Log # 2019-99

FINAL SUMMARY REPORT[1]

I. EXECUTIVE SUMMARY

On February 19, 2019, the Civilian Office of Police Accountability (COPA) received an Initiation Report from Sgt. Admira Ferizovic, #1022, alleging misconduct by a Chicago Police Department on behalf of [redacted] alleged that on February 18, 2019, Officer Fernandez came to her home unannounced and uninvited, pushed her, blocked her path, and took her I-phone and failed to return it.[2] Upon review of the evidence, COPA served additional allegations that Officer Fernandez physically assaulted [redacted] threatened her, held her against her will, and failed to submit a To-From report notifying the Department that he was the respondent named in an Order of Protection. Following the investigation, COPA reached sustained findings regarding the allegations of holding [redacted] against her will, failing to return her I-phone, and failing to submit a To-From report to the department.

II. SUMMARY OF EVIDENCE[3]

On February 8, 2019, [redacted] went to the 019th District Station and reported[4] that her [redacted], Officer Fernandez, whom she had broken up with two weeks prior, accosted her from behind as she was walking home from the train. Officer Fernandez stood in front of her, blocking her path, and asked her why she was not talking to him. [redacted] told him to leave her alone and threatened to call the police. [redacted] blocked Officer Fernandez's phone number, but he then started calling her from different numbers. [redacted] pulled out her cellular phone to call the police, but Officer Fernandez snatched it from her and refused to return it. [redacted] yelled for an unknown citizen to call the police. When Officer Fernandez diverted his attention to the citizen, [redacted] ran inside of her apartment building.

[redacted] related to COPA that she and Officer Fernandez dated from Aug. 2017 to Sep. 2018, broke up briefly, and reconciled from January 2019 to February 2019. [redacted] reported that her first physical confrontation occurred in August 2018. The couple was arguing over religion and as she was exiting his vehicle, he forcefully grabbed her wrist, screamed at her, and refused to let her exit the vehicle.

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[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 civilian interviews, police report, and court records.
[4] A general Case report for theft was generated under RD# JC157480.
[5] Att. 9. [redacted] refused to provide an official statement to COPA in fear of retaliation. Therefore, an Affidavit Override was obtained.

[redacted] agreed to meet Officer Fernandez for breakfast at Corner Bakery on Sep. 4, 2018, and planned on telling him that the relationship was over. Officer Fernandez approached her driving in a police vehicle in front of [redacted] office building. Officer Fernandez told [redacted] to get in the vehicle and they would go to Starbucks. When she declined his offer, Officer Fernandez jumped out of the vehicle, blocked the door of her office building, and threatened to cause a scene. In an attempt to diffuse the situation, [redacted] entered his vehicle, and Officer Fernandez drove away. After Officer Fernandez drove on to the Kennedy Expressway traveling northbound, she asked where they were going, and he responded somewhere nobody would find her. Officer Fernandez took possession of. Park's cell phone and continued to make threats against her of sending nude photos of her to her bosses.

After [redacted] failed to arrive at work, her supervisor, [redacted] began calling her repeatedly. Officer Fernandez returned her phone and instructed [redacted] to tell her boss that she was okay. Immediately after answering the phone, [redacted] told her boss that she was being held against her will. [redacted] reported being in the car for almost two hours before Officer Fernandez returned her to her place of employment.

In January 2019, the couple resumed their relationship. [redacted] ended the relationship after one month and informed Officer Fernandez not to contact her. Officer Fernandez continued to call, text and email [redacted] causing her to change her phone number twice. [redacted] believes that Officer Fernandez used his police resources and position to obtain her phone numbers and phone activity. Officer Fernandez also contacted [redacted] sister, although she never provided him with her sister's contact information.

On March 1, 2019, [redacted] obtained an Order of Protection against Officer Fernandez. The Order of Protection was vacated on March 14, 2019, after [redacted] Park's attorney and Officer Fernandez's attorney decided to enter an Agreed Order prohibiting Officer Fernandez from contacting [redacted] Officer Fernandez was also ordered to pay [redacted] for the loss of her phone.

[redacted] submitted a thread of text messages and emails between herself and Officer Fernandez dating from Sep. 3 & 4, 2018. In one text message to [redacted] on Sep. 3, 2018, at approximately 9:06pm, Officer Fernandez wrote, "The next email will be carbon copied" and listed the email address of [redacted] and a few other coworkers of [redacted] At 9:58pm, [redacted] replied, "Stop contacting me." At 10:25pm. Officer Fernandez sent [redacted] another email stating, "Give it the attention it merits." During the email exchanges, Officer Fernandez and [redacted] arranged to meet at a coffee shop the next morning.

In an interview with COPA, [redacted] related that she has been [redacted] supervisor for approximately five years[7]. [redacted] reported having limited knowledge of the relationship between [redacted] and Officer Fernandez. [redacted] reported that on the morning of September 4, 2018, [redacted] sent her a text stating that she was running late for work. [redacted] then called [redacted] and told

[6] Att. 16, 17

[7] [redacted] stated that although she does not consider [redacted] to be a close friend of hers, she related that she has a casual friendly relationship with all all employees and often share personal information with one another.

her that she had been having problems with [redacted], Officer Fernandez. [redacted] explained that she [redacted] with Officer Fernandez due to his controlling and possessive behavior. [redacted] told [redacted] that she was next door to the office building grabbing coffee, and Officer Fernandez had been following her. [redacted] advised [redacted] to go to the office where she would be safe.

[redacted] received a text from [redacted] explaining that as she was going to the office and observed Officer Fernandez, who was parked in front of the office building waiting for her. Officer Fernandez approached [redacted] asking her to talk. [redacted] told [redacted] that she was in Officer Fernadez's car, and he was driving away from the office. Via text, [redacted] told her to tell Officer Fernandez to bring her back to the office. [redacted] made several attempts to talk with [redacted] through texts and phone calls. [redacted] only response was words to the effect of, "He's taking me out of the city, and I don't know where he's taking me.[8]" [redacted] reported [redacted] sounded distressed and fearful.

[redacted] later learned from [redacted] that at some point after she got in Officer Fernandez's vehicle, he took her phone, and he was the one texting [redacted] later told [redacted] that Officer Fernandez prior to this incident she spoke with an attorney at their office about obtaining an Order of Protection against Officer Fernandez. [redacted] moved in with her mother, briefly, due to a safety concerns. [redacted] told her that, after this incident, Officer Fernandez continued to harass her through repeated texts and calls She also mentioned that Officer Fernandez continued to stalk her by coming to her residence, sitting in the lobby or parking outside of her building, prompting. [redacted] to enter and exit her apartment building through the rear door. [redacted] added she has never met or spoke with Officer Fernandez and Officer Fernandez never contacted her via email[10] or phone.

In his statement to COPA, **Officer Fernandez**[9] stated that he and [redacted] had been in a relationship off and on from 2017 to 2019. Officer Fernandez stated that there were infidelity issues in the relationship, as well as suspected drinking and drug usage by [redacted]

After the couple terminated their relationship in the fall of 2018, Officer Fernandez consulted with his attorney regarding retrieving compromising photographs of him from [redacted] His attorney submitted a letter[10] to [redacted] attorney suggesting that the former couple sign a non-disclosure agreement agreeing to the destruction of the pictures.

Prior to [redacted] obtaining an Order of Protection, Officer Fernandez and [redacted] agreed to meet at the bar inside of her apartment building in order to check each other's phones and make sure all compromising photos of each other were deleted. Officer Fernandez and [redacted] swapped phones. After Officer Fernandez deleted the photos off of [redacted] phone, he reported placing her phone on the table, and he left. [redacted] later alleged that Officer Fernandez somehow damaged her phone when he deleted the photos. Officer Hernandez reported his attorney later informed him

[8] P. 13, lns. 18, 19

[10] [redacted] work email address is [redacted]

[9] Att. 38, 40

[10] It was later revealed in the statement that [redacted] letter to [redacted] attorney was in response to an email that [redacted] attorney sent to PO Fernandez accusing him of threatening [redacted]

about an Order of Protection [redacted] obtained against him.[11] Officer Fernandez reported he was never served with the order, only that his attorney informed him of it[12] and they discussed [redacted] allegations.[13] Officer Fernandez stated that he informed one of his sergeants, either Sgt. Ricky O'Neil or Sgt. Padilla about the Order of Protection. An agreed order was entered, including ordering Officer Fernandez to reimburse [redacted] $199.00 U. S. for the loss of her cell phone[14].

Officer Fernandez denied going to [redacted] place of employment. He later stated that it was possible that he picked her up or dropped her off at her job at some point in their relationship. He further denied contacting her employer.

Upon review of emails submitted to COPA by [redacted] Officer Fernandez acknowledged the his email address was listed as either the sender or recipient, he did not recall the email exchanges. He did, however, explain that it appeared that he was trying to contact [redacted] to speak with her regarding the compromising photos. He acknowledged that after [redacted] emailed him, he continued to email her because he wanted to ensure that the pictures were not disseminated.[15] Officer Fernandez stated that the only time that he and [redacted] were engaged in a physical altercation was in May 2018. [redacted] whom Officer Fernandez believed was under the influence of alcohol at the time, battered him while they were on an unknown location in the 014th District. Officer Fernandez called the police from his cell phone but hung up.[16] Furthermore, Officer Fernadez denied using Department Resources to obtain [redacted] her family and friends personal information. He added that after [redacted] changed her phone number, she contacted him from her new number.

III. ALLEGATIONS

***PO Enrique Delgado Fernandez*:**

1. Forcibly grabbed [redacted] by the wrist
   - Not Sustained

2. Refused to allow her to exit the vehicle.
   - Not Sustained

3. Harassed [redacted] in that he contacted her via phone and/or email after being asked not to do so.
   - Sustained in violation of Rule 2 and 8

4. Contacted and/or threatened to contact her employer.
   - Sustained in violation of Rule 2 and 8

[11] PO Fernandez later related that he was called down to the Internal Affairs Division and it was unclear to him if they told him, or his attorney told him about the Order of Protection.
[12] P. 19, ln 4,5
[13] P. 18, ln 16,17
[14] Att.18
[15] P. 39, ln 7-18
[16] A search of the 911 database did not reveal any call from PO Fernandez's cell phone number [redacted].

5. Threatened to cause a scene if [redacted] did not get in the car.
   - Sustained in violation of Rule 2, 8, 9

6. Held [redacted] against her will.
   - Sustained in violation of Rule 2, 8, 9

7. Took possession of [redacted] cell phone without her consent
   - Sustained in violation of Rule 2 and 8

8. Threatened [redacted] life.
   - Sustained in violation of Rule 2, 8, 9

9. Threatened to send [redacted] nude photographs to her employer.
   - Sustained in violation of Rule 2 and 8

10. Came to her residence unannounced and uninvited.
    - Sustained in violation of Rule 2, 8

11. Pushed [redacted] without justification.
    - Sustained in violation of Rule 2, 8, 9

12. Blocked [redacted] path, preventing her from moving freely.
    - Sustained in violation of Rule 2, 8, 9

13. Took [redacted] phone without her permission and failed to return it.
    - Sustained in violation of Rule 2, 8, 9

14. Failed to submit a To-From report notifying the Department that he was the respondent of an Order of Protection.
    - Sustained in violation of Rule 6

15. Utilized Department computerized information and/or Department resources in an unauthorized manner and not for the purpose of official police business to wit: to conduct a search and/or access records for [redacted] and/or her friends and/or her family members.
    - Unfounded

IV. 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. Officer Fernandez gave conflicting accounts of the

incidents throughout his entire statement at COPA. COPA is able to deem that [redacted] is more credible than Officer Fernandez. Officer Fernandez posited that [redacted] was using drugs and drinking alcohol excessively and that was the cause of her behavior while they were in a relationship. COPA found no evidence to corroborate his [redacted]

V. ANALYSIS[17]

COPA finds that Allegations #1 & 2 against Officer Fernandez, that he forcibly grabbed [redacted] by the wrist and refused to allow her to exit the vehicle is Not Sustained. COPA found no corroborating evidence of either. Although both parties acknowledged that there were altercations in the relationship, there is no witness, outcry witness or recordings of the allegations. COPA is unable to determine the circumstances and reached a finding of Not Sustained.

COPA finds that Allegation #3 against Officer Fernandez, that he harassed [redacted] in that he contacted her via phone and/or email after being asked not to do so is Sustained. As supported by [redacted] statement, she instructed Officer Fernandez to not to contact her. She said, he continued to call, text, and send emails to her job. [redacted] reported he continued to contact her from various phone numbers, including numbers assigned to the Chicago Police Department. Officer Fernandez said he tried to contact [redacted] at work, but the phone was not working.[18]

COPA finds that Allegation #4 is Sustained in violation of Rule 4. Officer Fernandez contacted and/or threatened to contact her employer. It is more plausible that, as supported by the emails, Officer Fernandez repeatedly emailed. [redacted] threatening to carbon copy her employer and several of her employees but inverted the letters, until she agreed to meet him the morning of Sep. 4, 2018, at the Corner Bakery. Officer Fernandez was referring to [redacted] Officer Fernandez sent an email to [redacted] with her boss [redacted] email address in it. [19]

COPA finds that Allegation # 5 is Sustained. Officer Fernandez threated to cause a scene if [redacted] did not get in the car. As supported by [redacted] statement, Officer Fernandez came to [redacted] office building near Dearborn and Monroe Street demanding she get inside of his vehicle so they could go to Starbucks instead of meeting at Corner Bakery. When [redacted] declined Officer Fernandez's request, he blocked the door to her officer building and threatened to cause a scene if she did not get inside of his vehicle. [20]

COPA finds that Allegation # 6 is Sustained. Officer Fernandez held [redacted] against her will. [redacted] got into Officer Hernandez's vehicle under the impression that they were going to Starbucks. Officer Fernandez drove past the coffee shops in the area and proceeded to drive north towards Wisconsin. [redacted] also told her boss [redacted] she was being held against her will. [redacted] said she was being taken out of the city by Officer Fernandez and did not know where he was taking her. [redacted] was in the car with Officer Fernandez for approximately two hours. [21]

[17] For a definition of COPA's findings and standards of proof, *see* Appendix B.
[18] Att.9
[19] Att.31
[20] Att.9
[21] Att.9

COPA finds Allegation # 7 Sustained. Officer Fernandez took possession of [redacted] cell phone without her consent. As supported by [redacted] and [redacted] statements, Officer Fernandez texted with [redacted] while [redacted] was in his car to decrease alarm when [redacted] did not show up for work on Sept. 4, 2018.

COPA finds that Allegation #8 Sustained. Officer Fernandez threatened. [redacted] life. [redacted] reported Officer Fernandez threatened her life when she was in the car with him driving north towards Wisconsin. [25]

COPA finds that Allegation # 9 Sustained. Officer Fernandez threatened to send. [redacted] nude photographs to her employer. [redacted] reported Officer Fernandez threated to send her nude photographs to her boss when she was in the car with him driving north towards Wisconsin. Officer Fernandez admitted having nude photographs of [redacted] in his phone.[22]

COPA finds that Allegation #10 Sustained. Officer Fernandez came to her residence unannounced and uninvited. On February 18,2019, Park reported she was walking to her apartment when Officer Fernandez approached her. As an unknown citizen walked past, [redacted] screamed to call the police. When Officer Fernandez diverted his attention to the unknown citizen, [redacted] ran inside of her apartment building. [23]

COPA finds that Allegation # 11 Sustained. PO Fernandez pushed [redacted] without justification. On February 18, 2019, [redacted] said Officer Fernandez pushed her to the side. As an unknown citizen walked past,. [redacted] screamed to call the police. When Officer Fernandez diverted his attention to the unknown citizen,. [redacted] ran inside of her apartment building.[24]

COPA finds that Allegation #12 is Sustained. Officer Fernandez blocked [redacted] path, preventing her from moving freely. On February 8, 2019, [redacted] went to the 019th District to report that Officer Fernandez stood in front of her, blocking her path, and asked why she was not talking to him.

COPA find that Allegation #13 Sustained. Officer Fernandez took [redacted] phone without permission and failed to return it. On February 18, 2019, Officer Fernandez snatched [redacted] phone and refused to return it back to her when she tried to call the police.

COPA finds that Allegation #14 Sustained. Officer Fernandez failed to submit a To-Form report notifying the Department that he was a respondent of an Order of Protection. Department members are to report any information concerning any crime or other unlawful action. As supported by Officer Fernandez' statement, he believes that he informed one of two sergeants of the Order of Protection but does not recall writing a To-From.

[25] Att.9
[26] Att.9
[27]Att.9
[28] Att.9

COPA finds that Allegation #15 is Unfounded that Officer Fernandez utilized Department computerized information and/or Department sources in an unauthorized manner and not for the purposes of official police business to wit: to conduct a search and/or access records of [redacted] and/or her friends and/or her family members.

VI. DISCIPLINARY RECOMMENDATION

a. PO Enrique Delgado Fernandez

i. Complimentary and Disciplinary History[25]

Officer Fernandez has received a total of three hundred and sixty-two awards, including one crime reduction award and three hundred and nine honorable mentions. He has one sustained complaint within the past five years for excessive force, receiving a ten-day suspension. She also received two reprimands, both for preventable accidents.

ii. Recommended Discipline

COPA has considered Officer Fernandez's complimentary and disciplinary history. COPA has also considered the totality of the circumstances in this case. Officer Fernandez physically and emotionally abused [redacted] This physical abuse included pushing her to control her movement and emotionally abusing in the form or harassment and stalking. Domestic violence, in all forms, is a serious offense. Police officers committing domestic violence seriously undermines public trust in the Department. This level of behavior warrants significant consequences. Thus, COPA recommends a 180-day suspension up to 365 days from the Department.

Approved:

[redacted]

January 27, 2024

Sharday Jackson
Deputy Chief Administrator – Chief Investigator

Date

[29] Attachment __.

Appendix A

Case Details

Date/Time/Location of Incident:	Various
Date/Time of COPA Notification:	
Involved Officer #1:	Enrique Delgado Fernandez, Star 6261, Employee# [redacted], DOA October 31, 2012, Unit 007, Male, Hispanic
Involved Individual #1:	[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 __:**

Applicable Policies and Laws

- *[Directive #]*: *[Directive Name]* (effective *[date]* to *[date (or present)]*)

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.[30] 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."[26]

[30] *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).
[31] *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