



Log # 2022-0003494

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On August 17, 2022, the Civilian Office of Police Accountability (COPA) received an Initiation Report complaint from Sergeant (Sgt.) Adam Criscione reporting alleged misconduct by a member of the Chicago Police Department (CPD). Sgt. Criscione alleged that on August 5, 2022, Officer Andy Sandoval had sex with ██████████ without her consent two times.² ██████████ provided a statement to COPA, and upon review of the evidence, COPA served additional allegations that Officer Sandoval sucked ██████████ neck without her consent, recorded sexual activity without her consent, and caused a bruise to her lip without justification. Following its investigation, COPA reached findings of **not sustained** regarding the allegations.

II. SUMMARY OF EVIDENCE³

Officer Sandoval and ██████████ met on a dating application called ██████████ at the end of June 2022.⁴ They exchanged phone numbers, and on June 29, 2022, Officer Sandoval and ██████████ had a conversation over the phone that lasted several hours. During the conversation, both Officer Sandoval and ██████████ said they were looking for a relationship. The conversation turned sexual, and he asked her to send nude photos of herself, she eventually complied. They then talked about their sexual fantasies, and Officer Sandoval shared with ██████████ that one of his fantasies was to wake up a woman by having sex with her.⁵ ██████████ shared with him that she liked being submissive, and she liked having sex in the morning.⁶

Between June 29, 2022, and August 5, 2022, Officer Sandoval and ██████████ met in person four times. On June 30, 2022, they met at a bar and both consumed alcohol and later went to his residence and engaged in sexual intercourse.⁷ Officer Sandoval then went to ██████████ residence

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

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

³ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including police reports, civilian interviews, text messages, medical records, court documents, and court transcripts.

⁴ Atts. 4 to 7; the interview of ██████████ was a joint interview, conducted by both COPA and CPD Bureau of Internal Affairs (BIA). The interview took place on August 24, 2022.

⁵ Att. 5, pg. 11 and pgs. 127 to 129.

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⁶ Att. 5, pg. 125.

⁷ Att. 5, pgs. 17 to 18 and 25; ██████████ related that she asked Officer Sandoval to use a condom, but he did not. However, ██████████ described the encounter as consensual.

in the early morning of July 3, 2022, where they stayed up late talking, and did not have sex. On July 4, 2022, ██████ related that she was looking for a serious relationship, and she expressed to him that she did not think it would work out between them. Officer Sandoval agreed and expressed that he would be open to continuing a friendship with ██████⁸ On July 16, 2022, Officer Sandoval texted ██████ to come over, which she did, and they had sex.⁹ ██████ related that the sex was rough, and the next day, she sent Officer Sandoval photos of her breasts where she sustained a cut and a bruise.¹⁰ In the following days, she deleted his phone number and their text messages because she felt that he was not pursuing her.¹¹ Approximately a week later, she called Apple to retrieve his phone number.¹² ██████ then reached out to him to check on his well-being.¹³ The next day, on July 28, 2022, ██████ reached out to him again because she had a bad day at work and needed a friend, but he related he was not available.

On July 29, 2022, ██████ reached out to Officer Sandoval again, relating she is not a needy person, and that it was apparent he was “blowing her off.” He responded, relating that she is an obsessive person, and that they should not see each other anymore. On July 31, 2022, she was out drinking with her friends and texted him asking for sex. Later, after sobering up, she texted him again asking him to come over just to talk. Officer Sandoval implied that he would only come over to engage in sexual activity, and ██████ related she did not want to.¹⁴

On August 5, 2022, ██████ texted Officer Sandoval once again, asking him if he wanted to come over for drinks. In her text messages to Officer Sandoval that night, ██████ wrote, “no sex.”¹⁵ She also sent him a message asking if she should wear her lip ring or not.¹⁶ Officer Sandoval went to ██████ residence at approximately 11:00 pm, and she made mixed drinks for them.¹⁷ According to ██████ she and Officer Sandoval sat on the couch in the living room, listened to music, and enjoyed drinks together.¹⁸ ██████ related that she had approximately five drinks, and she believed he had about the same. They alternated making the rounds of drinks. ██████ claimed that she was intoxicated and that she consumed more alcohol that night than usual.¹⁹ According to

⁸ Att. 5, pgs. 32 to 33 and att. 14, pgs. 3 to 10.

⁹ Att. 5, pgs. 39 to 40; ██████ related that her daughter was calling and texting her, and she told Officer Sandoval repeatedly that she had to leave. Also see Att. 46; ██████ provided the text messages between herself and her daughter, which show several texts between 3:56 am and 1:52 pm. Her 10-year-old daughter ██████ contact in her phone is “██████”. The messages depict her daughter relating she is scared and asking ██████ to come home.

¹⁰ Att. 6, pgs. 7 to 8 and att. 5, pgs. 98 to 99.

¹¹ Att. 5, pgs. 46 to 47.

¹² Att. 5, pgs. 48 to 49; ██████ related in her statement that she became concerned about Officer Sandoval, because on July 16, 2022, he spoke to her about officer suicides.

¹³ Att. 50.

¹⁴ Att. 5, pgs. 53 to 55 and att. 14, pgs. 14 to 16.

¹⁵ Att. 14, pgs. 17 to 21.

¹⁶ Att. 5, pgs. 135 to 138; ██████ was asked why she texted him about her lip ring, and she related that he found it attractive. She further related that she may have anticipated some physical interaction that night, such as making out, but she did not want to have sex with him. She did not end up wearing her lip ring on the night of August 5, 2022.

¹⁷ Att. 5, pg. 61; ██████ related that she did not consume any alcoholic beverages before Officer Sandoval came over, and he did not give any indication that he had been drinking before he came over.

¹⁸ Att. 5, pg. 63; ██████ related that they were drinking Jack Daniel’s Whiskey and Coca-Cola mixed cocktails.

¹⁹ Att. 5, pgs. 70 to 71.

██████████ she asked Officer Sandoval to dance, and he said no, but she began dancing anyways.²⁰ ██████████ stated that Officer Sandoval sat on the couch and that he suggested ██████████ dance on top of him. ██████████ related that Officer Sandoval pulled her towards him by her waist and began pulling her pants and underwear down.²¹ She further explained that Officer Sandoval's penis was already exposed and that he inserted it into her vagina for a few seconds.²² ██████████ related that she got up, pulled her pants up, and reiterated to Officer Sandoval that she did not want to have sex. ██████████ then sat on the couch a few feet away from him. ██████████ claimed that Officer Sandoval began pulling her arm, and said "Come on, just suck [his penis] a little bit."²³ ██████████ stated that she repeated to Officer Sandoval that she did not want to have sex; ██████████ then went outside to smoke a cigarette.

When ██████████ finished her cigarette, she went back into her residence and returned to the couch.²⁴ At that time, ██████████ stated that she and Officer Sandoval had a shot of alcohol.²⁵ Officer Sandoval leaned in for a kiss, and she again told him no. ██████████ recalled that Officer Sandoval talked about the cameras in her residence and asked if she was recording him. She told him she only had one camera, and it was off. ██████████ recalled that Officer Sandoval asked her about her obsessive behavior, and he stated that ██████████ is a cool girl. Furthermore, ██████████ claimed that Officer Sandoval said he would not block her phone number because he would remain willing to have sex with her, but Officer Sandoval stated that he would never marry her because she is not Latina and because she has a child.²⁶ Officer Sandoval leaned in for another kiss, and ██████████ again told him no. According to ██████████ Officer Sandoval began looking at his watch, and she told him he could leave if he was not enjoying her company. Officer Sandoval leaned in for another kiss and ██████████ claimed she told him to stop. ██████████ stated that Officer Sandoval jokingly stated, "You're right, no means no or else it's rape" and began laughing.²⁷ ██████████ further explained that Officer Sandoval asked for a back rub, she gave him a back rub in her bedroom, and they both fell asleep.²⁸

██████████ explained that the next thing she remembered was the alarm clock going off at 6:00 am, she was on her stomach, and she was naked.²⁹ Additionally, ██████████ stated that Officer Sandoval was on top of her with his penis inserted into her vagina. ██████████ related that she tried to turn around, but Officer Sandoval was sucking on her neck and whispered that he wanted to

²⁰ Att. 5, pg. 65.

²¹ Att. 5, pgs. 74 to 75; ██████████ related that she was pushing his hand away while he pulled her pants down. She did not notice that he had his penis exposed.

²² Att. 5, pgs. 65 to 66 and pgs. 73 to 74.

²³ Att. 5, pg. 66.

²⁴ Att. 5, pg. 71; ██████████ related that she lost her balance when coming inside after having a cigarette.

²⁵ Att. 5, pgs. 71 to 72.

²⁶ Att. 5, pg. 67.

²⁷ Att. 5, pg. 68.

²⁸ Att. 5, pg. 10; ██████████ related that Officer Sandoval told her he was in a car accident and had back problems as a result. She had previously given him a back rub when they met in person for the first time on June 30, 2022.

²⁹ Att. 5, pgs. 68 to 69 and 80 to 82. ██████████ related that when she fell asleep, she was still fully clothed, and he was wearing pants, but his shirt was removed. She also related that they went to bed approximately between 2:30 am and 3:00 am.

ejaculate inside her.³⁰ [REDACTED] indicating that her memory of the events that morning were fragmented, said she then remembered she was bent over her dresser while Officer Sandoval was behind her, inserting his penis into her vagina again.³¹ [REDACTED] recalled that she looked back at him and saw Officer Sandoval holding his phone above them. [REDACTED] asked Officer Sandoval why he was filming her. [REDACTED] said Officer Sandoval responded, "I'm saving it for later. Oh, that ass." [REDACTED] then "blacked out" again.³² After that, [REDACTED] recalled getting up as Officer Sandoval was leaving.

At approximately 9:00 am, [REDACTED] woke up, texted Officer Sandoval, and asked him to come back over. Soon after texting, [REDACTED] noticed bruising on her lip and her neck. During her interview with COPA, when asked about the first text message she sent to him that day, [REDACTED] related that she did not recall sending it because she believed she was still intoxicated when she sent it.³³ [REDACTED] continued to send Officer Sandoval text messages that day, and she recalled that he eventually responded with a question mark. The following day, [REDACTED] sent Officer Sandoval photos of bruising to her lip and her neck.^{34 35}

Later that day, at approximately 7:00 pm, [REDACTED] called her friend [REDACTED] and asked her to come over. [REDACTED] and her boyfriend arrived at [REDACTED] home and [REDACTED] told them that Officer Sandoval raped her. [REDACTED] accompanied by her friends, went to [REDACTED] Hospital for a sexual assault forensic exam.³⁶ [REDACTED] initially did not want her sexual assault kit processed, and she requested to remain anonymous.³⁷ A few days later, [REDACTED] attempted to contact Officer Sandoval again, and realized he had blocked her phone number.³⁸ On August 14, 2022, [REDACTED] texted him from another phone number that she had; and, on August 17, 2022, [REDACTED] texted him from her daughter's phone number.³⁹ In addition, [REDACTED] created a fake profile on [REDACTED]

³⁰ Att. 5, pgs. 81 to 82.

³¹ Att.5, pgs. 85 to 86.

³² Att. 5, pgs. 69 and 132 to 133; [REDACTED] was asked if she verbally said anything to Officer Sandoval between the "blackouts", such as "no" or "stop", and she stated she could not remember if she did or not.

³³ Att. 5, pgs. 92 to 93.

³⁴ Att. 5, pg. 100; [REDACTED] related she did not know how her lip became bruised.

³⁵ Att. 14, pgs. 23 to 24.

³⁶ Att. 19; the medical records from [REDACTED] hospital visit shows that she related to medical staff essentially the same information that she related during her joint interview regarding the incident, also see att. 19, pg. 31 to 32 and 37. The medical records also stated that [REDACTED] asked Officer Sandoval to stop when he penetrated her vagina. Additionally, her medical records indicated that Officer Sandoval penetrated [REDACTED] anus with his penis, with a note stating, "slightly, for a second." Furthermore, it was noted that [REDACTED] had oral contact with Officer Sandoval's penis. It is unclear if the medical records included [REDACTED] and Officer Sandoval's previous sexual interactions, or only the August 5, 2022 sexual encounter. Lastly, the medical staff documented that [REDACTED] was tearful at times during the exam and was fearful of law enforcement retaliation if she reported the incident. [REDACTED] also verbalized feelings of anger for her situation.

³⁷ Att. 5, pg. 108; [REDACTED] related that she wished to remain anonymous at that time due to fear of retaliation since Officer Sandoval is CPD, also see att. 2. An Original Case Incident Report was generated under RD# JF346167 for non-aggravated criminal sexual assault. The report did not contain details, as it was generated for an anonymous victim and subject.

³⁸ Att. 5, pg. 106.

³⁹ Att. 5, pgs. 110 to 111 and att. 12, pgs. 3 to 5.

disguised her identity, messaged Officer Sandoval, and attempted to see if he felt any remorse.⁴⁰

On August 15, 2022, called CPD Det. Michaela Tuohy, stated she now wished to have her sexual assault kit processed and pursue charges against the person who assaulted her.⁴¹ On August 17, 2022, provided a statement to Det. Tuohy, relating her experiences with Officer Sandoval from the day they met to the day of the incident.⁴² When describing the incident that took place the morning of August 5, 2022, related she woke up and Officer Sandoval was penetrating her vaginally. Furthermore, claimed she was on her stomach and felt “out of it and hazy,” until her alarm went off at 6:00 am. At that time, said she was more aware of what was happening, but then she “blacked out” again and awaked a few minutes later with him still vaginally penetrating her with his penis while holding his phone over her.

COPA interviewed who accompanied to the hospital.⁴³ shared essentially the same information about the incident with that she related to COPA. related once told her and her boyfriend what happened with Officer Sandoval, they encouraged her to go to the hospital.⁴⁴ explained that was upset and crying at the hospital, and she was trying to comfort was asked about her impression of the relationship between and Officer Sandoval, and said she did not think Officer Sandoval liked stated that made it clear that she was looking for a serious relationship, however, got the impression that Officer Sandoval was not looking for anything serious.⁴⁵ related to that she had sex with Officer Sandoval during their encounters prior to the incident on August 5, 2022.⁴⁶

COPA also interviewed sister, ()⁴⁷ related that shared with her that she spent time with Officer Sandoval, but they did not discuss the details of their sexual encounters. also shared with that Officer Sandoval wanted to remain friends with her, and related to that he was not interested in her.⁴⁸ related that she was angry when left her daughter, alone to spend

⁴⁰ Att. 5, pgs. 118 to 122 and att. 47.

⁴¹ Att. 16; did not want to provide Officer Sandoval’s name when initially speaking to Det. Tuohy, also see att. 31. When the samples from the sexual assault exam were tested, the DNA profile from the sample was consistent with a mixture of two individuals, and a male contributor.

⁴² Att. 1 and 16; when provided a full statement to Det. Tuohy, she provided Officer Sandoval’s name. Therefore, an Initiation Report was generated due to him being a police officer. Det. Tuohy also documented in her Detective Supplementary Report that she observed several text threads on phone that showed repeatedly texting Officer Sandoval and asking if they could get together, but he ignored most of the texts.

⁴³ Atts. 20 to 22; the interview of was a joint interview, conducted by both COPA and BIA.

⁴⁴ Att. 22, pgs. 10 to 11.

⁴⁵ Att. 22, pgs. 21 to 22.

⁴⁶ Att. 22, pgs. 23 to 24 and 32 to 33; related that she believed those sexual encounters were consensual because she knew that liked Officer Sandoval and she wanted to have sex with him.

⁴⁷ Atts. 23 to 26; the interview of was a joint interview, conducted by both COPA and BIA.

⁴⁸ Att. 26, pgs. 53 to 57; related that has been single for a while, and she has observed that she gets infatuated with men quickly.

time with Officer Sandoval. She further explained that ██████ called and texted her around 3:00 am, saying her mom was not home. ██████ then sent several text messages to ██████ who responded a few times, one message that stated, "I'm fine I'm getting laid."⁴⁹ On August 4, 2022, ██████ told ██████ she was cleaning, and she did not share with her that she was inviting Officer Sandoval over.⁵⁰ On August 5, 2022, ██████ called ██████ and told her to not get angry, and then explained that she invited Officer Sandoval over the night prior and he raped her.⁵¹ ██████ related that she reacted poorly and was frustrated that ██████ invited Officer Sandoval to her home.⁵² ██████ related to ██████ essentially the same information about the incident that she related to COPA.⁵³ The following day, ██████ sent a text message to Officer Sandoval.⁵⁴ In the text message, ██████ wrote that ██████ was recording him because she did not trust him.⁵⁵ ██████ explained to COPA that the camera in ██████ residence was not turned on at the time of the incident, rather ██████ wanted to scare Officer Sandoval so he would delete or refrain from disseminating any videos he might have recorded.⁵⁶

██████ consented to a full extraction of her cell phone, which was conducted using Cellebrite to obtain the data from her cell phone. The phone extraction report documented that ██████ daughter, sent ██████ over 30 text messages and called her 28 times on July 16, 2022, between 3:45 am and 1:40 pm.⁵⁷ The messages indicated that ██████ was concerned that she did not know ██████ whereabouts, or when her mother would return home. Also on July 16, 2022, ██████ text message exchange with her sister showed that ██████ sent her several text messages illustrated her frustration that ██████ left her daughter home alone. At 6:18 am, ██████ responded to ██████ stating, "I'm fine I'm getting laid."⁵⁸

Additionally, the phone extraction documented that ██████ texted Officer Sandoval on July 27, 2022, to check on his well-being and he responded that he was okay the following morning.⁵⁹ On July 28, 2022, ██████ sent Officer Sandoval another 10 messages between 12:29 pm and 6:42 pm. The first few messages consisted of attempts to understand their relationship, and when Officer Sandoval did not respond promptly, ██████ continued to message him, asking him

⁴⁹ Att. 26, pgs. 17 to 21 and att. 51, pgs. 395 to 406.

⁵⁰ Att. 26, pgs. 24, 37 to 38.

⁵¹ Att. 26, pgs. 25 and 40; ██████ confirmed in her statement that ██████ used that language when describing what happened.

⁵² Att. 26, pgs. 35 and 41 to 44.

⁵³ ██████ could not recall many of the details that ██████ had shared with her, and she related that she did not want to recall them, as it made her upset.

⁵⁴ Att. 25; ██████ related that ██████ provided Officer Sandoval's phone number to her, also see att. 26, pg. 28.

⁵⁵ Att. 26; pg. 26 to 27; ██████ related that ██████ related to her she believed Officer Sandoval captured a recording of them without her consent.

⁵⁶ Att. 26, pgs. 35 to 37; ██████ related that Officer Sandoval did not answer her message, and she did not attempt to contact him any further.

⁵⁷ Att. 51, pgs. 515 to 530 and 934 to 936.

⁵⁸ Att. 51, pgs. 395 to 405 and att. 17; in ██████ email to COPA the day after her interview, she related if she was the one responding to her daughter and her sister, it is completely out of her character.

⁵⁹ Att. 51, pg. 25; the phone extraction did not appear to retrieve any text messages between ██████ and Officer Sandoval prior to July 27, 2022, because ██████ had deleted the text messages prior to that date when she deleted his phone number from her phone.

to meet her at a bar, and then asked him to have sex with her that night. Officer Sandoval responded, requesting her to stop and stating that it was too much for him.⁶⁰ ██████ continued to send him messages asking him to meet up with her. Officer Sandoval responded, telling ██████ she was a needy individual and that they should not see each other anymore.⁶¹ ██████ responded to him, essentially asking how she is needy and asking him what he looked for in a woman. Officer Sandoval responded, stating it seemed obsessive that she was texting him so much, and he again told her to move on.⁶² ██████ responded, acknowledging that she understood now that he had communicated that to her.

However, four days later on July 31, 2022, ██████ reached out again and sent him eight messages between 10:54 am and 3:09 pm. She asked Officer Sandoval to tell her to “fuck off” so that she could hate him and move on. Officer Sandoval responded shortly after, stating only that she needed to move on.⁶³ Nevertheless, ██████ sent him 12 additional text messages asking to remain friends and to have sex with her one last time. He responded, “Please stop.” They continued a similar conversation, and eventually, he agreed to have sex one last time. However, when ██████ related that she did not have alcohol, he changed his mind.⁶⁴

On August 5, 2022, ██████ reached out to Officer Sandoval again at 6:09 pm, asking him to come over for drinks. She repeatedly stated in the text messages, “no sex” and said, “maybe a back rub.”⁶⁵ They continued texting back and forth, and Officer Sandoval stated, “I’d prefer sex,” to which ██████ responded, “No sex without respect first.”⁶⁶ They continued, and ██████ related she would go to a liquor store to get alcohol for them. Officer Sandoval related via text message that he was outside her residence at 11:23 pm.⁶⁷ The phone extraction report also documented that on August 5, 2022, at 3:23 am, ██████ phone made several Google searches through the Safari application. The searches consisted of “cardinals liquor”, “blue and green”, and “YouTube”.⁶⁸

On August 6, 2022, ██████ texted her sister and discussed the incident from the day before; in particular, ██████ surmised about how she ended up unclothed when she awakened. ██████ sent a message to ██████ and suggested that because she is used to sleeping in her underwear, perhaps she got undressed.⁶⁹ A few days later, on August 8, 2022, ██████ and ██████ were still texting about the incident and ██████ stated she thought she was “into” the sex, but she was so intoxicated that she could not remember, and she did not realize what happened until she sobered up hours later. Then ██████ suggested it was possible that Officer Sandoval did

⁶⁰ Att. 51, pgs. 26 to 28.

⁶¹ Att. 51, pgs. 28 to 31.

⁶² Att. 51, pgs. 31 to 32.

⁶³ Att. 51, pgs. 33 to 35.

⁶⁴ Att. 51, pgs. 35 to 69.

⁶⁵ Att. 51, pgs. 70 to 72.

⁶⁶ Att. 51, pg. 77.

⁶⁷ Att. 51, pgs. 77 to 83.

⁶⁸ Att. 51, pgs. 946 to 948; ██████ related in her joint interview that they went to bed approximately between 2:30 am and 3:00 am. However, the Google searches took place shortly after that, also see att. 5, pgs. 79 to 80.

⁶⁹ Att. 51, pg. 443; ██████ related in her joint interview that she fell asleep fully dressed, and when she woke up her clothing was removed, but she did not know how it was removed.

not realize he assaulted her.⁷⁰ Additionally, on August 10, 2022, while texting ██████ regarding the incident, ██████ related to ██████ her concern regarding ██████ drinking habits and stated that ██████ likely drank most of the bottle of liquor on the night of the incident.⁷¹

On August 15, 2022, when texting ██████ related that her brain was now allowing her to recall, and she believed Officer Sandoval assaulted her during all three sexual encounters.⁷² On August 25, 2022, the day after ██████ provided her statement to COPA, she informed COPA that she was able to recall additional memories and documented them in notes, which she provided to COPA via email.⁷³ In her email, ██████ related that the interview triggered more memories for her, and she believed she may have been drugged and sexually assaulted by Officer Sandoval during the first two encounters as well.⁷⁴

Also on August 25, 2022, ██████ filed a petition for an emergency civil no contact order.⁷⁵ Officer Sandoval was served with the order on September 6, 2022.⁷⁶ The order was in effect for nearly a year, and on July 12, 2023, a hearing was held.⁷⁷ Both ██████ and Officer Sandoval testified during the hearing. ██████ testified that during their first encounter, on June 30, 2022, Officer Sandoval pressured her to drink more alcohol.⁷⁸ She further stated that the sexual intercourse during that encounter was not consensual, and she did not consent to him penetrating her without a condom on.⁷⁹ ██████ also described their second in person encounter that took place on July 16, 2022.⁸⁰ ██████ stated that once at his residence, Officer Sandoval made her one drink, and the next thing she knew it was 10:00 am and she was naked in his bedroom. She further related she had no recollection of what happened between the time of having the drink and waking up in the morning, and she believed she was drugged. Additionally, ██████ was asked if she felt like she had the time and capability to take a position on whether she wanted the acts or not, to which she responded “no.”⁸¹ ██████ testified that at the time of the encounters with Officer Sandoval on June 30, 2022 and July 16, 2022, she believed the sexual acts were consensual. She further related that he manipulated her, and that was why she continued reaching out to him.⁸²

⁷⁰ Att. 51, pg. 504.

⁷¹ Att. 51, pg. 1180.

⁷² Att. 51, pg. 1275.

⁷³ See CMS note CO-0149186.

⁷⁴ Att. 17; ██████ further related in her email the reasons for her new beliefs. Regarding the first time they met in person on June 30, 2022, she related she did not feel she consumed enough alcohol to feel the way she did and vomit the following morning.

⁷⁵ Atts. 18 and 55 to 56.

⁷⁶ Atts. 27 and 36.

⁷⁷ Atts. 30 and 33.

⁷⁸ Att. 33, pgs. 29 to 30.

⁷⁹ Att. 33, pgs. 30 to 34.

⁸⁰ Att. 33, pgs. 34 to 38.

⁸¹ Att. 33, pgs. 35 to 38; ██████ court testimony differs from her original statement to COPA, where she related she had a couple vodka drinks earlier in the evening, prior to going to Officer Sandoval’s residence on July 16, 2022. She also related to COPA details of their conversation at his residence, and she did not relate that she did not recall a large portion of the night. When describing that encounter to COPA, although she described the sexual acts as “rough”, she did not relate that the acts were not consensual, also see att. 5, pgs. 37 to 42.

⁸² Att. 33, pgs. 54 and 63 to 65.

Various text messages between ██████████ and Officer Sandoval were introduced in the court hearing.⁸³ A text message that ██████████ sent to Officer Sandoval on July 15, 2022, was read in which ██████████ related she wanted to spoon and sleep with her buttocks pushed up against him and wake up with him inside her.⁸⁴ Another thread of text messages were discussed, that occurred in the days following their encounter on July 16, 2022. Officer Sandoval related that they discussed a relationship would not work out between them, and he agreed to be friends, but nothing further than that. ██████████ related she understood, and she would be there for him if he needed a friend. She continued to text him regarding being physical and having sex, wishing to leave that open as an option for them.⁸⁵ On July 23, 2022, it was said that she sent him a message and requested, “Farewell fuck?”⁸⁶

Officer Sandoval testified, stating ██████████ would constantly text him, and he felt it was obsessive. He further related that he made it clear to her that he was not seeking a serious relationship.⁸⁷ Officer Sandoval stated that the night he and ██████████ spent time together in person but did not have sex was July 30, 2022. He also stated he informed ██████████ he did not think it was working for them to be “friends with benefits,” and he slowly tried to push her away and ignore her texts. However, she continued contacting him.⁸⁸ Officer Sandoval was asked why he continued to hang out with ██████████ even though he did not see her as a long-term relationship candidate, and if he felt she was clingy and obsessive. He responded that although he did not want a more involved relationship with her, ██████████ continued to entertain the idea that she wanted to continue a “friends with benefits” relationship.⁸⁹ Officer Sandoval asserted that all the sexual encounters he had with ██████████ were consensual.⁹⁰

When he testified about the night of the incident on August 5, 2022, Officer Sandoval stated his expectation was to have a night similar to the one night they simply talked and did not have sexual intercourse. He related he respected that ██████████ related to him through text messages that she did not want to have sex with him.⁹¹ Officer Sandoval stated they were having mixed drinks of whiskey and Coca-Cola in the living room, and she was dancing provocatively in front

⁸³ Many of the text messages that were introduced in court were from the time frame before ██████████ deleted Officer Sandoval’s phone number and text messages, so they were not collected through the phone extraction.

⁸⁴ Att. 33, pgs. 55 to 59; ██████████ testified that she did not say she liked that, but rather she was trying to “turn him on” because she knew that aligned with his sexual fantasy.

⁸⁵ Att. 33, pgs. 72 to 73.

⁸⁶ Att. 33, pg. 76 to 77.

⁸⁷ Att. 33, pgs. 122 to 124.

⁸⁸ Att. 33, pgs. 126 to 127; the date Officer Sandoval provided in court regarding the in person encounter in which they did not have sex differs from the date that ██████████ provided in her statements. She related that date was July 3, 2022.

⁸⁹ Att. 33, pgs. 144 to 145; Officer Sandoval further related that he did not expect to have sex every time they met with each other.

⁹⁰ Att. 33, pgs. 127 to 141; specifically, when describing the events of June 30, 2022, he related that the acts were consensual, explaining that they both agreed to and were both enjoying themselves. He stated that she never said “no” or pushed him off her.

⁹¹ Att. 33, pgs. 127 to 128.

of him while he was seated on the couch. He related that at some point, ██████ made contact with his “crotch” and his penis became erect. Officer Sandoval further stated that ██████ pulled his shorts down, turned around and pulled her pants down, and put his penis inside her vagina.⁹² After a few seconds, ██████ got up and said, “Not without respect first.” Officer Sandoval related that he took that to mean that ██████ was playing a “mind game” with him, and he put his shorts back on and continued sitting on the couch.

Officer Sandoval related that ██████ went outside to have a cigarette, and when she came back, he talked to her about how he felt regarding their relationship. Officer Sandoval stated he was honest and told ██████ he believed she was obsessive and that her behavior was toxic. He further related that it would be healthier for them to end the relationship and move on. Officer Sandoval believed ██████ was upset and felt insulted. Officer Sandoval stated his intention was to explain how he felt and then leave. However, ██████ offered to give him a back rub, and he related that she was very insistent that she do that for him.⁹³ Officer Sandoval agreed, and ██████ took his hand and walked him to her bedroom. ██████ told him to take his shirt off and she lit a candle. Officer Sandoval related they had a couple of drinks that night, but he did not observe any signs to indicate that she was intoxicated at that time. After approximately 10 minutes, they both fell asleep.⁹⁴

Officer Sandoval stated he woke up to her alarm at 6:00 am. He noticed that ██████ was fully nude when they woke up.⁹⁵ ██████ got up to turn the alarm off, which was located on the other side of the room and apologized for the alarm.⁹⁶ When ██████ got back in bed, they were in a spooning position and ██████ back was to Officer Sandoval. He testified that ██████ then rubbed her buttocks on his “crotch”, and eventually she turned around and touched his groin area. Officer Sandoval stated his penis became erect, and ██████ forced his penis inside of her. Next, ██████ turned around, and they kissed and had consensual sex. Officer Sandoval related that she kissed him multiple times. At one point he was positioned on top of her, and at another point she was positioned on top of him.⁹⁷ Officer Sandoval denied that he recorded ██████ and stated they

⁹² Att. 33, pgs. 128 to 129; Officer Sandoval further related that it was not being done against her will, and she was the one doing the actions, see att. 33, pg. 142. He further related that he and ██████ did not have any verbal discussions about sex that night prior to engaging in any sex acts.

⁹³ Att. 33, pg. 130; Officer Sandoval stated he was in a car accident on duty that left him with a sensitive back. ██████ had given him back massages during their previous encounters, and he stated they helped relieve his pain. He explained that was his reasoning to agree to her giving him a back rub that night.

⁹⁴ Att. 33, pgs. 131 to 132; Officer Sandoval related that when he went to sleep he had his shorts on, but his shirt was off. He related that ██████ was fully clothed when they went to sleep.

⁹⁵ Att. 33, pg. 43; When ██████ testified regarding the incident on August 5, 2022, she related that she did not know if she was dressed or not when she woke up and Officer Sandoval was on top of her. This testimony differs from ██████ original statement to COPA, where she related that when she woke up, she was naked and all her clothing was removed.

⁹⁶ Att. 33, pg. 132.

⁹⁷ Att. 33, pgs. 132 to 133.

were never near a dresser.⁹⁸ In addition, Officer Sandoval denied sexually assaulting her and stated that ██████ was the one who initiated the sexual acts.⁹⁹

Also in his testimony, Officer Sandoval stated approximately 30 to 40 minutes after the alarm went off, ██████ said goodbye to him at her front door before he left her residence.¹⁰⁰ The next communication he received from her was the text message she sent at approximately 9:00 am, asking him to come back over.¹⁰¹ Officer Sandoval also received a text message from an unknown number, claiming to be ██████ sister, that he described as threatening. Officer Sandoval related that he immediately made a police report to document it because his career was threatened.¹⁰² In conclusion of the hearing, the judge found ██████ to be “significantly impeached,” and the civil no contact order was terminated.¹⁰³

On October 10, 2023, Officer Sandoval was arrested for criminal sexual assault.¹⁰⁴ On October 11, 2023, Officer Sandoval’s work partner, Officer Joshua Zumarraga was interviewed.¹⁰⁵ Officer Zumarraga related that Officer Sandoval approached him and told him he had met a woman, they had seen each other a few times, and they had slept together.¹⁰⁶ Officer Sandoval further related to Officer Zumarraga that ██████ had a kink of being woken up with sex, and they had done that in previous encounters.¹⁰⁷

III. ALLEGATIONS

⁹⁸ Att. 33, pg. 133; Officer Sandoval also denied ever bending ██████ over a couch or anything similar to that.

⁹⁹ Att. 33, pg. 135.

¹⁰⁰ Att. 33, pg. 133; Officer Sandoval related that ██████ was still fully nude when she said goodbye to him, and he believed she kissed him.

¹⁰¹ Att. 33, pg. 134; He stated he did not go back because he was already home and was too tired.

¹⁰² Att. 33, pgs. 134 to 135; Atts. 3 and 12; the Original Case Incident Report was generated under RD# JF347161, as a harassment by electronic means report. The report contains Officer Sandoval’s account of the night of August 4, 2022 into August 5, 2022. The account in the report is generally consistent with his account he testified to in court. The report detailed that he awoke at approximately 5:00 am, and ██████ was next to him naked. The report further related that ██████ liked to be awakened with sex in the morning based on the previous encounters. It also was documented that after the two engaged in consensual sex, ██████ wanted him to stay at her residence, but he did not. Lastly, the report stated that the bruise on ██████ lip was caused from him biting her lip, which is a “sexual kink” for ██████

¹⁰³ Att. 33, pgs. 161 to 168; the judge described that he did not find certain portions of ██████ testimony to be credible. The judge further stated that he found Officer Sandoval’s testimony to be more credible and his actions to be consistent with his testimony.

¹⁰⁴ Att. 38, att. 57, pgs. 7 to 8, and atts. 39 to 40; the criminal investigation was continued, and Officer Sandoval was eventually served with allegations by COPA, along with criminal rights. Officer Sandoval invoked his right to remain silent and did not provide a statement to COPA.

¹⁰⁵ Att. 57 to 60; Officer Zumarraga was interviewed by two BIA detectives and an Assistant States Attorney. Officer Zumarraga was the reporting officer for the case report that Officer Sandoval filed, under RD# JF347161.

¹⁰⁶ Att. 60, pg. 7; Officer Sandoval further related to Officer Zumarraga that that he had ceased communication with ██████ because of constant text messaging, and she had confessed her love for him, so he was suspicious of her behavior.

¹⁰⁷ Att. 60, pg. 9 to 10; Officer Sandoval further related to Officer Zumarraga that on the morning of the incident, ██████ did not refuse or “fight back” when he woke her up with sex.

Officer Andy Sandoval:

1. On or about August 5, 2022, at approximately 1:30 am, at or near the location of [REDACTED] [REDACTED] Officer Andy Sandoval penetrated [REDACTED] by inserting his penis into her vagina without her consent.
 - Not Sustained.
2. On or about August 5, 2022, at approximately 6:00 am, at or near the location of [REDACTED] [REDACTED] Officer Andy Sandoval penetrated [REDACTED] by inserting his penis into her vagina without her consent.
 - Not Sustained.
3. On or about August 5, 2022, at approximately 6:00 am, at or near the location of [REDACTED] [REDACTED] Officer Andy Sandoval Sucked [REDACTED] neck without her consent.
 - Not Sustained.
4. On or about August 5, 2022, at approximately 6:00 am, at or near the location of [REDACTED] [REDACTED] Officer Andy Sandoval Recorded sexual activity with [REDACTED] without her consent.
 - Not Sustained.
5. On or about August 5, 2022, at approximately 6:00 am, at or near the location of [REDACTED] [REDACTED] Officer Andy Sandoval Caused a bruise to [REDACTED] lip without justification.
 - 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. In this case, the investigation revealed evidence that caused COPA to question the reliability of both the involved individuals. COPA found that Officer Sandoval and [REDACTED] provided accounts that lacked credibility. While Officer Sandoval's account was generally consistent between the case report he filed and his court testimony, one key element of it was contradictory. During his court testimony, Officer Sandoval stated that [REDACTED] was the one who initiated the sexual acts on the date of incident.¹⁰⁸ When filing the case report, Officer Sandoval related to Officer Zumarraga that [REDACTED] liked to be woken up with sex in the morning based on previous encounters, and that he performed her sexual preference on the morning of the incident.¹⁰⁹

[REDACTED] statements, although possibly compromised by the trauma experienced from the incident itself, contained elements that were inconsistent and not supported by the evidence. As such, [REDACTED] was found to be "significantly impeached" in court. Specifically, [REDACTED] account

¹⁰⁸ Att. 33, pgs. 132 to 133 and pg. 135, lns. 11-13.

¹⁰⁹ Att. 60, pg. 10 and pg. 12, lns. 13-16.

differed when she explained how she woke up on the morning of the incident, and whether it was from Officer Sandoval penetrating her vaginally or the sound from her alarm clock.¹¹⁰

Additionally, there were several pieces of information that were discovered through the phone extraction and the court hearing that ██████ appeared to withhold during her interviews. In her court testimony, ██████ admitted she sent a text message to Officer Sandoval, in which she related she wanted to spoon and sleep with her buttocks pushed up against him and wake up with him inside her. However, she denied she ever told him she liked to be awakened with sex in her joint interview. Although in court ██████ provided her ██████ for sending the message, it was not plausible.¹¹¹ Moreover, in the days following the incident, ██████ sent several text messages to her sister that suggested she may have gotten undressed herself on the night of the incident, and she thought she was “into” the sex, and possibly Officer Sandoval did not realize he was assaulting her.¹¹² However, this information was not mentioned during any of ██████ interviews. Lastly, ██████ sent a text message to her sister on August 15, 2022, relating that she now believed Officer Sandoval assaulted her during all three sexual encounters.¹¹³ Yet, in her multiple interviews in the days and weeks after that she did not mention that information, but rather related that those previous sexual encounters were consensual.¹¹⁴ For these reasons, COPA finds there are sufficient reasons to doubt the credibility of Officer Sandoval and ██████ as the statements made in interviews and reports are contradicted by the evidence collected and court testimony.

V. ANALYSIS¹¹⁵

COPA finds Allegation #1, that Officer Sandoval penetrated ██████ by inserting his penis into her vagina without her consent at approximately 1:30 am is **Not Sustained**. ██████ related that while dancing, Officer Sandoval was sitting on the couch. She alleged he pulled her on top of him by her waist and pulled her leggings and underwear down, while she tried to push his hand away. ██████ further alleged that Officer Sandoval’s penis was exposed out of his pants and that he inserted his penis in her vagina for a few seconds before she jumped up. She then reiterated to him that she did not want to have sex. Officer Sandoval provided a different account in court,

¹¹⁰Att. 16, pg. 6; ██████ related to Det. Tuohy that when she woke up Officer Sandoval was penetrating her vaginally. She was on her stomach and felt “out of it and hazy”, until her alarm went off at 6:00 am. Then she was more aware of what was happening, and she “blacked out” again. During her other statements, ██████ related she woke up to the sound of the alarm, and realized Officer Sandoval was penetrating her vaginally, see att. 5, pg. 81.

¹¹¹ Att. 5, pg. 125; in her joint interview, ██████ only admitted that she related to him she liked morning sex. In court, the text message that was read was sent on July 15, 2022. ██████ explained that she did not say she enjoyed that, but rather she was trying to “turn him on” because she knew that aligned with his sexual fantasy, see att. 33, pgs. 55 to 59.

¹¹² Att. 51, pgs. 443 and 504.

¹¹³ Att. 51, pg. 1275.

¹¹⁴ ██████ was interviewed in detail regarding all their sexual encounters and did not lack the opportunity to divulge this information. Additionally, she did not document any incidents other than the incident on August 5, 2022, in her petition for a civil no contact order, see att. 55.

¹¹⁵ For a definition of COPA’s findings and standards of proof, see Appendix B.

stating [REDACTED] danced provocatively in front of him while he was seated on the couch. He related that at some point while dancing [REDACTED] initiated the act and made contact with his groin area, which caused his penis to become erect. Officer Sandoval further stated that [REDACTED] pulled his shorts down, turned around and pulled her pants down, and put his penis inside her vagina. After a few seconds, [REDACTED] got up and said, "Not without respect first." Officer Sandoval related that he took that to mean that [REDACTED] was playing a "mind game" with him, and he put his shorts back on and continued sitting on the couch.

It is not entirely plausible that Officer Sandoval was able to pull [REDACTED] on top of him, pull down her leggings and underwear, and penetrate her all while she resisted. Also, it seems unlikely that after Officer Sandoval committed this act without [REDACTED] consent she would have offered to give him a back rub and invited him to her bedroom. [REDACTED] never claimed that Officer Sandoval forced her to give him a back rub after or that he insisted on staying at her residence that night. Therefore, there is insufficient evidence to prove or disprove the allegation made against Officer Sandoval. COPA finds the allegation is not sustained.

COPA finds Allegations #2 and #4, that Officer Sandoval penetrated [REDACTED] by inserting his penis into her vagina without her consent and recorded sexual activity with [REDACTED] without her consent at approximately 6:00 am are **Not Sustained**. [REDACTED] described that she woke up to Officer Sandoval while he vaginally penetrated her. It is unclear if [REDACTED] woke up due to the sound of her alarm clock, or to Officer Sandoval penetrating her due to their conflicting accounts. [REDACTED] related that she tried to turn around but could not due to Officer Sandoval sucking on her neck and whispering in her ear. [REDACTED] claimed she then lost consciousness, and her next memory was Officer Sandoval bending her over her dresser while he vaginally penetrated her with his penis and held his phone over them. [REDACTED] asked why he was recording, to which Officer Sandoval responded he was saving it for later, and [REDACTED] claimed she once again lost consciousness.

Officer Sandoval testified to a different account, stating that he woke up to her alarm clock, and [REDACTED] was fully nude. [REDACTED] then got up to turn the alarm off, got back in bed, and they were in a "spooning" position, where her back was to him. Officer Sandoval testified that [REDACTED] was the one who initiated the acts, and she rubbed her buttocks near his penis, and eventually turned around and started touching his groin area. When his penis became erect, [REDACTED] forced Officer Sandoval's penis inside her vagina. Officer Sandoval related [REDACTED] turned around, they kissed and engaged in consensual sex. Officer Sandoval denied ever recording [REDACTED] and stated they were never near a dresser. When he filed a police report and spoke to Officer Zumarraga, Officer Sandoval related that [REDACTED] liked to be awakened by sex in the morning based on previous encounters, and that was what he did that morning.

There is insufficient evidence to support that the incident occurred as [REDACTED] alleged. The first text message that [REDACTED] sent to Officer Sandoval after the incident asking him to come back over was incongruent given the sexual assault [REDACTED] described. Additionally, the text messages obtained through the phone extraction and court testimony provided an [REDACTED] to why Officer Sandoval may have perceived [REDACTED] behavior differently than she believed. Therefore, for the reasons stated above, coupled with Officer Sandoval's and [REDACTED] lack of credibility, there is

insufficient evidence to prove or disprove the allegations. COPA finds the allegations are not sustained.

COPA finds Allegations #3 and #5, that Officer Sandoval sucked ██████ neck without her consent and caused a bruise to ██████ lip without justification are **Not Sustained**. ██████ sent photos of the bruises she sustained on her lip and her neck to Officer Sandoval the day after the incident. ██████ related during her interview that while Officer Sandoval was on top of her and penetrating her, she tried to turn around, but he was sucking on her neck. She further related she did not know how her lip became bruised. The case report generated from Officer Sandoval's account stated that the bruise on ██████ lip was caused by him biting her lip, which is a "sexual kink" for ██████ Considering the conflicting accounts and the doubt of credibility of both parties, there is insufficient evidence to prove or disprove whether consent was given for these acts. COPA finds the allegations are not sustained.

Approved:



Kimberly Edstrom Schiller
Director of Investigations – Chief Investigator

9.11.25
Date

Appendix A

Case Details

Date/Time/Location of Incident:	August 5, 2022 / 1:30 am to 6:00 am / ██████████ ██████████ Chicago, IL 60659
Date/Time of COPA Notification:	August 17, 2022 / 5:14 pm
Involved Member #1:	Andy Sandoval, Star #5666, Employee ID# ██████████ Date of Appointment: September 27, 2018, Unit of Assignment: 012, Male, White Hispanic
Involved Individual #1:	██████████ Female, White

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department’s efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.

Applicable Policies and Laws

Not applicable.

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.¹¹⁶ 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.”¹¹⁷

¹¹⁶ 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).

¹¹⁷ *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