



Brandon Johnson
Mayor

Department of Police · City of Chicago
3510 S. Michigan Avenue · Chicago, Illinois 60653

Larry Snelling
Superintendent of Police

January 9, 2025

Andrea Kersten
Chief Administrator
Civilian Office of Police Accountability ("COPA")
1615 W. Chicago Ave., 4th Floor

Re: Complaint Register Number: 2021-0003104
Superintendent's Partial Non-Concurrence with COPA's findings and proposed penalties:
Police Officer Jeffrey Zlotkowski #18596
Police Officer Marcus Turner #14203

Dear Chief Administrator Kersten:

COPA sustained all five allegations made against Chicago Police Department ("CPD") Police Officer ("P.O.") Jeffrey Zlotkowski. The allegations relate to an off-duty incident referenced under JE330856¹. The Department concurs with COPA's findings and penalty for the allegations. COPA sustained the only allegation made against P.O. Marcus Turner. The Department does not concur with COPA's finding of sustained for this allegation, and there should not be a penalty.

In accordance with Municipal Code of Chicago, MCC 2-78-130, the Superintendent provides the following comments when there is a disagreement as to the investigative findings and proposed penalties.

ALLEGATIONS

It is alleged by COPA that on or about 8 Aug 2021, at approximately 19:00, at or near [REDACTED] Avenue, P.O. Zlotkowski committed misconduct through the following acts or omissions:

Allegation #1 - Engaged in an unjustified verbal altercation with [REDACTED] - Sustained in violation of Rules 2, 6, and 9

Allegation #2 - Followed [REDACTED] to his residence without justification - Sustained in violation of Rules 2 and 8

Allegation #3 - Used excessive force in that he pushed and / or grabbed [REDACTED] without justification - Sustained in violation of Rules 2, 6, and 9

¹ Civilian Office of Police Accountability ("COPA"), *Summary Report of Investigation CR# 2021-0003104*.

Allegation #4 - Drove without due regard for the safety of all persons - Sustained in violation of Rules 2 and 8

Allegation #5 - Used excessive force in that he placed his arm around [REDACTED] neck in a headlock without justification - Sustained in violation of Rules 2, 6, and 9

It is also alleged by COPA that on or about 8 Aug 2021, at approximately 19:00, at or near [REDACTED] P.O. Turner committed misconduct through the following acts or omissions:

Allegation #1 - Failing to conduct a thorough and proper preliminary investigation in violation of G 04-01 - Sustained in violation of Rules 2 and 6

FACTS:

This case review is to be read in conjunction with all other reports generated under the COPA investigation for CR #2021-0003104. This case review is a summarization of all reported information. All statements are also in summary format and are not to be considered verbatim.

On 8 Aug 2021, COPA received an Initiation Report from the CPD reporting alleged misconduct by P.O. Zlotkowski. The Initiation Report alleged that on 8 Aug 2021, P.O. Zlotkowski, while off duty, confronted [REDACTED] in traffic, followed him home, and initiated a physical confrontation with him. Upon review of the evidence, COPA served an additional allegation that P.O. Turner, who responded to the assault in progress, failed to conduct a thorough investigation. COPA interviewed [REDACTED] P.O. Zlotkowski, and P.O. Turner. Following its investigation, COPA reached sustained findings regarding all allegations².

Because P.O. Zlotkowski was off-duty, there was no BWC footage of the traffic encounter or the events at [REDACTED] house until the response officers arrived. However, in their interviews with COPA, both parties agreed that P.O. Zlotkowski encountered [REDACTED] in traffic near 107th and Homan³.

[REDACTED] stated to both of the responding officers and COPA that P.O. Zlotkowski pulled next to him in traffic and accused him of running through a stop sign. Furthermore, P.O. Zlotkowski was upset and verbally abusive, calling him words to the effect of "asshole" or "jag-off"⁴. P.O. Zlotkowski said he was a police officer, but did not show any identification. P.O. Zlotkowski challenged [REDACTED] to get out of the car and swung at [REDACTED] through [REDACTED] open window, "kind of striking [REDACTED] head"⁵. [REDACTED] did not believe that P.O. Zlotkowski was a police officer because he was not in uniform nor operating a police vehicle. [REDACTED] stayed inside of his vehicle, drove off, and called 911. [REDACTED] further related that P.O. Zlotkowski closely followed him as he drove to his home, and P.O. Zlotkowski almost crashed into [REDACTED] vehicle.

[REDACTED] further related that as he arrived at his residence and tried to go inside his house, P.O. Zlotkowski grabbed him and put him in a "headlock"⁶. Furthermore, P.O. Zlotkowski remained verbally abusive, including threatening to shoot [REDACTED] dogs. Additionally, [REDACTED] stated that he smelled the odor of alcohol on P.O.

² *Id.*

³ *Id.*

⁴ Att. 18.

⁵ *Id.*

⁶ *Id.*

Zlotkowski, who he believed was acting drunk. [REDACTED] then knocked on his door for help and pushed P.O. Zlotkowski, in self-defense, and both men fell down the steps. [REDACTED] stepfather, [REDACTED] (" [REDACTED]) came outside, and the situation de-escalated.

P.O. Zlotkowski told the responding officers and COPA that he saw [REDACTED] vehicle run a stop sign and heard a woman screaming, "He's going to kill somebody⁷," referring to the vehicle. P.O. Zlotkowski told COPA that he caught up with [REDACTED] car and identified himself as a police officer, while displaying his police identification card. [REDACTED] then told him, "Fuck you. Fuck the police⁸." P.O. Zlotkowski denied calling [REDACTED] profane names and could not recall if he exited his vehicle or if he was in close proximity to [REDACTED]. According to P.O. Zlotkowski, he had no memory of anything concerning the incident after heading eastbound on 108th Street because he sustained a concussion. He just remembers next being home and taking pictures of his injuries. Additionally, P.O. Zlotkowski stated that he did not remember arriving at [REDACTED] home or anything that could have happened there.

P.O. Zlotkowski acknowledged that the allegations that occurred at [REDACTED] home could have happened, but he did not recall the incident. However, P.O. Zlotkowski related that he had poor physical health at the time, due to COVID-19, and found it hard to believe that he would have started a physical fight. Moreover, P.O. Zlotkowski denied drinking alcohol that day and stated that he drove safely. P.O. Zlotkowski followed [REDACTED] to stop him and pull him over. P.O. Zlotkowski also advised COPA that he did not call 911 because he did not believe the police would respond in time. He thought [REDACTED] could have killed someone if he allowed him to continue driving.

In the 911 calls starting at approximately 18:54, and ending at approximately 19:09, [REDACTED] reported that an unknown white male, who claimed to be a police officer harassed him, physically threatened him, followed him home, attacked him, tried to choke him, refused to leave, and was intoxicated⁹.

P.O. Turner and P.O. Sandra Alvarez arrived at [REDACTED] home at approximately 19:09. In addition to [REDACTED] and P.O. Zlotkowski, [REDACTED] step-father, [REDACTED] a neighbor, and [REDACTED] 8-year-old brother, were present outside. P.O. Zlotkowski's wife was also on scene in her vehicle, but her time of arrival is unclear¹⁰. P.O. Turner requested a supervisor shortly after arriving.

P.O. Zlotkowski told the officers that he and [REDACTED] arrived at [REDACTED] house and ran up the steps. P.O. Zlotkowski further stated that he announced his office and told [REDACTED] to stop. [REDACTED] then told the officers that P.O. Zlotkowski tried to "tackle" him and "beat his ass¹¹." P.O. Zlotkowski then related that [REDACTED] came outside and pushed him down the stairs. [REDACTED] corrected P.O. Zlotkowski by stating that he pushed P.O. Zlotkowski down the stairs because he put [REDACTED] in a headlock.

The officers also spoke with [REDACTED] unknown next door neighbor to the west, who stated that P.O. Zlotkowski was a "drunk cop from Mt. Greenwood¹²." [REDACTED] advised them that he did not like how P.O. Zlotkowski came onto his property and tried to take [REDACTED] down. The neighbor agreed that P.O. Zlotkowski ran

⁷ Att. 35.

⁸ *Id.*

⁹ Att. 3-8.

¹⁰ Att. 14 at 11:22; Att. 35 at pg. 38.

¹¹ Att. 14 and Att. 15.

¹² *Id.*

up the porch. P.O. Zlotkowski accused [REDACTED] of throwing him down the stairs, which [REDACTED] denied and stated that he was trying to keep P.O. Zlotkowski from choking [REDACTED]. P.O. Zlotkowski stated "It was slippery, and I fell¹³."

Sgt. Tara Richardson arrived about twenty minutes later, and P.O. Turner spoke with her first, describing the details he had learned about a traffic encounter and the alleged physical altercation. Sgt. Richardson then spoke with [REDACTED] who reiterated what he had told the officers. After Sgt. Richardson described the court procedure, [REDACTED] decided that he did not want to pursue charges. However, [REDACTED] later advised COPA that he wished to pursue charges against P.O. Zlotkowski.

Sgt. Richardson then spoke with P.O. Zlotkowski, who related that he saw [REDACTED] speeding, confronted him, and followed him home. P.O. Zlotkowski then told Sgt. Richardson that once they got to [REDACTED] house, he pulled in, ran out, and P.O. Zlotkowski went to grab him. [REDACTED] then pushed him down the stairs, and he hit his head on the concrete. Furthermore, [REDACTED] came out of the house as this incident occurred. P.O. Zlotkowski acknowledged Sgt. Richardson that he could not follow someone, but he felt compelled to act as a police officer. Sgt. Richardson rebuked P.O. Zlotkowski for not calling 911, and he responded by stating that it was in the heat of the moment. P.O. Zlotkowski also advised Sgt. Richardson that his nephew, who is a fireman, possibly witnessed his encounter with [REDACTED] on Homan Avenue.

Sgt. Richardson also spoke with [REDACTED] who stated that he saw P.O. Zlotkowski put [REDACTED] in a "chokehold¹⁴". Sgt. Richardson determined that P.O. Zlotkowski would not be arrested but a case report would be generated, as well as a complaint registered.

At the scene, [REDACTED] also told P.O. Turner and P.O. Alvarez multiple times that he believed Officer Zlotkowski was intoxicated¹⁵. However, the officers did not relay that accusation to Sgt. Richardson when she arrived. In his COPA interview, P.O. Turner did not recall [REDACTED] accusing P.O. Zlotkowski of being intoxicated, but P.O. Turner acknowledged hearing the claim after reviewing his own BWC video at COPA. P.O. Turner denied to COPA that P.O. Zlotkowski seemed intoxicated. Furthermore, P.O. Turner related to COPA that he did not inform Sgt. Richardson of [REDACTED] allegation that P.O. Zlotkowski was intoxicated because he did not feel it was relevant to the actual situation that happened.

P.O. Turner also acknowledged that he did not document the names of the two adult witnesses, [REDACTED] and the neighbor. According to P.O. Turner, neither witness provided additional details, aside from what [REDACTED] reported, and both individuals corroborated [REDACTED] narrative. P.O. Turner did not think that their information was necessary. Additionally, P.O. Turner advised COPA that he believes P.O. Alvarez authored the general offense case report ("GOOCR"). COPA did not verify this information by taking a statement from P.O. Alvarez and did not allege that she failed to notify Sgt. Richardson of [REDACTED] claim that P.O. Zlotkowski was intoxicated. Furthermore, COPA did not allege that P.O. Alvarez failed to report the witnesses' information on the GOOCR.

Request for Further Investigation

Under MCC 2-78-130(a)(i)(2), the case was sent back to COPA for a further review. The Department

¹³ *Id.*

¹⁴ Att. 17.

¹⁵ Att. 14 and Att. 15.

requested that COPA locate and take formal statements from essential witnesses who were not listed in the GOCR¹⁶. COPA advised the Department on 15 Oct 2024, that it declined to reopen the instant case for a further investigation. COPA stated that it attempted to contact the needed witnesses¹⁷.

COPA did not serve P.O. Sandra Alvarez with a notification of allegations, as requested by the Department, for failing to conduct a thorough and proper preliminary investigation in violation of G 04-01, S08-01-10, G08-01, Rule 2, Rule 6, and Rule 22. Additionally, COPA did not take a statement from P.O. Alvarez.

ANALYSIS

The allegations against P.O. Zlotkowski should be sustained. The allegation against P.O. Turner should not be sustained. It is undisputed that P.O. Turner failed to conduct a thorough and proper preliminary investigation and failed to notify his supervisor of an allegation that P.O. Zlotkowski was intoxicated off-duty. However, P.O. Turner should not be arbitrarily and capriciously disciplined for this transgression because P.O. Alvarez also neglected her duties and was not disciplined for the same allegation.

It is unclear who authored the GOCR. P.O. Turner claims that P.O. Alvarez wrote the report¹⁸. However, COPA never took a statement from P.O. Alvarez to dispel this assertion. Nonetheless, P.O. Turner stated to COPA that he did not obtain the witnesses' information because their accounts of the incident matched up with the [REDACTED] story and it was not necessary¹⁹. Members conducting any preliminary investigation, whether in-person or over the phone, will conduct a thorough and accurate preliminary investigation²⁰. Furthermore, Department members conducting the preliminary investigation will locate, identify, and interview any witnesses, to obtain the incident information²¹. There were at least two eye witnesses to this incident. P.O.s Turner and Alvarez neglected their duties to include witnesses' contact information and accounts in the GOCR. Moreover, this incident involves allegations of misconduct against a Department member, which elevates the necessity for a fair and detailed preliminary investigation. The goals of the Department's accountability structure are to foster trust in the Department and build transparency, credibility, and respect of the Department's accountability system with the community²².

[REDACTED] stated to P.O.s Turner and Alvarez multiple times that P.O. Zlotkowski was intoxicated²³. Additionally, [REDACTED] unknown neighbor advised the officers that P.O. Zlotkowski was intoxicated²⁴. After being equipped with this knowledge, both officers failed to report it to the responding sergeant in violation of S08-01-10, G08-01, Rule 2, Rule 6, and Rule 22. P.O. Turner stated to COPA that he did not smell alcohol on P.O. Zlotkowski, nor did he notice that P.O. Zlotkowski had slurred speech and bloody eyes. Furthermore, P.O. Turner related that P.O. Zlotkowski did not appear to be intoxicated²⁵. However, after reviewing his BWC, P.O. Turner admitted to COPA that [REDACTED] told him P.O. Zlotkowski was intoxicated²⁶.

¹⁶ Att. 42.

¹⁷ Att. 43.

¹⁸ Att. 36 at Pg. 18 and 34.

¹⁹ *Id.*

²⁰ Chicago Police Department General Order G04-01. Preliminary Investigations. Eff. Dec. 30, 2020.

²¹ *Id.*

²² Chicago Police Department General Order G08-01. Complaint and Disciplinary System. Eff. Dec. 29, 2023.

²³ Att. 14 at 1:34 and 3:58; Att. 15 at 1:37 and 3:41.

²⁴ Att. 14 at 6:52; Att. 15 at 6:53

²⁵ Att. 36 at Pg. 15.

²⁶ *Id.*

P.O. Turner avows that he did not report this allegation to the sergeant because he did not believe that the information was relevant²⁷. P.O. Turner's assertion is incorrect. Both officers had knowledge that P.O. Zlotkowski was operating his personal vehicle because they observed it parked in [REDACTED] driveway, and P.O. Zlotkowski admitted to them that he followed [REDACTED] to his home²⁸. Whenever a sworn member or reporting party makes an allegation against a Department member relating to impairment, both on or off duty, involving a vehicle, the procedures outlined in S08-01-10 will be followed²⁹. Moreover, every Department member will promptly report to a supervisor any known or observed violations of Department policy, the Rules and Regulations of the Department, or the law, and any other allegations of misconduct he or she is made aware of³⁰. P.O.s Turner and Alvarez clearly disregarded these policies.

Despite the described transgressions, COPA violated P.O. Turner's due process rights by giving different treatment to P.O. Alvarez in identical circumstances. Moreover, COPA failed to take a formal statement from P.O. Alvarez and serve her with a notification of allegations, even after being requested by the Department, pursuant to MCC 2-78-130(a)(i)(2)³¹.

In *Siwek v. Police Board of the City of Chicago*, a Chicago Police Department employee sought review of the Police Board's decision to terminate her employment for violating rules prohibiting other employment while on paid medical leave. The Illinois First District Appellate Court held the fact that different individuals have been disciplined differently is not a basis for concluding that an agency's disciplinary decision is unreasonable³². However, such conclusions are appropriate when individuals receive different discipline in a single, identical, completely related case. Furthermore, an administrative tribunal's finding of "cause" for discharge may be considered arbitrary and unreasonable when it is compared to the discipline imposed in a completely related case³³.

Like P.O. Alvarez, this allegation should not stand against P.O. Turner. As discussed in *Siwek*, this is a single, identical, and completely related case. The finding on this allegation is unreasonable, and COPA must ensure that there is consistency in disciplinary action.

CONCLUSION

The Department concurs with COPA's findings and penalty for the allegations against P.O. Zlotkowski. The Department does not concur with COPA's finding of sustained for the allegation against P.O. Turner, and there should not be a penalty.

CPD looks forward to discussing this matter with you pursuant to MCC 2-78-130(a)(iii). To the extent

²⁷ *Id.* at Pg. 24-25.

²⁸ Att. 14.

²⁹ Chicago Police Department Special Order S08-01-10. Special Situation Involving Allegations of Misconduct. Eff. Apr. 8, 2019.

³⁰ Chicago Police Department General Order G08-01. Complaint and Disciplinary System. Eff. Dec. 29, 2023.

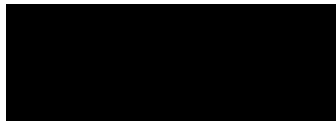
³¹ Att. 42.

³² *Siwek v. The Police Board*, 374 Ill.App.3d 735, 872 N.E.2d 87.

³³ *Wilson v. Board of Fire & Police Commissioners* (1990), 205 Ill.App.3d 984, 992, 150 Ill.Dec. 814, 563 N.E.2d 941; see also *Basketfield v. Daniel* (1979), 71 Ill.App.3d 877, 881, 28 Ill.Dec. 325, 390 N.E.2d 492 (on remand, police board should consider evidence as to discipline imposed on another member of the department who was involved in the same incident because it "would be relevant and useful to the board in exercising its discretion and insuring consistency in disciplinary action"); 2 F. Cooper, *State Administrative Law* 762 (1965) (administrative actions "in which the epithet *capricious* may properly be applied are those where an agency has given different treatment to two respondents in identical circumstances.")

that COPA and the CPD find themselves at an impasse on the resolution of this matter, the CPD asks that COPA include all attachments from the log investigation to the member of the Police Board selected to conduct the review.

Sincerely,

A solid black rectangular box used to redact the signature of the Superintendent of Police.

Superintendent of Police
Chicago Police Department