



Log # 2020-0003752

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

### I. EXECUTIVE SUMMARY

On August 11, 2020, the Civilian Office of Police Accountability (COPA) received a Notification of Arrest from the Chicago Police Department (CPD) stemming from a domestic-related incident involving Officer Hakki Gurkan #18283 and [REDACTED] reported to Sgt. Hager Barry, #1228, on August 12, 2020, that she and Officer Gurkan engaged in an argument, during which Officer Gurkan became angry and verbally abusive. [REDACTED] walked out of the residence and Officer Gurkan followed her out and approached her on the street. At that time, he grabbed her ear and/or hair, pulled her to the ground, snatched her earbuds out of her ear and threw them onto the street. [REDACTED] also reported that on a previous occasion, Officer Gurkan pointed a gun at her head. COPA found information of police response to the [REDACTED] home on July 12, 2020, at approximately 4:00 a.m. COPA served allegations to Officer Gurkan for both incidents.

COPA additionally served allegations against responding Officer Thomas McNichols for failing to capture the incident with his BWC in its entirety and conducting an improper investigation.

### II. SUMMARY OF EVIDENCE<sup>2,3</sup>

#### *Incident on July 12, 2020*

According to BWC recordings and Office of Emergency Management and Communication (OEMC) records, [REDACTED] called 911 to report [REDACTED] and [REDACTED] were fighting and “it sounds physical.”<sup>4</sup> Sergeant Stefan Szubski and Officer Adrian Griffin responded to the incident. As they arrived on scene, their BWC recordings captured Officer Gurkan yelling words to the effect of “you’re a whore” and “who is this guy.”<sup>5</sup> Officer Gurkan told Sgt.

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<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> 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, evidence technician photos, medical records, and Officer Smith’s statement to COPA.

<sup>3</sup> [REDACTED] did not cooperate with this investigation; however, her accounts of both incidents were captured on BWC recordings from responding officers.

<sup>4</sup> Att. 18, pg. 2. COPA contacted [REDACTED] on February 1, 2021. He relayed he called 911 after Officer Gurkan called him and he heard arguing between the [REDACTED]. He drove to the residence after he called 911 and police were on scene by the time he arrived. He did not further cooperate with this investigation.

<sup>5</sup> Att. 15 at 3:05-3:50.

Szubski that he caught [REDACTED] cheating on him, which led to their argument. [REDACTED] reported that she woke up in bed to find Officer Gurkan holding a gun to her head. She also reported a history of abuse but did not provide any details. [REDACTED] appeared to be upset and cried often throughout the BWC recordings. [REDACTED] arrived while officers were present and spoke with Officer Gurkan and Sgt. Szubski. [REDACTED] repeatedly told [REDACTED] to “shut up” when she talked to the officers.<sup>6</sup> No arrests were made and [REDACTED] left the home with her [REDACTED] and [REDACTED].<sup>7</sup>

In his interview with COPA, Officer Gurkan said he and [REDACTED] were going through [REDACTED] at the time of this incident.<sup>8</sup> He initiated [REDACTED] proceedings based on disagreements they were having and denied the couple had infidelity issues.<sup>9</sup>

Officer Gurkan recalled police presence at his home on at least three different occasions around the time of these incidents but could not recall why they were there.<sup>10</sup> He did recall a time when [REDACTED] and [REDACTED] were present when police responded to the residence, and recalled talking to a sergeant during that incident but could not recall details of their conversation. Officer Gurkan denied pointing a gun at [REDACTED] head and did not recall hearing her make that allegation to police.

#### *Incident on August 11, 2020*

According to BWC recordings, OEMC records, CPD reports, and the account of independent witness [REDACTED] [REDACTED]<sup>11</sup> the [REDACTED] had an argument about the contents of [REDACTED] cell phone. [REDACTED] reported Officer Gurkan had made her unlock the phone and threatened to shoot a man he suspected her of talking to. She then left the house. Officer Gurkan followed her, threw her earbuds to the ground, and pulled her toward the ground by her ear/hair. Officers responded to the [REDACTED] home and spoke with all parties. [REDACTED] was visibly upset and told the officers there was a history of abuse, including a recent incident where other officers responded to the house after Officer Gurkan held a gun to her head. She also mentioned the gun pointing when she called 911 during this incident. The on-duty officers eventually arrested Officer Gurkan for domestic battery for grabbing [REDACTED] and pulling her toward the ground.<sup>12</sup>

<sup>6</sup> Att. 15 at 4:55 to 5:25 and 9:30 to 10:10.

<sup>7</sup> COPA found no evidence this incident was reported to BIA or COPA or that a Log Number was generated. COPA considered serving allegations for this, but ultimately allegations were not served. See Att. 16.

<sup>8</sup> Cook County Records confirms Officer Gurkan as the petitioner in a [REDACTED] in December 2019. At the time of his COPA interview on September 22, 2023, [REDACTED] had reconciled and were still [REDACTED]. They jointly withdrew their [REDACTED] petition in 2021. (Att. 39).

<sup>9</sup> Att. 38, pg. 8, ln. 18 to pg. 9, ln. 18.

<sup>10</sup> Att. 38, pg. 11, lns. 9 to 24. At multiple times during his interview, Officer Gurkan stated he did not recall much because of the passage of time. COPA made multiple attempts to interview him in the time between when this incident occurred and the time of his eventual interview, but he was on a leave of absence from August 26, 2021 through at least June 27, 2023.

<sup>11</sup> [REDACTED] happened to be driving past this location when she observed Officer Gurkan grab [REDACTED] by the hair or ear and pull her toward the ground. She stopped and remained on the scene to talk to the officers who responded to the incident. She did not know the [REDACTED] and was unaware at the time Officer Gurkan was a police officer. Att. 12 (Audio), Att. 13 (Transcript).

<sup>12</sup> The criminal charges were dismissed on August 18, 2020. (Att. 23).

According to Officer Gurkan, he and ██████ argued on August 11, 2020, regarding the sale of the ██████ residence.<sup>13</sup> When pressed, Officer Gurkan also recalled ██████ phone was a subject of the argument, but he did not recall asking her to unlock the phone, asking her about the contents of the phone, or threatening to shoot or kill anyone. He left the house to sit in his vehicle. After a while, ██████ came outside and approached his vehicle. She tried to continue the argument while she was also on the phone with one of her relatives.<sup>14</sup> They walked down the street to Foster, but Officer Gurkan did not recall if they walked together or if she followed him. Officer Gurkan wanted the argument to stop, so he reached over and “flicked” ██████ earbud out of her ear, causing them to roll onto the street.<sup>15</sup> He denied slapping or hitting her or grabbing her hair and said he used the minimum amount of force necessary to get the earbud out of her ear with what he described as a “push.”<sup>16</sup> ██████ bent down to pick up her earbuds and he went back inside the house. He said ██████ was not physically aggressive toward him during this incident but said she was verbally aggressive in the way she started the argument and pursued him outside to continue it. Police later arrived and arrested Officer Gurkan. He saw a woman he did not know outside the house while he was being escorted to the police vehicle. Officer Gurkan denied all allegations against him.

One of the responding officers on August 11, 2020, was Officer Thomas McNichols, who deactivated his BWC within seconds of Officer Gurkan coming downstairs in the house. Although Officer McNichols later re-activated his BWC device, he failed to capture anything pertinent to the investigation.<sup>17</sup> During his statement to COPA he said he deactivated his device to maintain calmness and avoid agitating Officer Gurkan as he was aware of the heightened possibility of officer suicide during domestic incidents.<sup>18</sup>

### III. ALLEGATIONS

#### Officer Hakki Gurkan:

It is alleged that on or about August 11, 2020, at approximately 11:00 pm at or near the location of ██████ Chicago, IL the accused:

1. Made threats to kill an unknown male to ██████
  - **Not Sustained**
2. Chased ██████
  - **Sustained**, Violation of Rules 2, 3, 6, 8, and 9.

<sup>13</sup> Officer Gurkan said the couple agreed to sell the house and the argument was about a pending offer he intended to accept. Officer Gurkan also said ██████ signed a lease on an apartment at some point around this time but never officially moved out of the home.

<sup>14</sup> ██████ was speaking in Bosnian, which is her native language, and Officer Gurkan did not know what she was saying.

<sup>15</sup> Att. 38, pg. 41, lns. 1-5.

<sup>16</sup> Att. 38, pg. 67, ln. 67.

<sup>17</sup> Atts. 6, 7.

<sup>18</sup> Att. 26 (Audio), Att. 27 (Transcript).

3. Grabbed [REDACTED] by her hair and/or and pulled her downward.
  - **Sustained**, Violation of Rules 2, 3, 6, 8 and 9.
4. Threw [REDACTED] property onto the street.
  - **Sustained**, Violation of Rules 2,3,6,8, and 9.

It is alleged that on or about July 12, 2020, between the hours of 3:00 am-4:00 am at or near the location of [REDACTED], the accused:

5. Threatened to kill [REDACTED]
  - **Sustained**, Violation of Rule 2,3,6,8, and 9.
6. Pointed a weapon at [REDACTED]
  - **Sustained**, Violation of Rule 2,3,6,8, and 9.

**Officer Thomas McNichols:**

It is alleged that on or about August 11, 2020, at approximately 11:00 pm at the location of [REDACTED] the accused:

1. Failed to capture/record the entire incident with his Body Worn Camera during a service call.
  - **Sustained**, Violation of Special Order 03-14- Body Worn Camera and Rules 5 and 6.
2. Conducted an improper investigation regarding a domestic related incident.
  - **Not Sustained**.

**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. While some facts are consistent between [REDACTED] and Officer Gurkan, other material facts differ. A preponderance of the evidence demonstrates that [REDACTED] account of the incidents are credible.

- i. [REDACTED] account

*First*, although the events on July 12, 2020, were originally unreported, COPA was able to confirm the incident with BWC records capturing the officers' response to the couples' residence. [REDACTED] emotional disposition depicted on video speaks to her state of being as she appeared hysterical and was crying throughout the video. Footage also revealed she made repeated reports to officers that she was awakened by Officer Gurkan with him holding a gun to her head.

To corroborate her account of a domestic disturbance at the very least, her [REDACTED] confirmed with COPA that he was the 911 caller who alerted authorities of a battery in progress at [REDACTED]'s residence. OEMC records document a 4:00 am call from [REDACTED] noting he reported the couple was fighting and that it sounded physical. [REDACTED] mentioned this incident to the officers who arrived at their residence on August 11, 2020. Verification of this incident begins to establish the credibility of [REDACTED]

*Second*, [REDACTED] account of the occurrence on August 11, 2020, was also corroborated, at least in part, by independent witness [REDACTED]. [REDACTED] COPA was unable to obtain [REDACTED] cooperation, but again BWC captures her brief account of the incident. She reported that she was confronted by her [REDACTED] regarding her cell phone and that led to an argument which turned physical. [REDACTED] further explained he chased her down the street, pulled her by the hair toward the ground, snatched her earbuds, and threw them onto the street. Independent witness [REDACTED] [REDACTED] witnessed the physical altercation on the street and corroborated [REDACTED] account regarding the physical attack.

*Third*, [REDACTED] emotional disposition on BWC coupled with her immediate outcry to [REDACTED] [REDACTED] support her credibility. [REDACTED] reported to COPA that although [REDACTED] [REDACTED] did not share details, she disclosed to [REDACTED] that she had been afraid of her [REDACTED] for a long time and wanted to leave him. COPA found no apparent motive for [REDACTED] to fabricate her observations as she has no personal relationship with either party and was not aware of Officer Gurkan's employment status. In conclusion, she corroborated [REDACTED] account as to what she alleged occurred outside the home. Based upon all the above, COPA finds [REDACTED] to be credible.

ii. Officer Gurkan's account

COPA does not find Officer Gurkan's account of the incident to be credible. As the accused, he has a motive to portray these events in a manner that does not place blame or culpability on him.

Throughout his interview with COPA, Officer Gurkan continuously stated he could not remember the majority of the incident and did not know why police were ever called to his home. He acknowledged he was the one who filed for [REDACTED] and said he did not remember why he did so. He acknowledged there being some conflict in the home while [REDACTED] was pending but denied there being any issue with infidelity. This is disputed by the comments he made to responding officers that he caught his [REDACTED] cheating on him. COPA notes [REDACTED] can be categorized as a life-changing event, which makes it hard to believe that Officer Gurkan would forget his reason for initiating the proceedings.

BWC recordings show the officers who responded to the house on August 11, 2020, asked Officer Gurkan about the cell phone and why there was a problem. He replied in an ambiguous manner and mentioned paying for the phone bill and that [REDACTED] used it to contact other men. In his statement with COPA, however, he reported that the argument stemmed from a pending offer for the [REDACTED] home, and his only issue with the phone was related to him paying the bill. COPA finds this questionable since he also admitted that both parties agreed to sell and that at some point [REDACTED] had signed a lease for an apartment. [REDACTED] reported to

officers that her alleged activities on the cell phone with men was the topic on both occasions. Regarding the physical altercation, Officer Gurkan depicted ██████████ as the aggressor and stated that she followed him outside the residence and continued the argument. This does not align with ██████████ account that he followed her, which is supported by ██████████ independent account.

Although COPA acknowledges the lapse in time since these incidents occurred, Officer Gurkan did not appear forthcoming. Where his account differs from ██████████ COPA finds her account to be more credible and more supported by ██████████ BWC footage, and OEMC records. She further provided logical, consistent, and plausible accounts of the incident.

## V. ANALYSIS<sup>19</sup>

### i. Allegations against Officer Gurkan

COPA finds that **Allegation 1** that on August 11, 2020, Officer Gurkan made threats to kill an unknown male to ██████████ is **Not Sustained**. The evidence available does not support the allegations by a preponderance of evidence. COPA was unable to obtain a statement from ██████████ and her account was not fully captured on body-worn camera. Officer Gurkan denied the allegation and further denied any conversation about men at all. Therefore, there is insufficient evidence to support the allegations, and the allegation is Not Sustained.

COPA finds that **Allegations 2-4** that on August 11, 2020, **Officer Gurkan** chased ██████████ ██████████ grabbed her by her hair/ear and pulled her downward, and threw her property onto the ground are **Sustained**. All evidence, including Officer Gurkan's own account regarding ██████████ ██████████ earbuds, supports the allegations by a preponderance of evidence. Although COPA was unable to obtain a statement from ██████████ she made statements to officers on BWC providing specific details regarding the argument and physical altercation that took place. As mentioned above, ██████████ reported that Officer Gurkan confronted her about alleged cell phone activities with an unknown male and was upset when she refused to unlock the phone. She further reported the accused chased her to the nearest intersection, where he pulled her down to the ground by her hair, grabbed her earbuds from her ear, and threw them into the street.<sup>20</sup>

Unbeknownst to Officer Gurkan, ██████████ witnessed the physical altercation, and the statements she made both to police and to COPA corroborate ██████████ account. Officer Gurkan even admitted "flicking" the earbud out of ██████████ ear and onto the ground.<sup>21</sup> He denied all other allegations. In fact, he reported that after she bent down (on her own) to pick up her earbuds, he walked back to the house. Again, this is refuted by the account ██████████ gave to responding officers, which was corroborated by ██████████ account. Officer Gurkan insisted he left the house first to get away from the argument, but COPA does not find this credible. It is more

<sup>19</sup> For a definition of COPA's findings and standards of proof, see Appendix B.

<sup>20</sup> Att. 4.

<sup>21</sup> Att. 38, pg. 41, ln. 1.

likely that ██████ left the house and Officer Gurkan pursued her to the intersection a half-block away.

Additionally, COPA that finds **Allegations 5-6** that on July 11, 2020, Officer Gurkan threatened to kill ██████ and pointed a weapon at her are **Sustained**. Although COPA remained unsuccessful in obtaining ██████ cooperation, BWC also captured the statements she made to officers on the night of incident. As previously mentioned, police arrived at the ██████ residence regarding a battery in progress called in by her ██████. Although Officer Gurkan denied the allegations, ██████ emotional state resembles that of a victim of a domestic disturbance. BWC shows, ██████ never veered from her original complaint that she was in bed and woke up to find her ██████ pointing a gun to her head.

Just as he did during the August incident, Officer Gurkan was unable to recall many details regarding the July incident. However, he did recollect a time where the police and in-laws were present at the home together. He denied ever threatening ██████ with a weapon and said he only learned she made that claim when he received notification from COPA. COPA notes BWC footage shows he was in the room when ██████ told the responding officers about this allegation.

Overall, COPA found many of Officer Gurkan's responses vague, evasive, and lacked logical reasoning. COPA did not interview ██████ but her reports of both incidents were consistent for the duration of her interactions with Officers. Therefore, COPA finds it is more likely than not the events occurred as she reported and **Allegations 2-6** are supported by a preponderance of the evidence.

## ii. Allegations against Officer McNichols

COPA finds that **Allegation 1** against accused **Officer McNichols**, that he failed to capture/record the entire incident with his Body Worn Camera during a service call, is **Sustained**. Per *Special Order 03-14: Body Worn Camera*, Department members are to activate their BWC "at the beginning of an incident and will record the entire incident for all law-enforcement-related activities."<sup>22</sup> The investigation revealed that Officer McNichols's BWC did not fully capture the service call in its entirety. Although Officer McNichols acknowledged his awareness of the BWC directive, he reported that he deactivated the device to avoid agitating the offender and to prevent him from committing suicide.<sup>23</sup> Officer McNichols related Officer Gurkan showed no signs of distress and exhibited or expressed no suicidal ideations, and was otherwise unable to explain why he thought a running BWC would cause that to happen. In this case, COPA found no justifiable reason to deactivate the device. Therefore, **Allegation 1** is **Sustained**.

However, COPA finds that **Allegation 2** in that Officer McNichols conducted an improper investigation during a domestic incident is **Not Sustained**. Based upon the evidence, COPA found no evidence to support the allegation. COPA further determined that BWC depicts Officer

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<sup>22</sup> SO03-14 V.A.2.

<sup>23</sup> Att. 26 at 11:50 to 14:00 and 19:35 to 22:50.

Gomulka as the lead officer and Officer McNichols had no obvious interaction with [REDACTED] on the night of incident. Therefore, COPA finds that the allegations is **Not Sustained**.

## **VI. DISCIPLINARY RECOMMENDATION**

### **a. Officer Hakki Gurkan**

#### **i. Complimentary and Disciplinary History<sup>24</sup>**

Officer Gurkan has received 48 awards and has no recent disciplinary history.

#### **ii. Recommended Discipline**

Here, COPA has found that Officer Gurkan violated Rules 2, 3, 6, 8, and 9. Officer Gurkan physically abused the complainant in this case and held a gun to her head during one incident. These are serious violations of policy. Domestic violence is a serious offense. Police officers committing domestic violence seriously undermines public trust in the Department. Indeed, in this case, his actions were witnessed by a civilian, and while, they did not know he was a police officer at the time, they surely learned of his employment as the investigation unfolded. This level of behavior warrants significant consequences. Based on this information, combined with Officer Gurkan's history, COPA recommends **180 day suspension up to separation**.

### **b. Officer Thomas McNichols**

#### **i. Complimentary and Disciplinary History<sup>25</sup>**

Officer McNichols has received 60 awards and one reprimand in 2023 for absence without permission and one reprimand in 2022 for a preventable accident.

#### **ii. Recommended Discipline**

Here, COPA has found that Officer McNichols violated Rules 5 and 6. Officer McNichols explanation for his failure shows a disregard for Department policy and could be interpreted as an attempt to protect an officer versus following his obligations under Department policy. Based on this information, combined with Officer McNichols's history, COPA recommends a suspension of up to 10 days.

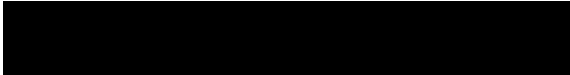
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<sup>24</sup> Att. 41

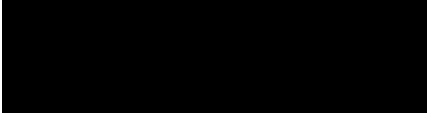
<sup>25</sup> Att. 41



Approved:



*Sharday Jackson*  
*Deputy Chief Administrator – Chief Investigator*



*Andrea Kersten*  
*Chief Administrator*

January 25, 2024

Date

January 25, 2024

Date

Appendix ACase Details

Date/Time/Location of Incident:	August 11, 2020 / 11:00 pm / [REDACTED], [REDACTED] July 12, 2020 /4:00 am/ [REDACTED], Chicago, IL 60656.
Date/Time of COPA Notification:	August 12, 2020 / 9:30 am.
Involved Officer #1:	Officer Hakki Gurkan / Star #18283 / Employee ID #[REDACTED] / DOA: August 2, 1999 / Unit: 019/124 / Male / White.
Involved Officer # 2:	Officer Thomas Nichols / Star #3051 / Employee ID # [REDACTED] / DOA: January 27, 2003 / Unit: 016 / Male / 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 15:** Intoxicated on or off duty.

Applicable Policies and Laws

- *SO 03-14: Body Worn Cameras* (effective April 30, 2018-December 28, 2023)

## 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>26</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>27</sup>

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<sup>26</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>27</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 Information**

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: