



Log # 2021-4022

FINAL SUMMARY REPORT

I. EXECUTIVE SUMMARY

On October 11th, 2021, the Civilian Office of Police Accountability (COPA) received an initiation report from the Chicago Police Department regarding alleged misconduct by a member of the Chicago Police Department (CPD). Sgt. Michael Trobiani alleged that on October 10th, 2021, Officer Gonzalo Duran Jr. was involved in a domestic violence incident with his [REDACTED], [REDACTED].¹ After the incident occurred, [REDACTED] went to the 12th District and reported that Officer Duran was intoxicated and pulled her down to the ground by her hair when she tried to leave the apartment. [REDACTED] also alleged that Officer Duran pushed and grabbed her to prevent her from leaving. COPA reached sustained findings regarding allegations that Officer Duran pulled [REDACTED] down by her hair, pushed and/or grabbed her, and that he attempted to prevent her from leaving the residence. COPA also reached sustained findings for allegations that the responding officers, Zumarraga and Kook, as well as Sergeant Enriquez failed to timely activate their body-worn cameras, and that Sergeant Enriquez failed to conduct a thorough and adequate investigation.

II. SUMMARY OF EVIDENCE

A. October 10, 2021: The initial incident.

1. [REDACTED] Statements

a. COPA's October 12, 2021, Telephone Conversation with [REDACTED]

COPA first spoke with Complainant, [REDACTED] telephonically on October 12, 2021.² [REDACTED] explained she met Officer Duran approximately [REDACTED] before the incident, and [REDACTED] in November 2020. [REDACTED] said on October 10, 2021, Officer Duran was out drinking all day with his friend, [REDACTED] and Officer Duran's [REDACTED]. [REDACTED] learned Officer Duran was with his [REDACTED] because of pictures she shared on social media. [REDACTED] and Officer Duran argued most of the day through text messages.

Officer Duran returned after 11p.m. with [REDACTED] and was "highly intoxicated." [REDACTED] and Officer Duran continued to argue about Officer Duran hanging out with his [REDACTED].

¹ Att. 2, Page 27

² Att. 40, Investigative Report.

Officer Duran was on his phone and not paying attention to ██████████ so she took his phone out of his hand and set it on a nearby table. Officer Duran seemed to think she still had his phone in her hand, got angry at her, and began calling her derogatory names. ██████████ told Officer Duran not to talk to ██████████ that way, and ██████████ suggested Officer Duran go to bed and that they could talk the next morning when he was sober. Officer Duran continued arguing with ██████████ so she grabbed her purse to leave.

Officer Duran grabbed ██████████ by her shoulders and stopped her from leaving. ██████████ pulled Officer Duran away from ██████████ for a moment. Officer Duran grabbed ██████████ by the shoulders again, and she screamed for ██████████. Officer Duran grabbed her hair and pulled her to the ground, which caused her to hit the back of her head and caused extreme pain. Officer Duran looked at her while she was on the ground but did not try to help her or ask if she was hurt.

██████████ left her ██████████ and drove to the 012th District Police Station and filed a complaint. She was told to go wait for responding officers approximately one block away from her ██████████. The officers arrived and took her statement, then attempted to speak to Officer Duran, but he did not answer the door. ██████████ left for a friend's ██████████ for the rest of the evening. ██████████ explained her head hurt most of the day on October 11, 2021, and that she planned to visit an urgent care the next day.

b. ██████████ Statement

COPA conducted a complainant interview with ██████████ on November 30, 2022.³

██████████ explained that on October 10, 2021, Officer Duran was out with his best friend getting breakfast.⁴ Officer Duran and his friend then met up with another group of friends, which disappointed her because she and Officer Duran had made plans for later that day.⁵ Officer Duran and his friend met up with his friends at another bar, then went to his ██████████⁶ ██████████ saw that Officer Duran's ██████████ posted that she was with some of the other friends of the group on social media.⁷ ██████████ explained that she and Officer Duran had mutual friends, who were also friends with his ██████████⁸ ██████████ asked Officer Duran if he was with his ██████████ but he told her no and that he was hanging out at a friend's ██████████⁹ Officer Duran kept texting ██████████ and asked her to give him a ride, but she refused because he was drunk.¹⁰ ██████████ told him she knew he was with his ██████████ because of a mutual friend.¹¹

³ Att. 5, Statement of ██████████ Att. 25, Statement of ██████████ Transcripts.

⁴ Att. 25, page 25.

⁵ Att 25., page 25 to 26.

⁶ Att 25., page 26 to 27.

⁷ Att 25., page 27.

⁸ Att 25., page 26 to 28.

⁹ Att 25., page 27.

¹⁰ Att 25., page 28.

¹¹ Att 25., page 28.

Officer Duran texted ██████████ friend, insulted her, and was upset that she told ██████████ he was with his ██████████¹²

Officer Duran returned to ██████████ ██████████ at approximately 11:00 or 11:30 PM.¹³ ██████████ had locked herself in the main bedroom because she knew he was intoxicated, and she did not want to get into an argument with him in that state.¹⁴ Shortly after Officer Duran got ██████████ Officer Duran's friend, ██████████ asked if he could stay inside because his Uber driver canceled, and ██████████ agreed.¹⁵ ██████████ asked ██████████ to let her know when he left so she could lock the doors.¹⁶

Officer Duran tried to open the main bedroom door to talk to ██████████ and she unlocked and opened the door.¹⁷ Officer Duran asked, "What the fuck is wrong with you?" and berated ██████████ ██████████ for making him "look like an idiot" in front of his friends.¹⁸ ██████████ told him she did not want to talk to him then but that she wanted to ██████████ and for him to move.¹⁹ Officer Duran started to walk inside the bedroom and asked ██████████ where his phone was.²⁰ ██████████ told him he was holding it in his hand, then grabbed it from his hand and showed it to him.²¹ Officer Duran told her to give him his phone back, so ██████████ put the phone on the bed and told him "It's here."²² At that point, ██████████ came back from the bathroom and asked for toilet paper, which Officer Duran gave him.²³ Once Officer Duran came back into the bedroom, he told ██████████ "You're a fucking dumb-ass bitch."²⁴

██████████ became upset and grabbed her purse to leave, when Officer Duran asked words to the effect of, "Where the fuck are you going? Where are you going? Who are you going with?"²⁵ ██████████ told Officer Duran it was late, and she did not want to argue with him. She explained to COPA that she was crying at the time.²⁶ Officer Duran told her not to leave and tried to block the main exit door with his body.²⁷ Officer Duran told her words to the effect of, "You're not leaving," and ██████████ asked him to "Please let me leave."

¹² Att 25., page 28.

¹³ Att 25., page 28.

¹⁴ Att 25., page 28.

¹⁵ Att 25., page 29.

¹⁶ Att 25., page 29.

¹⁷ Att 25., page 29.

¹⁸ Att 25., page 29 to 30.

¹⁹ Att 25., page 30.

²⁰ Att 25., page 30.

²¹ Att 25., page 30.

²² Att 25., page 31.

²³ Att 25., page 31.

²⁴ Att 25., page 31.

²⁵ Att 25., page 31.

²⁶ Att 25., page 31.

²⁷ Att 25., page 32.

Officer Duran moved, so [REDACTED] tried to walk through the door again and told him that she would be back later.²⁸ Officer Duran grabbed [REDACTED] purse, then grabbed her and started pulling her hair.²⁹ [REDACTED] told Officer Duran to let go of her, and he said words to the effect of “I’m not pulling you. I’m not doing nothing to you.”³⁰ [REDACTED] told him he was pulling her hair, and said she was going to call the police.³¹ Officer Duran said words to the effect of, “You’re going to call the fucking cops? I am the authority. I am the law.”³² Officer Duran continued pulling [REDACTED] hair and pulled her down to the ground, causing her to hit her head on the platform near her door.³³

[REDACTED] tried to get up from the ground but could not and said her vision was “kind of blurry at the time.”³⁴ She called for [REDACTED] to help her, saying words to the effect of [REDACTED] help me. Please help me. He’s hitting me, he’s pulling me down.”³⁵ [REDACTED] came from the bathroom as Officer Duran started dragging [REDACTED].³⁶ [REDACTED] held Officer Duran, while [REDACTED] grabbed the doorknob and pulled herself up, then ran out the door into her truck.³⁷ [REDACTED] explained [REDACTED] “is a little big; so, he was able to hold [Officer Duran].”³⁸ [REDACTED] said she locked her truck doors and called her friend, [REDACTED] who lives in San Diego.³⁹ [REDACTED] started crying, told [REDACTED] “He hit me,” and explained what happened.⁴⁰ [REDACTED] told her to pull over, but [REDACTED] was afraid Officer Duran would follow her.⁴¹ [REDACTED] told [REDACTED] she needed to go to the police and make a report.⁴² [REDACTED] noticed her truck was almost out of gas, so she stopped at a BP gas station near Cermak and Blue Island and got gas.⁴³

After getting gas, [REDACTED] drove to the police station and told a female officer that she needed to make a report for [REDACTED] violence against a police officer.⁴⁴ The officer asked if she

²⁸ Att 25., page 32.

²⁹ Att 25., page 33.

³⁰ Att 25., page 33

³¹ Att 25., page 33.

³² Att 25., page 33. [REDACTED] explained Officer Duran had also frequently said things like this in the past when she had threatened to call police during fights. [REDACTED] said Officer Duran had previously made statements such as “Yeah, call them. They ain’t going to do nothing to me. I guarantee it.” Officer Duran also told [REDACTED] “I know people.”

³³ Att 25., page 33.

³⁴ Att 25., page 33.

³⁵ Att 25., page 34.

³⁶ Att 25., page 34.

³⁷ Att 25., page 35.

³⁸ Att 25., page 35.

³⁹ Att 25., page 35 to 36. [REDACTED] explained she did not remember driving, but that she remembered [REDACTED] telling her to pull over while they were on the phone.

⁴⁰ Att 25., page 35 to 36.

⁴¹ Att 25., page 36.

⁴² Att 25., page 57.

⁴³ Att 25., page 36.

⁴⁴ Att 25., page 36, 57 to 58.

needed medical attention, and ██████ said she did not think so.⁴⁵ The officer got a sergeant, who asked if she knew Officer Duran's badge number and which district he worked at.⁴⁶ The sergeant also asked if Officer Duran had weapons at ██████ and ██████ said that he had loaded duty and non-duty weapons at ██████.⁴⁷ The sergeant told her to go back to her ██████ to park down the street, and that a sergeant or commander wearing a white shirt would take her report.⁴⁸

██████ drove back to her neighborhood—while on the phone with ██████—and parked near a stop sign at what she believed was Newberry and 18th Street.⁴⁹ A police car stopped next to her, and an officer asked if she was the person trying to make a police report for a ██████ incident.⁵⁰ The officer told her to park closer to the ██████ and make a statement, and asked her what she wanted the officers to do and if she wanted them to arrest Officer Duran.⁵¹ ██████ told the officers she wanted them to arrest Officer Duran, remove him from the ██████ and take the weapons in the ██████ because they were not hers.⁵²

██████ drove to where the officer told her to park and spoke to the officers who met her there.⁵³ The officers began questioning ██████ and asked her if she needed medical attention; she said she did not think so, but was in shock and would get medical attention later if she needed it.⁵⁴ ██████ noticed that the officers were not recording her on their body worn cameras (BWC).⁵⁵ She explained that Officer Duran had shown her his BWC and what it looked like when it was activated and not activated.⁵⁶

██████ continued to give her statement, and the sergeant she spoke to at the police station arrived.⁵⁷ The sergeant told her no one was answering her door, and she explained that Officer Duran might have left or might be sleeping because he was intoxicated.⁵⁸ ██████ told the sergeant that she had the keys to her ██████ and would let the officers inside.⁵⁹ The sergeant told her words to the effect of, "Unfortunately, we cannot do that."⁶⁰

⁴⁵ Att 25., page 57

⁴⁶ Att 25., page 58.

⁴⁷ Att 25., page 58.

⁴⁸ Att 25., page 58 to 59.

⁴⁹ Att 25., page 59.

⁵⁰ Att 25., page 59.

⁵¹ Att 25., page 59-60.

⁵² Att 25., page 59-60.

⁵³ Att 25., page 60.

⁵⁴ Att 25., page 60.

⁵⁵ Att 25., page 60 to 61.

⁵⁶ Att 25., page 61.

⁵⁷ Att 25., page 61.

⁵⁸ Att 25., page 61 to 62.

⁵⁹ Att 25., page 62.

⁶⁰ Att 25., page 62.

██████████ asked the sergeant why they could not enter her ██████████ if she opened the door for them.⁶¹ She explained that Officer Duran had hit her and was intoxicated, and that there were weapons inside the ██████████⁶² The sergeant said he understood, that he was going to help her, and stated words to the effect of, “We’re going to get to the bottom of this. I am going to make sure we get to the bottom of this investigation.”⁶³ The Sergeant asked ██████████ if she had anywhere to go.⁶⁴ ██████████ told the sergeant no, and started crying, and the sergeant said words to the effect of, “They really don’t have a reason to go into the ██████████”⁶⁵ ██████████ again said that she had the keys and would let them inside the door.⁶⁶ ██████████ questioned whether the sergeant had actually knocked on the door and said that the officers who questioned her did not activate their BWCs.⁶⁷ The sergeant looked at ██████████ “like [she] was some crazy lady” and asked if this was the first time Officer Duran had hit her.⁶⁸ ██████████ explained that this was the first time Officer Duran had hit or grabbed her, but that he had thrown stuff at her and broken stuff around the ██████████ when he got angry.⁶⁹ ██████████ said the officers gave her a piece of paper and told her where to go if she wanted a restraining order.⁷⁰ ██████████ left to stay with a friend and said that no one from CPD followed up with her.⁷¹

The next day, October 11, 2021, ██████████ returned ██████████ and saw that her “whole main bedroom was torn apart.”⁷² Officer Duran was ██████████ and she asked him why he tore apart her room, and he told her he was looking for his phone.⁷³ ██████████ explained Officer Duran appeared not to remember what had happened, and said words to the effect of, “I didn’t do nothing. Like what happened? Why weren’t you here?”⁷⁴ ██████████ showed him where she had put his phone the night before, and explained Officer Duran thought she left with his phone.⁷⁵ Officer Duran told ██████████ that he did not hit her or touch her the night before and accused her of refusing to give him his phone.⁷⁶ ██████████ said that Officer Duran tried to gaslight her and told her, “We’re going to close on our ██████████ on Wednesday.”⁷⁷

⁶¹ Att 25., page 62.

⁶² Att 25., page 62.

⁶³ Att 25., page 62.

⁶⁴ Att 25., page 62.

⁶⁵ Att 25., page 63.

⁶⁶ Att 25., page 63.

⁶⁷ Att 25., page 63.

⁶⁸ Att 25., page 63.

⁶⁹ Att 25., page 63.

⁷⁰ Att 25., page 63.

⁷¹ Att 25., page 64.

⁷² Att 25., page at 52.

⁷³ Att 25., page 52.

⁷⁴ Att 25., page 52 to 53.

⁷⁵ Att 25., page 53.

⁷⁶ Att 25., page 65.

⁷⁷ Att 25., page 65-66.

██████████ told Officer Duran she was not going to close on the ██████████ that Wednesday or move in to the new ██████████ with Officer Duran.⁷⁸ ██████████ told Officer Duran that he had to move out of her ██████████ by the end of the weekend.⁷⁹ ██████████ explained that he brought pizza to celebrate closing the ██████████ and that she told him she did not want to eat with him and had nothing to celebrate.⁸⁰ ██████████ said Officer Duran did not believe her until that afternoon when she told him she ██████████.⁸¹ ██████████ asked him if CPD had called him, and he asked, “Why would they call me?”⁸² ██████████ told Officer Duran she filed a police report and started crying.⁸³

Officer Duran grabbed a plate and threw it against a wall and said words to the effect of, “I fucking told you, don’t fuck with my job. They’re going to take this seriously. I’m already on probation because of the DUI I got a couple of months ago. You’re going to fuck up my career.”⁸⁴ ██████████ said she thought she called 911 after this and hung up after a few seconds.⁸⁵ ██████████ explained she had told Officer Duran she was calling 911, and that after she hung up, he told her that 911 would call her back.⁸⁶ She received a phone call from a private number, which she did not answer.⁸⁷

██████████ said she had to wash dishes and Officer Duran started insulting her and said words to the effect of, “You’re a fucking fat ass, you’re fat, you’re ugly.”⁸⁸ Officer Duran continued with words to the effect of, “Life is going to catch up to you. Like I’ll make sure of that.”⁸⁹ ██████████ and Officer Duran argued about him continuing to abuse her.⁹⁰ During the conversation, Officer Duran made statements to the effect of, “I don’t care. They ain’t going to do nothing to me because my lawyer knows people. I know people at COPA.”⁹¹ ██████████ told Officer Duran that he would not learn and that he had an issue with alcohol and referenced his DUI.⁹² Officer Duran appeared to get offended and said that he was going to move out at the end

⁷⁸ Att 25., page 66.

⁷⁹ Att 25., page 66.

⁸⁰ Att 25., page 66.

⁸¹ Att 25., page 66 to 67.

⁸² Att 25., page 67.

⁸³ Att 25., page 67.

⁸⁴ Att 25., page 67. COPA notes Officer Duran pleaded guilty to Driving Under the Influence in case ██████████ on September 17, 2021, for an offense dated June 13, 2021. He was sentenced to one year of Supervision. On September 16, 2022, Officer Duran’s Supervision was terminated satisfactorily.

⁸⁵ Att 25., page 68.

⁸⁶ Att 25., page 72-73.

⁸⁷ Att 25., page 73.

⁸⁸ Att 25., page 68-69.

⁸⁹ Att 25., page 69.

⁹⁰ Att 25., page 69.

⁹¹ Att 25., page 69. ██████████ explained Officer Duran’s criminal defense lawyer had gotten his recent DUI dropped to a reckless driving charge.

⁹² Att 25., page 70.

of the month.⁹³ Officer Duran said words to the effect of, “I paid rent to the end of the month, so I’m not fucking leaving. I’m going to leave [whenever] the fuck I want.”⁹⁴ ██████ told Officer Duran that if he was not going to leave when she wanted that she would call the police and tell them he was verbally abusing her.⁹⁵ ██████ eventually left the ██████ that afternoon.⁹⁶ ██████ could not remember what day Officer Duran moved out, but she explained it was shortly after this, and that they did not contact each other afterwards.⁹⁷

2. Documentary Evidence

a. Original Case Incident Report

The Original Case Incident Report RD # JE405462, Event # 2128400066.⁹⁸ The report indicates that Victim, ██████ walked into the 012th District Station to report a ██████ violence incident with her ██████ Officer Gonzalo Duran Jr.⁹⁹ ██████ said Officer Duran and his friend, ██████” were out drinking, and that at approximately 2330, Officer Duran attempted to stop her from leaving the ██████¹⁰⁰ Officer Duran grabbed ██████ right arm and wrist, then used two hands to push her across her upper body to stop her from going into the main bedroom.¹⁰¹ ██████ yelled for ██████ who attempted to stop Officer Duran from putting his hands on her.¹⁰² Officer Duran grabbed ██████ by the hair and pulled her down to the ground, causing her to bang her head and feel dizzy and pain in the back of her head.¹⁰³ ██████ got up and attempted to leave but Officer Duran blocked her exit.¹⁰⁴ ██████ was able to leave during the struggle and drove to the 012th District Station.¹⁰⁵ ██████ refused EMS and drove to a friend’s ██████ after giving her statement.¹⁰⁶

The report included a memorandum written by Sg. Trobiani to Acting Commander Beth Giltmier.¹⁰⁷ Sgt. Trobiani wrote that on October 10, 2021, ██████ walked into the 012th District Station to report a domestic battery incident between her and Officer Duran.¹⁰⁸ ██████

⁹³ Att 25., page 70.

⁹⁴ Att 25., page 70.

⁹⁵ Att 25., page 70.

⁹⁶ Att 25., page 73.

⁹⁷ Att 25., page 73.

⁹⁸ Att. 38, *Domestic Battery PO*. COPA notes the incident is dated October 11, 2021, and that the responding officer arrived at 00:15.

⁹⁹ Att. 38, page 2.

¹⁰⁰ Att. 38, page 2.

¹⁰¹ Att. 38, page 2.

¹⁰² Att. 38, page 2.

¹⁰³ Att. 38, page 2.

¹⁰⁴ Att. 38, page 2.

¹⁰⁵ Att. 38, page 2.

¹⁰⁶ Att. 38, page 2.

¹⁰⁷ Att. 38, page 3.

¹⁰⁸ Att. 38, page 3.

requested to sign complaints, and officers attempted to make contact with Officer Duran at the listed address.¹⁰⁹ Officer Duran locked himself inside the [REDACTED] and would not allow entry to the officers.¹¹⁰

b. Medical Records

COPA subpoenaed the University of Illinois Hospital, which provided medical treatment records for a hospital visit [REDACTED] made on October 14, 2021.¹¹¹ The treatment record indicates [REDACTED] complained of a “headache since Sunday night after [being] beaten by her [REDACTED]”¹¹²

c. Text Messages

[REDACTED] provided a video showing texts messages, which she explained Officer Duran sent her on October 10, 2021.¹¹³ The texts include the following messages [REDACTED] stated were sent to her by Officer Duran:¹¹⁴

- “U been mad all damn day”
- “Hwy”
- “Wyd”
- “Pick .e ho”
- “Hey”
- “Can u pick me up or.na”
- “Jey”
- “U Wana get me knno”
- “Me or.No”
- “Hettiyuber with iv x”
- “[REDACTED]”
- “Getting”

The last message appears to be a “selfie” of Officer Duran with another man matching [REDACTED] description.¹¹⁵

¹⁰⁹ Att. 38, page 3.

¹¹⁰ Att. 38, page 3.

¹¹¹ Att. 4, [REDACTED] *Medical Records*.

¹¹² Att. 4, page 15 to 16, 18 to 20. COPA notes that October 10, 2021, was a Sunday.

¹¹³ Att. 19, *Video of Text Messages.mov*. The video appears to show iMessage texts.

¹¹⁴ Att. 19.

¹¹⁵ Att. 19.

3. ██████████ Statement

COPA conducted an interview with ██████████ telephonically on December 14, 2022.¹¹⁶ ██████████ explained she spoke with ██████████ over the phone while Officer Duran was out, and ██████████ was upset because he had been out drinking all day on the date of incident and had not gotten ██████████ yet.¹¹⁷ At one point, ██████████ said Officer Duran had just gotten ██████████¹¹⁸ ██████████ said she would talk to Officer Duran about him being out for so long and not coming ██████████ and that she would call ██████████ back.¹¹⁹

██████████ could not remember exactly how long it was until ██████████ called her back, but said it was within an hour.¹²⁰ When ██████████ called this time, she was sitting in her truck outside her ██████████ was crying, and “super hysterical.”¹²¹ ██████████ had trouble catching her breath and “couldn’t even get the words out to tell [██████████] what happened at first.”¹²² ██████████ told her that Officer Duran hit her, threw her on the floor, and would not let go, and that “the other guy that was there had to tell him to let [her] go.”¹²³

██████████ told ██████████ she needed to go to the police right away because it was not okay that Officer ██████████ was “putting his hands on [her].”¹²⁴ ██████████ stayed on the phone with ██████████ and calmed her until she went to the police.¹²⁵ ██████████ told ██████████ she was going into the police station, then called ██████████ back afterwards and said she had made a report.¹²⁶

██████████ said she did not approve of the ██████████ before this incident because she felt that Officer Duran was “psycho” towards ██████████¹²⁷ ██████████ explained “leading up to this event there had just been like a lot of things that were wrong” in their ██████████¹²⁸ Officer Duran was engaging in reckless behavior, and had recently gotten a DUI and ran away from the crime scene.¹²⁹ ██████████ said Officer Duran had “all the typical red flags of an abusive person.”¹³⁰ ██████████ said, “He would get mad at her for . . . the littlest, dumbest things,” and “[h]e would just

¹¹⁶ Att. 9, Recorded Statement of ██████████ – December 14, 2022; Att. 14, Statement of ██████████ Transcript.

¹¹⁷ Att. 14, page 3, 5 to 6.

¹¹⁸ Att. 14, page 3 to 4, 6.

¹¹⁹ Att. 14, page 3, 8.

¹²⁰ Att. 14, page 6 to 7.

¹²¹ Att. 14, page 4, 7 to 8.

¹²² Att. 14, page 7.

¹²³ Att. 14, page 4.

¹²⁴ Att. 14, page 4 to 5.

¹²⁵ Att. 14, page 4 to 5.

¹²⁶ Att. 14, page 5.

¹²⁷ Att. 14, page 8 to 9.

¹²⁸ Att. 14, page 9.

¹²⁹ Att. 14, page 10.

¹³⁰ Att. 14, page 9.

like flip out for no reason.”¹³¹ ██████ said ██████ and Officer Duran were always fighting, and described a previous incident when they had visited her in San Diego.¹³² During the trip, ██████ left the hotel in which she and Officer Duran were staying to stay with ██████ because they had gotten into a fight.¹³³ ██████ told ██████ that during a fight, Officer Duran had rolled up a towel and thrown it at her.¹³⁴ ██████ repeatedly mentioned to ██████ how Officer Duran would “explode” and say “really degrading things to her and yell at her.”¹³⁵ ██████ said that the night of the incident was not the first time ██████ had a panic attack because of his behavior towards her.¹³⁶

4. Officer Duran’s Statement

COPA interviewed Officer Duran on March 1, 2023.¹³⁷ Officer Duran said that he and ██████ began ██████ in 2019, and that they started ██████ in approximately February 2021.¹³⁸ Officer Duran ██████ with ██████ for approximately eight months and ██████ in October 2021.¹³⁹ Officer Duran was in the process of buying a ██████ in October 2021, and he and ██████ planned on ██████ into the ██████.¹⁴⁰

Officer Duran said that on the day of the incident, October 10, 2021, he contacted one of his “good friends from high school,” ██████¹⁴¹ The two of them went out for lunch and met up with Officer Duran’s college friends, including an ██████ and a mutual friend.¹⁴² Officer Duran called ██████ to let her know that he was out with his ██████ and other friends because he did not want it to cause a problem.¹⁴³ ██████ became very upset and ██████ with him over the phone, but that was the end of the incident at the time.¹⁴⁴

Officer Duran explained that he was out with friends and his ██████ from mid-afternoon to approximately 10:30 p.m.¹⁴⁵ Officer Duran said they “had a few drinks” at the first restaurant they visited, which he believed was Whiskey Business.¹⁴⁶ After a “couple of hours” they

¹³¹ Att. 14, page 9.

¹³² Att. 14, page 9.

¹³³ Att. 14, page 9.

¹³⁴ Att. 14, page 9.

¹³⁵ Att. 14, page 9.

¹³⁶ Att. 14, page 9.

¹³⁷ Att. 8, Statement of Officer Duran; Att. 15, Officer Duran Transcript.

¹³⁸ Att. 15, page 9.

¹³⁹ Att. 15, page 10.

¹⁴⁰ Att. 15, page 12.

¹⁴¹ Att. 15, page 12.

¹⁴² Att. 15, page 12.

¹⁴³ Att. 15, page 12.

¹⁴⁴ Att. 15, page 12.

¹⁴⁵ Att. 15, page 18.

¹⁴⁶ Att. 15, page 15 to 16.

went to another restaurant, where they stayed for “a few hours.”¹⁴⁷ When asked if he continued drinking, Officer Duran said “Maybe, like just a few.”¹⁴⁸

Later that night, Officer Duran and ██████ got ██████ could not remember if he texted ██████ to open the door or whether he knocked—and he and ██████ argued.¹⁴⁹ ██████ accused him of ██████ on her, took his phone, and went to the bedroom.¹⁵⁰ ██████ then took his phone into the living room. Officer Duran asked for his phone back, but she refused and accused him of ██████ on her.¹⁵¹ Officer Duran tried to grab his phone, but she took it away from him and left the ██████ through the front door.¹⁵² Officer Duran maintained that he did not make physical contact with ██████ when he took his phone from her, but that she then “yanked it” out of his hands.¹⁵³ Officer Duran did not follow her, and said that ██████ watched the entire incident.¹⁵⁴ After this, ██████ took an Uber ██████ and Officer Duran went to sleep.¹⁵⁵ The next day, ██████ came ██████ and they talked about their ██████ and “were fine and moving forward.”¹⁵⁶

Officer Duran thought everything was fine, until three days later, when ██████ did not want to go with him to close on the ██████ he was buying.¹⁵⁷ Officer Duran did not know ██████ contacted the police about the incident until she asked if he had gotten in trouble at work because of the police report.¹⁵⁸ Officer Duran also said he discovered a Victim Information Notice Report in ██████ purse when he was looking for a missing camera and watch.¹⁵⁹

Officer Duran did not recall if he ever raised his voice or shouted at ██████ during any of their arguments, including on October 10, 2021.¹⁶⁰ Officer Duran and ██████ got into an argument on October 13, after ██████ did not close on the ██████ with him and told him about the police report.¹⁶¹ Officer Duran explained he was confused and frustrated, and that he threw and broke a plate during the argument.¹⁶²

¹⁴⁷ Att. 15, page 16 to 17.

¹⁴⁸ Att. 15, page 17.

¹⁴⁹ Att. 15, page 12.

¹⁵⁰ Att. 15, page 13.

¹⁵¹ Att. 15, page 13.

¹⁵² Att. 15, page 13.

¹⁵³ Att. 15, page 23.

¹⁵⁴ Att. 15, page 13.

¹⁵⁵ Att. 15, page 14.

¹⁵⁶ Att. 15, page 14.

¹⁵⁷ Att. 15, page 27.

¹⁵⁸ Att. 15, page 28 to 29.

¹⁵⁹ Att. 15, page 30.

¹⁶⁰ Att. 15, page 33.

¹⁶¹ Att. 15, page 33.

¹⁶² Att. 15, page 33.

5. [REDACTED] Account

[REDACTED] spoke with COPA over the phone on April 13, 2023, but did not make an official witness statement.¹⁶³ [REDACTED] explained that he was at [REDACTED] on the night of October 10, 2021, but had limited memory of the events. [REDACTED] said he took an Uber to the [REDACTED] then went inside to use the bathroom. He heard [REDACTED] and Officer Duran fighting, and saw Officer Duran try to grab something from [REDACTED] hand. Although he did not remember Officer Duran getting physical with [REDACTED] he remembered that she fell on the ground at one point. Additionally, he saw Officer Duran attempt to block the door to prevent [REDACTED] from leaving; he believed Officer Duran did so because he was trying to grab the item in question from [REDACTED] said he never got physically involved, but he might have yelled and asked what was going on between Officer Duran and [REDACTED] He did not hear the police come to the door while he was at [REDACTED]

[REDACTED] said that he and Officer Duran were “close friends” and have been so for a “long time.” He was unsure why Officer Duran and [REDACTED] but he did not see them together after this incident.

B. CPD Response

1. Officer Statements

a. Sergeant Enriquez Statement

COPA interviewed Sgt. Jesus Enriquez on May 4, 2023.¹⁶⁴ Sgt. Enriquez learned of a [REDACTED] violence incident where the alleged offender was a CPD officer.¹⁶⁵ Sgt. Enriquez briefly spoke to the Complainant, [REDACTED] at the station, then relocated to her [REDACTED] and summoned another patrol car to meet at the [REDACTED].¹⁶⁶ [REDACTED] “alleged she got into a [REDACTED] altercation and she stated that the offender was still at the [REDACTED].”¹⁶⁷

When asked why he did not take the statement at the station, Sgt. Enriquez said words to the effect of “that’s not what I do. . . as a supervisor, I need to find out if the offender is an actual Chicago police officer, and I would like to gather information as soon as possible.”¹⁶⁸ Sgt. Enriquez further explained, “If I would have someone that she describes to be the actual offender, I would like for her to identify him near the scene at least.”¹⁶⁹

¹⁶³ Att. 26, [REDACTED] Investigative Report.

¹⁶⁴ Att. 27, Sgt. Jesus Enriquez Statement transcript.

¹⁶⁵ Att. 27, page 11 to 12.

¹⁶⁶ Att. 27, page 12.

¹⁶⁷ Att. 27, page 12.

¹⁶⁸ Att. 27, page 13.

¹⁶⁹ Att. 27, page 13.

Once Sgt. Enriquez arrived at the [REDACTED] he waited for officers to arrive and then “instructed the officers to start gathering information” as he “relocated to the address.”¹⁷⁰ Once he arrived at the [REDACTED] he knocked on the doors and windows, and shined his flashlight in the windows and looked through the gangways.¹⁷¹ Sgt. Enriquez said he activated his BWC at this point, but could not recall activating his BWC while talking to [REDACTED].¹⁷² Sgt. Enriquez said he believed his BWC was working correctly and did not have an explanation for why there was no BWC video available.¹⁷³ Sgt. Enriquez later said he did not recall if he was wearing his BWC when he went to the scene of the incident with [REDACTED].¹⁷⁴

When asked, Sgt. Enriquez confirmed that [REDACTED] told him there was a witness who was present for the event.¹⁷⁵ Sgt. Enriquez acknowledged that he told [REDACTED] “It doesn’t matter. We – we don’t need – only need you.”¹⁷⁶ Sgt. Enriquez did not get the witness’s information, said he thought that one of the other officers got the witness’s first name, but that none of the officers got the witness’s contact information.¹⁷⁷ Sgt. Enriquez said it was not necessarily his responsibility to obtain this information if the officers gathered the information.¹⁷⁸ Sgt. Enriquez conceded that it was his responsibility to ensure the officers obtained that information “as much as possible.”¹⁷⁹ Sgt. Enriquez then clarified that it was actually the duty of the “officers that were in charge” to obtain the information, and that “they were able to gather as much information needed or available at the time.” Sgt. Enriquez would not say whether the officers gathered the witness’s information on the scene and said, “I believe they obtained whatever information was available at the time.”¹⁸⁰ When asked again if it was his responsibility to ensure the investigating officers obtained the witness’s contact information, Sgt. Enriquez said “Again, I believe . . . they’ve been trained to gather enough information.”¹⁸¹ When asked, Sgt. Enriquez also conceded, “We always use witnesses if it’s available to us.”¹⁸²

When asked why [REDACTED] needed to leave her [REDACTED] Sgt. Enriquez explained “At the moment, I don’t think she would have felt safe being in the [REDACTED] that he might possibly reenter. So I thought the best move was to get her somewhere safer.”¹⁸³ Sgt. Enriquez did not recall [REDACTED] telling him she had keys to the [REDACTED] and could let the officers inside the

¹⁷⁰ Att. 27, page 15.

¹⁷¹ Att. 27, page 15.

¹⁷² Att. 27, page 16.

¹⁷³ Att. 27, page 16-19.

¹⁷⁴ Att. 27, page 30.

¹⁷⁵ Att. 27, page 19.

¹⁷⁶ Att. 27, page 19.

¹⁷⁷ Att. 27, page 19.

¹⁷⁸ Att. 27, page 19 to 20.

¹⁷⁹ Att. 27, page 20.

¹⁸⁰ Att. 27, page 21.

¹⁸¹ Att. 27, page 21.

¹⁸² Att. 27, page 21.

¹⁸³ Att. 27, page 22.

██████████¹⁸⁴ When asked if the officers would have entered the ██████████ if ██████████ offered to let them inside, Sgt. Enriquez conceded, “If we can prove . . . that’s her ██████████ and she has access to it and she gives us the right to enter it, then yes, we can enter it.”¹⁸⁵ Sgt. Enriquez did not recall talking to ██████████ about her letting officers inside the ██████████ and did not ask if she was the sole lease holder.¹⁸⁶ Sgt. Enriquez said it would be the reporting officers’ responsibility to gather this information.¹⁸⁷

Sgt. Enriquez explained to ██████████ that the officers would report the incident, told her she could give them “all the information,” and then ensured that there would be a report.¹⁸⁸ Sgt. Enriquez asked if ██████████ wanted EMS or to be escorted somewhere else.¹⁸⁹ When asked, Sgt. Enriquez said he knew officers provided ██████████ with ██████████ victim information notice and report number.¹⁹⁰

Sgt. Enriquez explained that he did not complete the initiation report because the officers went to the station, where the desk sergeant completed the report.¹⁹¹ COPA asked Sgt. Enriquez if he agreed with the initiation report statement reading, “Victim requested to sign complaints” and “the offender locked himself inside and would not allow entry to officers.”¹⁹² Sgt. Enriquez said, “I had no idea he locked himself in. I just couldn’t make contact with him.”¹⁹³ Sgt. Enriquez did not speak with Sgt. Trobiani about the incident and would not say if Sgt. Trobiani got this information from the other officers.¹⁹⁴

b. Officer Zumarraga Statement

COPA interviewed Officer Zumarraga on August 16, 2022.¹⁹⁵ Officer Zumarraga recalled that the event in question was a ██████████ incident regarding a CPD officer.¹⁹⁶ Officer Zumarraga met ██████████ the Complainant, on the street near her ██████████ where she told him what happened.¹⁹⁷ Sgt. Enriquez went to ██████████ alone, while Officers Zumarraga and Kook stayed with ██████████ and took her statement.¹⁹⁸ ██████████ told the officers that Officer

¹⁸⁴ Att. 27, page 22.

¹⁸⁵ Att. 27, page 22 to 23.

¹⁸⁶ Att. 27, page 23.

¹⁸⁷ Att. 27, page 23.

¹⁸⁸ Att. 27, page 24.

¹⁸⁹ Att. 27, page 24.

¹⁹⁰ Att. 27, page 25.

¹⁹¹ Att. 27, page 26 to 27.

¹⁹² Att. 27, page 27 (quoting Att. 38, page 3).

¹⁹³ Att. 27, page 24.

¹⁹⁴ Att. 27, page 29.

¹⁹⁵ Att. 8, Statement of PO Zumarraga 2021-4022; Att. 18, Officer Zumarraga Transcript.

¹⁹⁶ Att. 18, Officer Zumarraga Transcript.

¹⁹⁷ Att. 18, page 8 to 9.

¹⁹⁸ Att. 18, 9.

Duran “was intoxicated,” “had pushed her, grabbed her hair, banged her head” and “that there was a witness who was there -who was [Officer Duran’s] friend.”¹⁹⁹

Officer Zumarraga acknowledged that he did not activate his BWC immediately and said he could not remember the questions he asked ██████████ before activating his BWC.²⁰⁰ Officer Zumarraga acknowledged that he should have activated his BWC the “[s]econd I interacted ██████████”²⁰¹ Officer Zumarraga explained that—based on watching his BWC footage—Sgt. Enriquez was “adamant about documenting everything.”²⁰² When asked about discussion involving the officers obtaining the witness’s [██████████] contact information, Officer Zumarraga explained he tried to get the information from ██████████ and that no one told him not to ██████████ contact information.²⁰³ Officer Zumarraga conceded that none of the officers obtained any information about ██████████ other than his first name, ██████████²⁰⁴

Officer Zumarraga did not remember whether ██████████ offered to give officers the keys to her ██████████²⁰⁵ Officer Zumarraga explained he had never had a complainant let him inside a ██████████ for a ██████████ violence incident against another officer; he also clarified that this was his first ██████████ violence investigation against another officer, and that “I wouldn’t know if that was the right or wrong move.”²⁰⁶ Officer Zumarraga further explained he would not normally get keys from a ██████████ violence Complainant who offered to let him inside to complete an investigation.²⁰⁷

When asked why he and Officer Kook did not try to make contact with Officer Duran, Officer Zumarraga said this was his first ██████████ incident with a CPD officer, and he did not know if a sergeant needed to make contact with an accused officer first.²⁰⁸ Officer Zumarraga explained, “I don’t know if there’s any special way to handle it.”²⁰⁹ Officer Zumarraga said he believed Sgt. Enriquez tried to make contact with Officer Duran because he had said Officer Duran was not ██████████²¹⁰

Officer Zumarraga explained he provided ██████████ with Victim Information Notice and ██████████ Incident Notice paperwork before leaving the scene.²¹¹

¹⁹⁹ Att. 18, page 8.

²⁰⁰ Att. 18, page 9 to 10.

²⁰¹ Att. 18, page 19.

²⁰² Att. 18, page 14 to 15.

²⁰³ Att. 18, page 15 to 16.

²⁰⁴ Att. 18, page 16.

²⁰⁵ Att. 18, page 16.

²⁰⁶ Att. 18, page 17.

²⁰⁷ Att. 18, page 17.

²⁰⁸ Att. 18, page 20.

²⁰⁹ Att. 18, page 22.

²¹⁰ Att. 18, page 23.

²¹¹ Att. 18, page 29.

c. Officer Kook Statement

COPA interviewed Officer Kook on October 13, 2022.²¹² Officer Kook's statement largely echoed Officer Zumarraga's. Officer Kook remembered that the incident involved a [REDACTED] incident with [REDACTED] who was a CPD officer "who was already on call back."²¹³ [REDACTED] told Officer Kook on scene that her [REDACTED] Officer Duran, "was drinking that night" "didn't allow her to move" freely, "put his hands out so she wouldn't be able to go into the next room. Then, at some point, he pushed her to the ground."²¹⁴

Officer Kook acknowledged he did not activate his BWC during the beginning of [REDACTED] statement, but believed he activated his BWC at the correct time.²¹⁵ Officer Kook explained that at the time of the interview, October 13, 2022, CPD officers were required to activate BWC immediately, but he was unsure what the policy was on October 10, 2021.²¹⁶ Officer Kook later acknowledged that he should have activated his BWC earlier, but did not believe his late activation tainted their investigation.²¹⁷

Officer Kook explained neither he nor Officer Zumarraga went to the [REDACTED] per Sgt. Enriquez's instructions.²¹⁸ Officer Kook further explained that "for police involved incidents, it's always the sergeant in charge of the scene."²¹⁹ Officer Kook recalled [REDACTED] mentioning a witness to the incident and believed the officers obtained the witness's first name or nickname.²²⁰ Officer Kook did not believe [REDACTED] provided the witness's contact information.

Officer Kook did not recall [REDACTED] offering to let officers inside her [REDACTED] even after reviewing his BWC.²²¹ He explained CPD officers do not go to [REDACTED] during most [REDACTED] violence incidents to arrest suspects because "[i]t's like a warrantless arrest."²²²

2. Body Worn Camera

Sgt. Enriquez had one BWC activation during the incident, which shows him speaking casually with other officers inside the station.²²³

²¹² Att. 7, *Statement of PO Cook*; Att. 3, *Officer Kook Transcript*.

²¹³ Att. 3, page 8 to 9. Note: "Call back" is an assignment where many officers who are relieved of their police powers are assigned.

²¹⁴ Att. 3, page 9.

²¹⁵ Att. 3, page 12 to 13.

²¹⁶ COPA notes that the relevant version of S03-14 was effective from April 30, 2018 until December 29, 2023.

²¹⁷ Att. 3, page 26.

²¹⁸ Att. 3, page 12.

²¹⁹ Att. 3, page 16.

²²⁰ Att. 3, page 15.

²²¹ Att. 3, page 22.

²²² Att. 3, page 22 to 23.

²²³ Att. 13, *Enriquez_Axon_Body_3_Video_2021-10-10_2318*.

Officers Zumarraga's and Kook's BWCs showed Officer Zumarraga writing on a notepad on the street at approximately 12:20 a.m. on October 11, 2021.²²⁴ Both officers activated their BWCs within approximately one second of each other. During the buffer period, ██████ appeared upset, but no audio was recorded.²²⁵ Both Officers activated their BWCs as Sgt. Enriquez began summarizing ██████ statement.²²⁶ Sgt. Enriquez said words to the effect of "he's an off-duty officer. Right now, no one answers the door. But she's going to be safe. You're going to your parents' ██████ They're going to file a report."²²⁷ Sgt. Enriquez asked if ██████ was okay and if she wanted an ambulance, and she refused.²²⁸ Officer Zumarraga said he had all the information, and ██████ said words to the effect of "but you didn't get it on camera."²²⁹ Officer Zumarraga stated words to the effect of "I mean yeah—everything was—yeah, it was buffering. I know it wasn't active," and Sgt. Enriquez interrupted and said, "but we still got it."²³⁰

Officer Kook asked ██████ for information about Officer Duran, including his name and birthdate, while Sgt. Enriquez called someone on a cellphone and asked if they have been able to find information about Officer Duran.²³¹ Officer Kook asked, "Is this the first time this has happened?" and ██████ stated words to the effect of, "Hand-wise? Yes" but explained that he has verbally abused her and pushed her before.²³² Sgt. Enriquez interrupted to say, "They found him. They found him in the system. So, we got his star."²³³ Sgt. Enriquez asked ██████ words to the effect of, "Is he going through some problems or something?"²³⁴ ██████ stated words to the effect of, "We're fine, just he was day drinking. When he drinks, he's just very verbally aggressive. And this is the first time that he got very physical with me. One time he just shoved me to the side because I didn't want to lay on his knee 'cause he was drunk and he was driving."²³⁵

Sgt. Enriquez continued talking to ██████ as Officer Zumarraga filled out a form. Officer Zumarraga asked when the incident occurred, and ██████ looked at her phone and said she left the ██████ at 11:40, after the incident.²³⁶ Officer Zumarraga told ██████ that a ██████ violence advisor would contact her.²³⁷ Officer Kook told ██████ words to the effect of, "Honestly, when we speak about ██████ incidents . . . so for ██████ at the end of the day it's really up to you. It's up to you to go to court, it's up to you to get the order of protection, it's

²²⁴ Att. 11, *Josuha Zumarraga Axon_Body_3_Video_2021-10-11_0022*; Att. 12, *Rateb Kook Axon_Body_3_Video_2021-10-11_0022*.

²²⁵ Att. 11; 12, 00:00 to 2:00.

²²⁶ Att. 11, 2:00 to 2:20.

²²⁷ Att. 11, 2:20 to 2:41.

²²⁸ Att. 11,

²²⁹ Att. 11, 3:15 to 3:21.

²³⁰ Att. 11, 3:21 to 3:28.

²³¹ Att. 12, 4:36 to 5:15

²³² Att. 11, 5:20 to 5:41.

²³³ Att. 11, 5:42 to 5:46.

²³⁴ Att. 11, 5:57 to 5:58.

²³⁵ Att. 11, 5:58 to 6:20.

²³⁶ Att. 11, 9:30 to 9:43.

²³⁷ Att. 11, 10:00 to 10:20.

up to you to do pretty much everything. All we can really do is issue paperwork. And after that, like I said, you're the victim, it's up to you after that. If you want to pursue charges or not, it's up to you."²³⁸ Sgt. Enriquez said words to the effect of, "The way it sounds, it's not going down a good road with you and him. You're going to have to separate yourself from him. For your own good. Whatever he's dealing with, let him deal with it. But right now, you need to step away from him."²³⁹ The officers confirmed that they had [REDACTED] phone number and asked if she was okay to drive, then told her to call 911 if she needs anything else.²⁴⁰ Sgt. Enriquez told [REDACTED] she could call 911 if she needed to get property from her [REDACTED] and they will send a sergeant and police car to go with her.²⁴¹ The officers then end the event.²⁴²

III. ALLEGATIONS

A. Officer Gonzalo Duran Jr.:

It is alleged that on or about October 10th, 2021, at approximately 11:30PM, at or near [REDACTED] [REDACTED], Officer Gonzalo Duran Jr, Star#17088, committed misconduct through the following acts or omission, by:

1. Pushing and/or grabbing [REDACTED] without justification
 - a. **Sustained**- Violation of Rules 2, 8, 9
2. Grabbing [REDACTED] hair and/or pulling her to the ground and/or dragging her, without justification
 - a. **Sustained**- Violation of Rules 2, 8, 9
3. Attempting to prevent [REDACTED] from leaving the [REDACTED] without justification.
 - a. **Sustained**- Violation of Rules 2, 8, 9

B. Sgt. Jesus Enriquez:

It is alleged that on or about October 10th, 2021, at approximately 11:30PM, at or near [REDACTED] [REDACTED], Sgt. Jesus Enriquez, committed misconduct through the following acts or omission, by:

1. Failed to activate your body worn camera, without justification.
 - a. **Sustained** - Violation of Rules 5 and 6

²³⁸ Att. 11, 16:07 to 16:33.

²³⁹ Att. 11 16:35 to

²⁴⁰ Att. 11, 16:50 to 17:14.

²⁴¹ Att. 11, 17:22 to 17:35.

²⁴² Att. 11, 17:47.

2. Failed to conduct a thorough and adequate investigation, to wit, failed to obtain information related to a witness.
 - a. **Sustained** - Violation of Rules 2, 5 and 6
3. Failed to conduct a thorough and adequate investigation regarding a [REDACTED] related incident by failing to attempt to locate the accused, Gonzalo Duran Jr., without justification.
 - a. **Sustained** - Violation of Rules 2 and 5

C. Police Officer Joshua Zumarraga:

It is alleged that on or about October 10th, 2021, at or near [REDACTED] [REDACTED] at approximately 11:30PM, that you, Officer Rateb Kook, Star #18303, committed misconduct through the following acts or omission, by:

1. Failing to activate your Body Worn Camera in a timely fashion, without justification.
 - a. **Sustained** - Violation of Rules 5 and 6

D. Police Officer Rateeb Kook:

It is alleged that on or about October 10th, 2021, at or near [REDACTED] [REDACTED] at approximately 11:30PM, that you, Officer Joshua Zumarraga, Star #11833, committed misconduct through the following acts or omission, by:

1. Failing to activate your Body Worn Camera in a timely fashion, without justification.
 - a. **Sustained**- Violation of Rules 5 and 6

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. The second factor addresses the individual's ability to accurately perceive the event at the time of the incident, and accurately recall the event from memory.

A. [REDACTED] account

COPA finds by a preponderance of the evidence that [REDACTED] account of the incident on October 10, 2021, is credible. [REDACTED] account is bolstered by (1) her immediate outcry to [REDACTED] before and immediately after the incident; (2) her police report immediately following the incident; (3) her statements to officers on scene; (4) her phone call to COPA on October 12,

2021; (5) her medical records, which include her statements to medical providers at the University of Illinois hospital on October 14, 2021; (6) text messages she provided COPA from Officer Duran on the day of the incident; and (7) her statement to COPA on November 30, 2022. ██████ version of events remained consistent. ██████ provided additional background information during her statement to COPA regarding Officer Duran’s drinking and prior instances of abuse, which are consistent with her statements to officers on the scene. These details are also consistent with ██████ description of ██████ with Officer Duran.

Additionally, ██████ Officer Duran’s longtime close friend, partially corroborated ██████ version of events. ██████ said that while in the bathroom he heard a commotion near where ██████ claimed Officer Duran grabbed her. ██████ initially claimed he did not remember seeing Officer Duran get physical with ██████ “besides trying to retrieve his item back.”²⁴³ However, he said he did see Officer Duran prevent ██████ from leaving by blocking the door. Moreover, ██████ admitted that ██████ fell on the ground at one point during the incident, although he denied Officer Duran’s involvement.

B. Officer Duran’s account

COPA finds by a preponderance of the evidence that Officer Duran’s account of the incident is not credible. Officer Duran’s version of events requires COPA to accept multiple implausible occurrences – many of which contradict ██████ version of events that is supported by multiple other sources.

First, Officer Duran’s account requires COPA to accept that he was out with friends on October 10, 2021, from at least midafternoon until 10:30 p.m., but only had a “few” drinks at one bar, followed by a “couple” drinks at another bar. Next, Officer Duran claimed that while out with friends he called ██████ and told her his ██████ was present, ██████ with him over the phone, “And that was pretty much the end of that.”²⁴⁴ Officer Duran then claimed he went ██████ where ██████ accused him of ██████ on her then took his phone, and that he was able to grab his phone back from her without any physical contact. Officer Duran next claimed ██████ left without incident, and he went to bed. According to Officer Duran, ██████ came ██████ the following day, they talked briefly, and they were “fine” and “just moved forward.”²⁴⁵

Given the evidence of Officer Duran’s then-recent history with alcohol, it is more likely that he returned ██████ late at night heavily intoxicated. This premise is supported by the incoherent text messages he sent ██████ explanation of Officer Duran’s behavior—supported in turn by ██████ explanation of Officer Duran—and Officer Duran’s then-recent DUI arrest. It is also more likely that Officer Duran grabbed and pulled ██████ by her hair to the ground, causing her to hit her head, rather than that no physical altercation took place. This premise is supported by ██████ immediate statements to multiple outcry witnesses, the

²⁴³ Att. 26.

²⁴⁴ Att. 15, page 12.

²⁴⁵ Att. 15, page 25.

original case incident report, her statement during her visit to the University of Illinois hospital, her spending the night outside of her own [REDACTED] on the night of the incident, and her multiple consistent statements to COPA.

COPA acknowledges that Officer Duran might believe the version of events he told during his statement is true. This is plausible, as Officer Duran apparently expected [REDACTED] to close on a [REDACTED] with him shortly after the incident. If this is the case, however, it is more likely than not that this was due to him being intoxicated during the incident, rather than providing any meaningful support to his version of events.

V. ANALYSIS²⁴⁶

A. Preponderance of the evidence shows that Officer Duran physically abused [REDACTED] and prevented her from leaving her [REDACTED]

COPA finds **Allegations #1-3 against Officer Duran**, that he pushed and/or grabbed [REDACTED] that he grabbed [REDACTED] hair and/or pulled her to the ground and/or dragged her; and that he attempted to prevent [REDACTED] from leaving the [REDACTED] without justification, **SUSTAINED**.

CPD policy prohibits Department members from engaging in any physical altercation with any person while on or off duty.²⁴⁷ CPD policy also prohibits officers from showing disrespect to or maltreating any person while on or off duty.²⁴⁸

As previously explained in detail, COPA finds [REDACTED] account of the incident credible. On the other hand, COPA finds Officer Duran's account of the incident incredible. Over time, [REDACTED] has provided generally consistent statements regarding the events that transpired. On the other hand, Officer Duran's account lacked indicia of reliability. Specifically, Officer Duran's account of the incident was clouded by his intoxication level, as evident in his incoherent text messages to [REDACTED] prior to the altercation. Moreover, Officer Duran's claims that he did not make physical contact with [REDACTED] while attempting to retrieve his phone are undermined by the totality of the circumstances. [REDACTED] who witnessed a portion of the incident, saw Officer Duran physically blocking [REDACTED] exit, and saw Officer Duran attempt to retrieve his phone from [REDACTED] by attempting to grab it. Although [REDACTED] had every reason to favor Officer Duran in his statement to COPA and generally did so, he nevertheless partially supported [REDACTED] claims that Officer Duran became physical with her. For instance, [REDACTED] indicated that he heard [REDACTED] and Officer Duran fighting and saw [REDACTED] fall to the ground. COPA finds that even a witness heavily biased in Officer Duran's favor undermined his account of events and corroborated [REDACTED] claims of physical abuse.

²⁴⁶ For a definition of COPA's findings and standards of proof, *see* Appendix B.

²⁴⁷ Rule 9, Article V. Rules of Conduct, Police Board, City of Chicago.

²⁴⁸ Rule 8, Article V. Rules of Conduct, Police Board, City of Chicago.

Further evidencing Officer Duran's short temper and corroborating ██████ claims that he had previously failed to appropriately manage his emotions is Officer Duran's own admission to throwing and breaking a plate a couple of days after the incident when he discovered that ██████ had reported his abuse to the police. Additionally, COPA finds ██████ account further corroborated by her breaking off the ██████ and refusing to close on a ██████ with Officer Duran just days after the incident. Overall, COPA finds that no objective evidence undermines ██████ claims, while there is sufficient evidence to render Officer Duran's statement incredible. COPA therefore finds Allegations #1-3 against Officer Duran are sustained.

B. CPD Response to Incident

1. Sgt. Enriquez, Officer Kook, and Officer Zumarraga failed to timely activate their body worn cameras.

COPA finds the allegations that Officer Kook, Officer Zumarraga, and Sgt. Enriquez, failed to activate their BWCs in a timely fashion, without justification, are **SUSTAINED**. Special Order S03-14 states "The decision to electronically record a law-enforcement-related encounter is mandatory".²⁴⁹ Department members must activate their BWCs "at the beginning of an incident and will record the entire incident for all law-enforcement-related activities".²⁵⁰ Law-enforcement-related activities "include but are not limited to" "calls for service", "investigatory stops", and "statements made by individuals in the course of an investigation".²⁵¹

Here, neither officer activated his BWC to take ██████ statement until she asked them why they were not recording her statement. Officer Zumarraga admitted to not activating his BWC and could not recall the questions he asked ██████ before he activated his BWC.²⁵² Both officers failed to capture key information during the start of the incident with ██████

COPA further finds that Sgt. Enriquez did not activate his BWC during the entire event. Sgt. Enriquez briefly activated his BWC while talking to another officer at the 012th District Station at approximately the time of the incident but did not activate his BWC after this. Sgt. Enriquez could not remember if he had worn his BWC when he met ██████ at the scene, and it is difficult to determine if Sgt. Enriquez was wearing his BWC in the other officers' BWC footage.

2. Sgt. Enriquez failed to adequately investigate ██████ allegation of ██████ violence against Officer Duran.

COPA finds Allegations #2 and #3, that Sgt. Enriquez failed to conduct a thorough and adequate investigation, **SUSTAINED**. First, COPA finds by a preponderance of the evidence that Sgt. Enriquez failed to attempt to obtain witness ██████ information. Second, COPA finds

²⁴⁹ S03-14 III.A.1., *Body Worn Cameras* (Effective April 30, 2018, to December 29, 2023).

²⁵⁰ S03-14 III.A.2.

²⁵¹ S03-14 III.A.2 a., b., k.

²⁵² Att. 18, page 9 to 10.

that Sgt. Enriquez failed to conduct a thorough and adequate investigation regarding the [REDACTED] incident by failing to attempt to locate Officer Duran, despite knowing his location, having permission from [REDACTED] to enter the [REDACTED] with her key, and despite [REDACTED] willingness to sign complaints against Officer Duran.

CPD policy provides that if a CPD member is involved in a [REDACTED] incident, a member who is of higher rank than the involved member will act as the investigating supervisor.²⁵³ As part of their duties, officers responding to a [REDACTED] incident are required to immediately identify and secure any weapons.²⁵⁴ Moreover, officers are required to conduct a thorough investigation, including interviewing all involved parties separately, determining whether a valid order of protection exists, and identifying the crime scene and determining whether there is any evidence present.²⁵⁵ Additionally, pursuant to the Illinois [REDACTED] Violence Act and CPD policy, investigating members will accompany the victim of abuse inside their [REDACTED] for a reasonable amount of time to remove necessary belongings and possessions, and will prepare the appropriate case report.²⁵⁶ The case report should identify the victim, any witnesses, and the offender.²⁵⁷

Here, Sgt. Enriquez's actions fell far short of an adequate and thorough investigation into [REDACTED] claims of [REDACTED] violence. Sgt. Enriquez specifically told [REDACTED] that he only needed her statement and did not need to obtain a statement from the witness, [REDACTED]. When [REDACTED] asked why the officers were not taking additional information from her, Sgt. Enriquez explained they had all the information they needed from her. Allegation #2 against Sgt. Enriquez is therefore SUSTAINED.

COPA also finds the allegation against Sgt. Enriquez for failing to conduct a thorough investigation by failing to attempt to locate the accused, Officer Gonzalo Duran Jr., **SUSTAINED**. Sgt. Enriquez claimed he knocked on the door of the [REDACTED] and looked in the windows to attempt to contact Officer Duran. However, COPA has no objective evidence to corroborate his claim, since he failed to activate his BWC. Even if Sgt. Enriquez did take this step, COPA finds his failure to attempt to make contact with Officer Duran in violation of CPD policy.

Here, Sgt. Enriquez refused to return to the [REDACTED] although [REDACTED] had a key to the [REDACTED] and would permit the officers to enter her [REDACTED] so that Officer Duran could be interviewed and evidence could be gathered. Neither Sgt. Enriquez, nor Officers Zumarraga nor Kook provided a consistent or coherent explanation as to why they did not enter [REDACTED] upon her request that they do so – especially considering her statements that Officer Duran physically and verbally abused her, was heavily intoxicated, and in possession of multiple loaded firearms. The evidence shows that Sgt. Enriquez refused to go to [REDACTED] with her when she asked to go retrieve her clothes.²⁵⁸ Sgt. Enriquez told [REDACTED] that Officer

²⁵³ General Order G04-04(III)(B) (eff. Dec. 28, 2012)

²⁵⁴ General Order G04-04(III)(A)

²⁵⁵ General Order G04-04(IV)(A)

²⁵⁶ General Order G04-04(IV)(A)

²⁵⁷ General Order G04-04(IV)(A)

²⁵⁸ Att. 11 at 13:50 to 14:35 minutes.

Duran was not answering the door so he could not go into the [REDACTED]²⁵⁹ [REDACTED] asked Sgt. Enriquez if she could give him her key, so that he could retrieve some clothes for her.²⁶⁰ Sgt. Enriquez's responses to [REDACTED] request were internally inconsistent and generally lacked logic. Specifically, despite [REDACTED] offer to give Sgt. Enriquez her key, Sgt. Enriquez stated that he could not go and knock down the door to the [REDACTED]²⁶¹ Shortly thereafter, Sgt. Enriquez told [REDACTED] that he believed Officer Duran was likely not at her [REDACTED] and advised [REDACTED] to return to her [REDACTED] the next day to retrieve her belongings.²⁶² Sgt. Enriquez's refusal to help [REDACTED] and to further investigate her allegations was in direct contravention of CPD policy.²⁶³ Due to his refusal to investigate [REDACTED] account, Sgt. Enriquez effectively refused to obtain any information to corroborate or contradict her claims, to potentially arrest the perpetrator, and to obtain witness statements and contact information. His failure to do so, despite [REDACTED] willingness to sign complaints against Officer Duran, was a dereliction of his duty to investigate the alleged crime. Allegation #3 against Sgt. Enriquez is therefore SUSTAINED.

VI. DISCIPLINARY RECOMMENDATION

A. Officer Gonzalo Duran

1. Complimentary and Disciplinary History²⁶⁴

Officer Duran has 11 complimentary awards and has received a 25-day suspension for a DUI and 2 reprimands (uniform violation & preventable accident).

2. Recommended Discipline

COPA has considered Officer Duran's complimentary and disciplinary history. Here, Officer Duran engaged in acts of [REDACTED] violence. COPA has considered that there were no visible injuries in this case. However, [REDACTED] violence is a serious violation of Department policy. Officers engaging in acts of [REDACTED] violence seriously undermine public confidence in the Department. Furthermore, Officer Duran did not take accountability for his conduct. Thus, COPA recommends a 30 – 90-day suspension.

B. Sgt. Jesus Enriquez

1. Complimentary and Disciplinary History²⁶⁵

²⁵⁹ Att. 11 at 13:50 to 14:35 minutes.

²⁶⁰ Att. 11 at 13:50 to 14:35 minutes.

²⁶¹ Att. 11 at 13:50 to 14:35 minutes.

²⁶² Att. 11 at 13:50 to 14:35 minutes.

²⁶³ Att. 11 at 13:50 to 14:35 minutes.

²⁶⁴ Attachment 66.

²⁶⁵ Attachment 65.

Sgt. Enriquez has 267 complimentary awards and no disciplinary history.

2. Recommended Discipline

COPA has considered Sgt. Enriquez's complimentary and lack of disciplinary history. Sgt. Enriquez's refusal and/or failure to gather additional, clearly relevant information and evidence significantly weakened any possible criminal [REDACTED] violence charges against Officer Duran and placed unnecessary obstacles in COPA's attempts to conduct a thorough investigation in a timely manner. Sgt. Enriquez's complimentary history is a significant mitigating factor here. COPA recommends a written reprimand and training.

C. Officer Rateb Kook

1. Complimentary and Disciplinary History²⁶⁶

Officer Kook has 10 complimentary awards and has received a reprimand (equipment violation).

2. Recommended Discipline

COPA has considered Officer Kook's complimentary and disciplinary history. Here, Officer Kook failed to activate his body worn camera in a timely fashion. This failure created an obstacle to COPA's investigation and the ability to have a full picture of the events of this incident. Thus, COPA recommends a suspension up to 10 days.

D. Officer Joshua Zumarraga

1. Complimentary and Disciplinary History²⁶⁷

Officer Zumarraga has 28 complimentary awards and has received 5 reprimands.

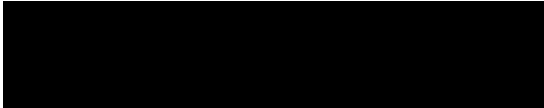
2. Recommended Discipline

COPA has considered Officer Zumarraga's complimentary and disciplinary history. Here, Officer Zumarraga failed to activate his body worn camera in a timely fashion. This failure created an obstacle to COPA's investigation and the ability to have a full picture of the events of this incident. Thus, COPA recommends a suspension up to 10 days.

²⁶⁶ Attachment 67.

²⁶⁷ Attachment 68.

Approved:



Sharday Jackson
Deputy Chief Administrator – Chief Investigator

October 28, 2024

Date

Appendix ACase Details

Date/Time/Location of Incident:	October 10 th , 2021, 11:30PM, [REDACTED] [REDACTED]
Date/Time of COPA Notification:	October 11, 2021
Involved Member #1:	Gonzalo Duran, Star #17088, Employee ID#[REDACTED] District 7 th , Male/Hispanic
Involved Member #2:	Jesus Enriquez, Star #1213, Employee ID#[REDACTED], 12 th District, Male/Hispanic
Involved Member #3:	Rateb Kook, Star #18303, Employee ID#[REDACTED] 12 th District, Male/White
Involved Member #4:	Joshua Zumarraga, Star #11833, Employee ID#[REDACTED], 12 th District, Male/White
Involved Individual #1:	[REDACTED] Female/Hispanic

Applicable Rules

- Rule 1:** Violation of any law or ordinance.
- 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 11:** Incompetency or inefficiency in the performance of duty.
- Rule 14:** Making a false report, written or oral.
- Rule 15:** Intoxication on or off duty.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.

Applicable Policies and Laws

- *Domestic Incidents G04-04*

- *Body Worn Camera S03-14*

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.²⁶⁸ 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.”²⁶⁹

²⁶⁸ 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).

²⁶⁹ *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