



Log # 2022-0002365

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On Thursday, June 9, 2022, the Civilian Office of Police Accountability (COPA) received a web complaint via the COPA website from ██████████ reporting alleged verbal sexual misconduct by members of the Chicago Police Department (CPD). ██████████ alleged that on June 4, 2022, Officer Enrique Delgado Fernandez made sexually harassing comments and put his personal number into ██████████ phone without justification. ██████████ also alleged that Officer Erik Perez Saucedo made inappropriate comments to her.² Following its investigation, COPA reached sustained findings for all the allegations.

II. SUMMARY OF EVIDENCE³

On June 4, 2022, Officers Delgado Fernandez and Saucedo conducted a traffic stop of ██████████ and her boyfriend, ██████████ for their taillights being out.⁴ Officer Delgado Fernandez stopped next to the driver side of ██████████ vehicle to spoke with her. The officers then parked in front of ██████████⁵ Officers Delgado Fernandez, Perez Saucedo and Mark Hanna exited the CPD vehicle and conducted a traffic stop. While Officer Perez Saucedo was speaking with ██████████ the front seat passenger, he retrieved the vehicle insurance, and observed an empty firearm holster in the cupholder.⁶ Officer Perez Saucedo asked about the firearm, which ██████████ said was under his right thigh. Officer Perez Saucedo instructed ██████████ not to reach for the firearm while opening the door. ██████████ complied and raised both of his hands.⁷ Officer Perez Saucedo recovered the firearm from under ██████████ right thigh while Officer Hanna placed ██████████ in handcuffs. During

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 CPD Reports, Body Worn Camera (BWC) footage, and statements from CPD and non-CPD parties.

⁴ The officers failed to timely activate their BWCs which resulted in the initial portions of the interaction not being captured. They also turned their cameras off and on repeatedly throughout the stop. See Att. 12 to 15, 17 to 24.

⁵ Att.17 from 1:22 to 1:59.

⁶ Att. 21 at 2:42 and 3:40. In ██████████ arrest report, Officer Delgado Fernandez wrote ██████████ was making "furtive movements." (See Att. 4, page 3.) This was not apparent on Officer Perez Saucedo's BWC. Based on where the camera was located on the officer's body, the camera was pointed at the car door while the officer was talking to ██████████ through the window. Officer Delgado Fernandez did not have his camera activated at this point and Officer Hanna was not positioned in a location for his camera to capture these movements. (See Att. 17, 2:08 to 3:05.)

⁷ Att. 21 from 2:08 to 2:54.

this procedure, Officer Delgado Fernandez escorted ██████ out of vehicle over to the sidewalk where the other responding officers and ██████ were. Officer Delgado Fernandez called for a female assist to search on scene. Officer Perez Saucedo deactivated his BWC 7 minutes and 41 seconds into the stop then reactivated it. Officers Chen Zheng and Officer Elyse Velazquez arrived to assist. Officer Zheng conducted a search of ██████ and her items.⁸ Officer Zheng held ██████ arms together while Officer Hanna handcuffed ██████ Officer Zheng and Officer Velazquez transported ██████ to the 9th District Station.

Upon arrival at the station, ██████ and ██████ were separated in the processing area where Officers Delgado Fernandez and Perez Saucedo read their *Miranda* rights and questioned them. They were both released on June 5, 2022.⁹ ██████ was released without charging because Cook County State's Attorney's Office declined to approve felony firearm charges against her and ██████ was in possession of the gun at the time of the stop.¹⁰

In an audio-recorded statement to COPA, ██████ explained that during the traffic stop, Officer Delgado Fernandez opened her driver's door, took her seat belt off, and asked for her driver's license and concealed carry card, which she provided.¹¹ ██████ did not question the officer's actions, nor did he state the reason for his actions for the stop or opening her vehicle door.¹² ██████ stated the topic of a firearm came about when Officer Delgado Fernandez questioned if there were any weapons in the vehicle.¹³ ██████ admitted to having a firearm in the vehicle to the officers during the stop. ██████ explained that her firearm was in between ██████ legs because they were leaving a party when she removed her gun from the arm rest, she placed it in the cupholder, and ██████ moved it from the cupholder onto his lap for their safety of being carjacked.¹⁴ ██████ stated during the traffic stop the officers were not inappropriate in any way but did arrest ██████ and her for a felony.

████████ alleges that once in the processing area the officers were verbally sexually inappropriate multiple times towards her.¹⁵ Some of the alleged comments made by Officer Delgado Fernandez to her were, "I want some chocolate, but I don't think she is ready,"¹⁶ comments

⁸ Att. 11 from 2:22 to 3:04

⁹ Att. 3, pg.4 and Att. 4, pg.4.

¹⁰ Att. 3, pg. 3 and 5. ██████ told COPA the officers did not go to court for ██████ court date.

¹¹ ██████ does not have an Illinois FOID or CCL; however, she does possess an Indiana CCL. She believed ██████ CCL was suspended at the time of the stop. See Att. 5, pg. 14, lines 5 to 10; and pg. 19, lines 14 to 15.

¹² ██████ informed COPA that when she initially encountered the officers when they pulled next to her, they told her the vehicle lights were not activated. After she adjusted the brightness of the lights and tried to leave, the officers pulled in front of her to stop her. They did not explain the reason for the stop beyond the light issue.

¹³ ██████ informed COPA that there was not anything visible in the vehicle that would indicate a firearm present. Att. 5, pg. 15, lns. 15 to 16.

¹⁴ Att. 5, pg. 18, ln. 21 to pg. 19 ln. 2. ██████ did not provide this explanation to CPD during her post-*Miranda* statement, in which she acknowledged the firearm was hers but denied knowing how ██████ gained possession of it. See Att. 23 at 03:13.

¹⁵ Att. 5, pg. 6, ln. 12 and 13; pg. 7, lns 1 to 24; pg. 25, lns. 4 to 17; pg. 28 lns. 2 to 5; pg. 37, lns. 21 and 22; and pg. 39, ln. 6.

¹⁶ Att. 5, pg. 7, ln. 19 and 20.

on her physical appearance, her relationship status with [REDACTED] and/or stating words to the effect of being "her side guy."¹⁷ [REDACTED] laughed off the comments the officers made. Officer Delgado Fernandez then instructed her to unlock her phone and put his phone number in the phone.¹⁸ [REDACTED] said the comments made by Officer Perez Saucedo were, "Did you buy your boyfriend a Burberry Shirt?"¹⁹ and "I hope I don't see you in here again unless you with my partner."²⁰ [REDACTED] informed COPA that she did not know why she was released without charges, but "guessed" it was related to the officers inappropriate comments to her.²¹ Finally, [REDACTED] informed COPA that her vehicle was impounded which caused her to pay \$2,175.00 to retrieve it, and that her firearm was seized.²²

In an audio-recorded statement to COPA on March 18, 2024, Officer Delgado Fernandez said he did not clearly recall the details of the traffic stop on June 4, 2022, the entire situation or [REDACTED] and [REDACTED].²³ When given the allegations about entering his personal number into [REDACTED] phone, Officer Delgado Fernandez denied entering a number and said that the number did not belong to him.²⁴ Officer Delgado Fernandez did not recall handling [REDACTED] phone, but explained the reasons why he would have someone unlock their phone under these circumstances, including if the officer needed to retrieve a phone number for an uncooperative arrestee.²⁵ Officer Delgado Fernandez also denied making any verbal sexual comments or flirtatious comments towards [REDACTED] and he could not provide any explanation as to why she would make those allegations against him. Officer Delgado Fernandez was also unable to explain why he did not have his BWC activated for the entire event.

In an audio-recorded statement to COPA on March 18, 2024, Officer Perez Saucedo was able to vaguely recall the traffic stop, arrest, and processing of both [REDACTED] and [REDACTED].²⁶ Officer Perez Saucedo was read his allegations of the alleged comments he made towards [REDACTED]. Officer Perez Saucedo denied making any inappropriate comments, and also denied not having his BWC activated for the entire event.

III. ALLEGATIONS²⁷

Officer Enrique Delgado Fernandez

¹⁷ Att. 5, pg. 7, lns. 1 to 3 and pg. 25 lns. 8 and 9.

¹⁸ Att. 5, pg. 7, ln. 20 to pg. 8, ln. 1. [REDACTED] provided a screenshot of a contact entry in her phone listing the name "Officer" and number "312-777-9633." See Att. 26. COPA was unable to determine whose number that is.

¹⁹ Att. 5, pg. 7, lns. 4 to 7.

²⁰ Att. 5, pg. 25, lns. 4 and 5.

²¹ Att. 3; Att. 5, pg. 22, lns. 1 to 7.

²² Att. 5, pg. 9, ln 3 and 4; pg. 41, lns. 2 to 9; pg. 43, ln. 8 and 9.

²³ Att. 6, 10.

²⁴ Officer Delgado Fernandez provided his personal phone number in the interview which matched CPD records and was not the number entered into [REDACTED] phone.

²⁵ Att. 6, pg. 16, lns 3 to 13.

²⁶ Att. 7, 9.

²⁷ COPA notes that in [REDACTED] made several additional allegations of verbal sexual misconduct that were not specifically addressed with allegations. See Att. 5 generally.

1. Made sexual harassment comments by stating words to the affect; "I want some chocolate, but I don't think she is ready," and or commenting on how she looks and or her relationship status with [REDACTED] and or stating words to the affect of being "her side boyfriend." to [REDACTED]
 - Sustained in violation of Rules 2, 3, 4, 6, 8, and 9.
2. Put his personal phone number into [REDACTED] phone, without justification.
 - Sustained in violation of Rules 2, 3, 4, and 6.
3. Failed to have his Body Worn Camera activated through the entire event, without justification.
 - Sustained in violation of Rules 2, 3, 5, and 6.

Officer Erik Perez Saucedo

1. Made inappropriate comments to [REDACTED] saying words to the affect "Did you buy your boyfriend a Burberry Shirt?" and "I hope I don't see you in here again unless you with my partner."
 - Sustained in violation of Rules 2, 3, 4, 6, 8 and 9.
2. Failed to have his Body Worn Camera activated through the entire event, without justification.
 - Sustained in violation of Rules 2, 3, 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, 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.

Here, COPA finds that [REDACTED] is more credible than the officers. [REDACTED] account of what happened during the traffic stop was consistent with what was on the BWC recordings. In discussing the allegations she made against the officers, [REDACTED] remained consistent throughout her statement. [REDACTED] provided a screenshot of a phone number she said Officer Delgado Fernandez put in her phone. Although COPA was unable to attribute the number to the officer, this provides corroboration to her allegation that he entered it. COPA notes that [REDACTED] told COPA how [REDACTED] got the firearm but told CPD she did not know this information; however, she was being interrogated in a criminal matter and may not have felt she could be truthful in talking to the officers. In contrast, [REDACTED] had no reason to lie to COPA about anything related to this incident. On the other hand, the accused officers were unable to fully recall the incident or

provide any support for their denials of the allegations. COPA therefore finds them to be less credible than [REDACTED]

V. ANALYSIS²⁸

a. Verbal Sexual Misconduct

COPA finds Allegation #1 against both officers, that they made inappropriate sexual comments to [REDACTED] are **sustained**. CPD Rules 8 and 9 prohibit members from engaging in unjustified verbal altercation and/or maltreating or disrespecting any person.²⁹ Additionally, CPD policy mandates that all “members treat all persons with courtesy and dignity which is inherently due every person as a human being. Department members will act, speak, and conduct themselves in a professional manner ... and maintain a courteous attitude in all contacts with the public.”³⁰ The policy also states that members “will not exhibit a condescending attitude or direct any derogatory terms toward any person in any manner.”³¹ Finally, Rule 4 prohibits taking any action using the official position of a CPD employee for personal gain or influence.³²

[REDACTED] made allegations that Officers Delgado Fernandez and Perez Saucedo made inappropriate comments to her during processing. COPA has found that [REDACTED] account of the event is more credible than those provided by the officers. [REDACTED] provided a consistent account of this interaction throughout her interview. The officers said they could not recall this incident with specificity. COPA notes they did not say they would never make comments like this or provide any explanation as to why [REDACTED] would make the allegations if they were not true. Thus, COPA finds that the preponderance of the evidence supports a finding that officers made the inappropriate comments to [REDACTED] while she was in the processing area of the 9th District Station. Because there was no legitimate purpose for the comments, they are likely rooted in a desire for personal gain. Thus, the officers’ comments violated CPD policy and Rule 2, 3, 4, 6, 8, and 9.

b. Entering Phone Number

COPA finds Allegation #2 against Officers Delgado Fernandez, that he improperly entered his personal number into [REDACTED] phone, is **sustained**. CPD Rule 4 prohibits taking any action using the official position of a CPD employee for personal gain or influence.³³

²⁸ For a definition of COPA’s findings and standards of proof, *see* Appendix B.

²⁹ Section V., Rules 8 and 9 of the Rules and Regulations of the Chicago Police Department.

³⁰ Att. 34, G02-01 III (B), Human Rights and Resources (effective October 5, 2017 to June 30, 2022); Att. 35, G02-04 II (C), Prohibition Regarding Racial Profiling and Other Bias Based Policing (effective December 1, 2017 to June 30, 2022).

³¹ G02-01 III(D).

³² Section V, Rule 4 of the Rules and Regulations of the Chicago Police Department.

³³ Section V, Rule 4 of the Rules and Regulations of the Chicago Police Department.

Here, COPA has found that [REDACTED] account of the event is more credible than those provided by the officers. [REDACTED] provided COPA a screenshot of a phone number she claimed Officer Delgado Fernandez put in her phone, which corroborates the allegation. Officer Delgado Fernandez could not provide any reason why she would make this claim if it was not true. He provided reasons why he would operate someone's phone when they were in custody but denied he had her phone during this interaction. Despite his denial, COPA finds that the preponderance of the evidence supports that Officer Delgado Fernandez entered the phone number of 312-777-9633 into [REDACTED] phone. Since COPA cannot think of a legitimate reason for this to occur, thereby making the entry of the phone rooted in a desire for personal gain. Thus, Officer Delgado Fernandez' entering of the phone number into [REDACTED] phone violated CPD policy and Rules 2, 3, 4, and 6.

c. Body Worn Camera Allegations

COPA finds that Allegation #3 against Officer Delgado Fernandez, and Allegation #2 against Officer Perez Saucedo, that they failed to properly operate their BWC, are **sustained**. CPD Members are required to activate BWC "at the beginning of" or "as soon as practical" for "all law-enforcement-related activities."³⁴ Additionally, CPD members will not deactivate their BWC until "law-enforcement-related activity"³⁵ has concluded; or when requested by a victim of or witness to a crime or a member of the community wishing to report a crime; or interacting with a confidential informant.³⁶ When a CPD member deactivates a BWC while still engaged in law-enforcement-related activity they "will verbally justify [the deactivation] on the BWC [recording.]"³⁷

Here, the evidence is clear that both officers failed to timely activate their BWC. Both cameras were not activated until after the initial encounter occurred when the officers stopped [REDACTED] while still seated in their vehicle. Additionally, both officers deactivated their BWC prior to the completion of the transport of [REDACTED] and/or [REDACTED] and repeatedly turned their cameras off and on during this interaction. These actions violated CPD policy and Rules 2, 3, 5, and 6.

³⁴ "Law-enforcement-related activities include but are not limited to:" "calls for service; investigatory stops; traffic stops; traffic control; foot and vehicle pursuits; arrest; use of force incidents; seizure of evidence; interrogations; searches, including searches of people, items, vehicle, buildings, and places; statements made by individuals in the course of an investigation; requests for consent to search; emergency driving situations; emergency vehicle responses were fleeing suspects or vehicle may be captured on video leaving the crime scene; high-risk situations; any encounter with the police that becomes adversarial after the initial contact; arrestee transports; any other instance when enforcing the law." Att. 33, S03-14 III(A)(2)(a-r), Body Worn Cameras (effective April 30, 2018 to December 29, 2023).

³⁵ "Law-enforcement-related activity" concludes when "the member has cleared the assignment; the member leaves the scene of the incident;" an arrested subject is "is secured in the processing room and the member is only conducting administrative functions..." or "custody has been transferred to another CPD member ..."; or deactivation is instructed to by the "highest-ranking on-scene Bureau of Patrol supervisor..." Att. 33, S03-14 III(B)(10).

³⁶ Att. 33, S03-14 III(B)(1)(a-d).

³⁷ Att. 33, S03-14 III(B)(4).

VI. DISCIPLINARY RECOMMENDATION

a. Officer Delgado Fernandez

i. Complimentary and Disciplinary History³⁸

Officer Delgado Fernandez has been with CPD since October 31, 2012. In that time, he received 363 various awards, including 8 Officer of the Month Awards, 5 Top Gun Arrest Awards, and 1 Superintendent's Award of Tactical Excellence, 309 Honorable Mentions, 16 Department Commendations, and 2 Complimentary Letters.

In April 2022, Officer Delgado Fernandez served a 10-day suspension for excessive or unnecessary force for an incident in May 2019. Further, in October and November of 2022, Officer Delgado Fernandez received reprimands for preventable accidents that occurred in October and November of 2022. Finally, in January 2024, Officer Delgado Fernandez received no disciplinary action for failing to appear in court.

ii. Recommended Discipline

COPA takes allegations of sexual harassment of someone in custody very seriously as they undermine the public's trust in CPD. COPA notes Officer Delgado Fernandez's impressive complimentary history, but also sees his disciplinary history. Taking that into account, COPA recommends a suspension of up to 30 days for this case.

b. Officer Perez Saucedo

i. Complimentary and Disciplinary History³⁹

Officer Perez Saucedo has been with CPD since September 18, 2017. In that time, he has received 140 various awards, including 127 Honorable Mentions, 5 Department Commendations, 1 Top Gun Arrest Award, 1 Police Officer of the Month Award, and 1 Arnold Mireles Special Partner Award.

In September of 2023, Officer Perez Saucedo received a 3-day suspension for Operational/Personnel violations for an incident that occurred in May of 2020.

ii. Recommended Discipline

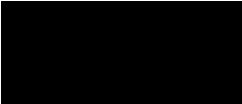
COPA takes allegations of sexual harassment of someone in custody very seriously as they undermine the public's trust in CPD. COPA notes Officer Perez Saucedo's impressive

³⁸ Att. 37.

³⁹ Att. 36.

complimentary history, but also sees his disciplinary history. Taking that into account, COPA recommends a suspension of up to 30 days for this case.

Approved:



July 23, 2024

Shannon Hayes
Director of Investigations

Date

Appendix ACase Details

Date/Time/Location of Incident:	June 4, 2022/ 9:40 pm / 5552 S Wells Street Chicago, IL 60621
Date/Time of COPA Notification:	June 9, 2022/ 9:02 am
Involved Member #1:	Police Officer Enrique Delgado Fernandez, Star #6261, employee ID# [REDACTED] Date of Appointment: October 31, 2012, Unit of Assignment: 196, Male, White Hispanic
Involved Member #2:	Police Officer Erik Perez Saucedo, Star #7271, employee ID# [REDACTED] Date of Appointment: September 18, 2017, Unit of Assignment: 008, Male, White Hispanic
Involved Individual #1:	[REDACTED] Female, Black or African American

Applicable Rules

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

Applicable Policies and Laws

- G02-01: Human Rights and Human Resources (effective October 5, 2017 to June 30, 2022).
- G02-04: Prohibitions Regarding Racial Profiling and Other Bias-Based Policing (effective December 1, 2017 to June 30, 2022).
- S03-14: Body Worn Camera (effective April 30, 2018 to December 29, 2023).

Appendix B

Definition of COPA’s Findings and Standards of Proof

For each Allegation, COPA must make one of the following findings:

1. Sustained – where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained – where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded – where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated – where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that a proposition is proved.⁴⁰ 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.”⁴¹

⁴⁰ 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).

⁴¹ *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