the weapon.<sup>48</sup> Officer Kennedy -Gasior stated that he had never cleaned this gun before and that it took him five to ten minutes to do so.<sup>49</sup> He stated that he decided to clean his gun, “Because it was something I can do to, like, not focus on her and not engage with her. It seemed everything else I would do would fuel her.”<sup>50</sup> He also stated that he had previously cleaned firearms in front of ██████████.<sup>51</sup>

---

<sup>38</sup> Att. 26, Pg. 12-13; Lns. 20 – 10.

<sup>39</sup> Att. 26, Pgs.14, Lns. 11 – 24.

<sup>40</sup> Att., 26, Pg. 15, Ln. 24.

<sup>41</sup> Att. 26 Pgs. 17-18, Lns. 24 -2.

<sup>42</sup> Att. 26, Pg. 19, Ln. 5.

<sup>43</sup> Att. 26, Pg. 19, Ln. 2.

<sup>44</sup> Att. 26, Pg 20, Lns. 1-17.

<sup>45</sup> Att. 26, Pg, 20, Lns. 20 -21.

<sup>46</sup> Att., 26, Pg. Pg. 39, Lns. 5-14.

<sup>47</sup> Att. 26, Pg 21, Lns. 4-18.

<sup>48</sup> Att. 26. Pg.23, Lns. 4-8.

<sup>49</sup> Att. 26, Pg 23, Lns. 19 -24.

<sup>50</sup> Att. 26, Pg. 25, Lns. 4-6.

<sup>51</sup> Att. 26, Pg. 26, Lns. 16 – 18.

Officer Kennedy-Gasior was taken to the station and returned home later that day. He and ██████ attended ██████ counseling through the Employee Assistance Program (EAP) and now have a child together. They moved from ██████ a few months after the incident. When asked about subsequent encounters with ██████ Officer Kennedy-Gasior stated that he did not speak with ██████ about the text. However, around July 4, 2021, he and ██████ encountered ██████ on the roof and ranted about the effects of Covid on relationships.<sup>52</sup>

Officer Kennedy -Gasior denied locking ██████ out of their apartment on May 25, 2021. He stated that they were not arguing. He recalled that he was in shower when ██████ arrived home from work and banged on the door because she had forgotten her key. He stated that she accused him of locking her out and he explained that he was in the shower. He also stated that she stayed in their apartment on the night of May 25, 2021.<sup>53</sup> He also denied physically abusing ██████ by kicking her on the chest or throwing objects at her, stating that ██████ threw things and had once shattered coffee cup.

**Officer Daniel Kennedy-Gasior:**

1. It is alleged that on or about May 26, 2021, at approximately 1:10 pm, at or near the location of ██████, Officer Daniel Kennedy -Gasior, #9149, committed misconduct through the following acts or omissions: pointing a gun at his own head and/or the head of ██████ without justification.
  - **Not Sustained**
  
2. It is alleged that on or about May 25, 2021, at an unspecified time, at or near the location of ██████, Officer Daniel Kennedy-Gasior, #9149, committed misconduct through the following acts or omissions: Locking ██████ out of their mutual residence, without justification.
  - **Not Sustained**
  
3. It is alleged that between approximately January 1, 2021, and May 25, 2021, at unspecified times, at or near the location of ██████, Officer Daniel Kennedy-Gasior, #9149, committed misconduct through the following acts or omissions: Physically abusing ██████ by kicking her on the chest and/or throwing objects at her, without justification.
  - **Not Sustained**

---

<sup>52</sup> Att. 26, Pg. 41, Lns. 2 – 12.

<sup>53</sup> Att. 26, Pg. 52, Lns. 10 – 22.

### III. 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.

In this case, COPA is tasked with evaluating the credibility of three people: ██████████ ██████████ and Officer Kennedy-Gasior. ██████████ called 911 after retrieving the text from ██████████ provided the text to responding officers and COPA. ██████████ did not provide COPA with a statement but provided additional information telephonically. ██████████ who is a social worker, stated that she was concerned due to the prevalence of fatal domestics involving law enforcement. ██████████ has no vested interest in making this report to 911 or COPA. COPA finds ██████████ credible.

██████████ provided inconsistent accounts of the incident. She texted ██████████ that Officer Kennedy-Gasior pointed a firearm at his own and her head. She told responding officers that she "overreacted" while he was cleaning his gun. She told Sergeant Hernandez that she received a text from ██████████ and texted back her overreaction to the gun in response. However, ██████████ did not intimate a text to ██████████ prior to her sending that text on May 26, 2021. Although ██████████ would not provide an interview to COPA, ██████████ told COPA that she also "overreacted" and did not recall sending the text until the police were there. ██████████ was in constant communication with her ██████████ prior to his instruction to speak with the responding officer. While COPA recognizes that victims of domestic violence often change their statements regarding what occurred, her inconsistencies cause her credibility to be questionable in this case.

Officer Kennedy-Gasior denied all allegations. He admitted to arguing with ██████████ and then cleaning a weapon for the very first time since he bought it years ago as he waited for his phone to charge. He described ██████████ as mentally ill and taking medication for an unknown psychiatric condition. He told COPA that he did not point the weapon at himself or ██████████ without justification and had no idea why ██████████ would make outcry to ██████████ He was in communication with ██████████ throughout the response on May 26, 2021, and repeatedly voiced concern over keeping his job as a police officer. Officer Kennedy-Gasior has every interest in downplaying this incident and describing ██████████ as an unreliable victim suffering from mental illness. COPA does not find Officer Kennedy-Gasior credible.

### IV. ANALYSIS<sup>54</sup>

COPA finds Allegation #1, against Officer Kennedy-Gasio, that he pointed a gun at his own head and/or the head of ██████████ is **not sustained**. Although COPA has no reason to doubt the credibility of ██████████ her information is based solely on a text message from ██████████

---

<sup>54</sup> For a definition of COPA's findings and standards of proof, see Appendix B.

██████████ told inconsistent accounts of overreacting to him just cleaning his gun during an argument. She did not text ██████████ to clarify her overreaction or to tell ██████████ that it was an overreaction. ██████████ only reported to the police and COPA that she overreacted.

Officer Kennedy-Gasior denied this allegation, stating that he was cleaning his weapon, a weapon that he had not cleaned or touched by his own admission in four years, during an argument with his ██████████ who was experiencing anxiety from an unidentified psychiatric condition. He also stated that he went into the bedroom to get away from ██████████ but then returned to a common open space with a gun to clean. This explanation seems unlikely.

However, while COPA believes it is entirely plausible, perhaps even likely, that ██████████ text to ██████████ was a truthful accounting of what occurred, due to her subsequent accounts and lack of any other evidence, there is insufficient evidence to prove this allegation by a preponderance of the evidence. For all these reasons, this allegation is not sustained.

COPA finds that Allegations #2 and 3 against Officer Kennedy-Gasior, that locked ██████████ out of the apartment without justification on May 25, 2021; and that he physically abused ██████████ by kicking her on the chest and/or throwing objects at her, without justification, are **not sustained**. Although ██████████ is credible to COPA, she did not expound upon these allegations to the responding officers on BWC; nor did she have much information or detail to provide to COPA. ██████████ did not make these allegations directly to the police or to COPA. Officer Kennedy-Gasior denied these allegations. For all these reasons, these allegations are not sustained.

Approved:

██

Sharday Jackson  
Deputy Chief Administrator – Chief Investigator

February 29, 2024

Date



Appendix A**Case Details**

Date/Time/Location of Incident:	May 26, 2021, at approximately 1:10 pm, [REDACTED] [REDACTED]
Date/Time of COPA Notification:	May 26, 2021, at approximately 4:16 pm
Involved Member #1:	Daniel Kennedy-Gasior, Star #9149, Employee # [REDACTED]; June 27, 2016; Unit 024; Male; White.
Involved Individual #1:	[REDACTED] Female, White
Involved Individual #2:	[REDACTED] Female, White

**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]*

## 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.<sup>55</sup> 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.”<sup>56</sup>

---

<sup>55</sup> 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).

<sup>56</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> 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