



Log # 2021-0001891

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On May 19, 2021, the Civilian Office of Police Accountability (COPA) received an initiation report of a complaint from ██████████ reporting alleged misconduct by a member of the Chicago Police Department (CPD). ██████████ alleged that on May 19, 2021, Officer Nicholas Alverio verbally abused her by stating, “bitch,” “whore,” and “fuck you.”² Following its investigation, COPA reached **sustained** findings regarding the allegations of disrespect to or maltreatment of any person; engaging in unjustified verbal or physical altercation with any person; and verbally abusing ██████████

II. SUMMARY OF EVIDENCE³

On May 19, 2021, ██████████ an employee of Tricoci University, a beauty school, located at 5321 N. Harlem Ave, observed Officer Alverio, off-duty and wearing street clothing, park his personal car in the school’s private parking lot. ██████████ informed Officer Alverio that he could not park his vehicle in the parking lot because it was designated for Tricoci University staff, students, and visitors. Officer Alverio stated that he was going to a barber and continued walking. ██████████ called management to inform them of the unauthorized vehicle in their parking lot. ██████████ was informed that the car would be towed. ██████████ went inside a nearby barbershop and asked if anyone owned the car she described, to let them know it would be towed. Officer Alverio was getting his haircut and did not respond that the car was his. Moments later, Officer Alverio left the barbershop and caught up with ██████████ He then stated words to the effect of “I’m just trying to get a fucking hair cut”, “fuck you, you’re a bitch,” “you’re a whore,” and, “I hope you fucking die.”⁴ Officer Alverio displayed his CPD identification card and announced that he was a police officer. Officer Alverio then got into his vehicle and aggressively reversed it out of the parking lot, almost hitting one of the Tricoci students that was exiting the school at that time.

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 *[identify the most material and outcome-determinative evidence relied upon, such as BWC footage, ICC footage, third-party video, police reports, civilian interviews, officer interviews, etc.]*.

⁴ Att. 12 starting at 6:57, 18:08:45

██████████ called 911 and Officer John Gibbelina and Anthony Larocca responded to the scene. Meanwhile, Officer Alverio called his parents, who came to the scene. In front of Officer Alverio's parents, ██████████ relayed to the officers what occurred and expressed that she would like to file a report.⁵ The officers then went inside the barber shop where Officer Alverio was still getting his hair cut. Officer Alverio admitted that he parked in the Tricoci lot, but said ██████████ was harassing him, was "crazy," and that a student slapped his car.⁶ The barber suggested that Officer Alverio apologize to ██████████⁷

The officers returned outside to ██████████ who explained that as Officer Alverio's car was coming so close to one of the students, the student put her hand out and may have slapped it saying, "hey what are you doing?"⁸ A few moments later, Officer Alverio came out of the barbershop, approached ██████████ and his ██████████ and said: "You want me to say that I am sorry, then I am going to say it to you, that I am sorry. There, you happy?" ██████████ said, "that is not an apology, that is not an apology. I did not request for an apology." Officer Alverio said, "you want me to say that I'm sorry so I'm going to say that I'm sorry. I don't know what else to say but that."⁹ He then went on to accuse her of harassing him.¹⁰ Officers Gibbelina and Larocca, and Officer Alverio's ██████████ a former CPD sergeant,¹¹ encouraged Officer Alverio to apologize for parking in the lot.¹² Officer Alverio apologized but explained that there was limited parking in the area. ██████████ indicated she wanted to make out a report for Officer ██████████ attitude toward her in calling her a bitch and a whore and saying he hoped she would die.¹³ In front of his parents and the officers, Officer Alverio did not deny that he said these things.¹⁴

Officer Alverio's father then told him several times to apologize "the correct way," and his mother told him to "step it up."¹⁵ After some back and forth, Officer Alverio sarcastically apologized for parking in the parking lot.¹⁶ He also stated, "I don't understand what I did."¹⁷ Officer Gibbelina went to call for a sergeant, and Officer Alverio's father told Officer Gibbelina that he was a retired CPD from the 15th District, and understood why a sergeant needed to be called.¹⁸

⁵ Att. 8 at 17:35:34

⁶ Att. 8 at 17:36:54

⁷ Att. 9 at 17:37:42

⁸ Att. 8 at 17:38:44, 18:13:50

⁹ Att. 8 at 17:40:28 to 17:40:49

¹⁰ Att. 8 at 17:40:52

¹¹ Att. 8 at 18:04:30

¹² Att. 8 at 17:41:13

¹³ Att. 8 at 17:41:59

¹⁴ Att. 8 at 17:42:05

¹⁵ Att. 8 at 17:42:00, 17:43:30, 17:43:43

¹⁶ Att. 8 at 17:42:45, 17:43:38

¹⁷ Att. 8 at 17:43:58

¹⁸ Att. 8 at 17:50:35

While the officers were in the car calling for a sergeant, Officer Alverio can be heard telling ██████ that he felt harassed by her, but that she had the right to come in the barbershop.¹⁹ He said he wanted to make amends and asked her if there was anything he could do. He offered to hang out with her, go jogging, and tried to give her a hug.²⁰ However, a few moments later, when Sergeant Playney arrived on scene, Officer Alverio complained to the sergeant that ██████ was harassing him, “going crazy,” may have been “mental” when she came inside the barbershop, and stated, a student “slam[ed] on [his] car, criminal damage,” although he admitted there was no damage.²¹

The sergeant then spoke to ██████ who was consistent in her description of Officer Alverio’s actions. Sgt. Playney confirmed there was a sign in the parking lot indicating that it was for Tricoci patrons only.²² The sergeant then spoke to the owner of the barbershop who indicated that when ██████ came in to ask about the car, she sounded upset, but neither party was acting out of control.²³ Later, Officer Alverio asked Sergeant Playney if he was going to be suspended.²⁴

In his interview with COPA, Officer Alverio recounted that initially, ██████ approached him in the parking lot and asked him if he was a student, and indicated he would have to move his car.²⁵ He either said, “Okay, I’ll move it,” or “whatever,” because she did not identify herself as being an employee of Tricoci, so he thought she was just a random person.²⁶ She then came in the barbershop and may not have seen him in the barber chair, so she asked everyone in the establishment if anyone owned the car and to move it or it would be towed. However, he felt like it was directed at him and that it was an awkward situation, so he did not say anything.²⁷

Officer Alverio told COPA that he then walked outside where he had a verbal altercation wherein he might have called her a “bitch,” a “whore,” said “fuck you.”²⁸ He claimed, however, that “there were harsh words on both sides,”²⁹ and characterized her as “badgering” and “harassing” him, although he only described her words as trying to engage him about moving his car.³⁰ He said she “rallie[d]” her students to surround his car, and he felt “threatened,” “in danger,” and “frantic,” so he needed to just get out of there,” and maybe moved his car out of the parking lot “a little faster,” but denied he was close enough to hit anyone.³¹

¹⁹ Att. 9 at 17:59:20

²⁰ Att. 9 at 18:00:18

²¹ Att. 10 at 18:05:50

²² Att. 10 at 18:11:00

²³ Att. 10 at 18:17:58

²⁴ Att. 10 at 18:20:19

²⁵ Att. Att. 27, pg. 21.

²⁶ Att. 27, pg. 22.

²⁷ Att. 27, pgs. 24-26.

²⁸ Att. 27, pg. 29.

²⁹ Att. 27, pg. 29.

³⁰ Att. 27, pgs. 28-30, 40.

³¹ Att. 27, pgs. 31-33, 48, Ins. 20 to 23, 49- 50.

Officer Alverio stated that after he moved his car, ██████ came back in the barbershop asking to speak to his supervisor and “threatening to call the police,” because he identified himself as a police officer.³² He described her as “very erratic,” with her eyes “all over the place.”³³ After a break with is attorney, he stated that he had identified himself as a police officer to her to “de-escalate” the situation.³⁴ He also stated that he called his ██████ because he felt threatened when she was “verbally attacking” him, and to de-escalate the situation.³⁵

Officer Alverio did not know why ██████ called the police. Although he admitted that he “did something wrong,” he stated there was “nothing super criminally wrong” with what he did.³⁶ Officer Alverio told COPA that he was “forced” to apologize even though he “was the one being “threatened, badgered, and harassed,” but did it to de-escalate the situation.³⁷ So, after his first apology which he admitted was not sincere, he said “here is your sincere apology.”³⁸

Officer Alverio denied that he maltreated or disrespected ██████ stating he treated her the same way she treated him, and she started it by harassing him.³⁹ He did admit that he might have called her a bitch and whore and said fuck you, and apologized for that, indicating he could have been more professional.⁴⁰

III. ALLEGATIONS

Officer Nicholas Alverio:

It is alleged that on May 19, 2021, at approximately 5:20 PM, at or near 5321 and 5345 N. Harlem Ave, you:

1. Disrespect to or maltreatment of any person, while on or off duty.
 - Sustained, Violation of Rules 2, 3, 6, 8, 9.
2. Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
 - Sustained, Violation of Rules 2, 3, 6, 8, 9.
3. Verbally abused ██████ by stating words to the effect of “bitch”, “fuck you”, and “whore.”
 - Sustained, Violation of Rules 2, 3, 6, 8, 9.

³² Att. 27, pgs. 28, 52.

³³ Att. 27, pgs. 37, 53, ln. 1

³⁴ Att. 27, pg. 39, lns. 16 to 24

³⁵ Att. 27, pg. 56, lns. 14 to 16

³⁶ Att. 27, pg. 37, lns. 3 to 5, 47

³⁷ Att. 27, 44

³⁸ Att. 27, pgs. 44, 45, lns. 9 to 15

³⁹ Att. 27, pg. 58-59

⁴⁰ Att. 27 pg. 59, lns. 19 to 24. Pg. 61, lns. 2 to 9

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.

This investigation did not reveal any evidence that caused COPA to doubt the credibility of [REDACTED] or Officer Gibbelina and Larocca. However, COPA finds Officer Alverio's truthfulness to be in question. During his interview with COPA, he stated that he felt forced to apologize to [REDACTED]⁴¹ BWC captured Officer Alverio having a side conversation with [REDACTED] indicating he understood her position and offering to make amends by getting together with her, possibly going jogging, while waiting for a sergeant to arrive.⁴² Officer Alverio actually tried to hug [REDACTED] but she declined it and the officers asked him to let it go.⁴³ However, once the sergeant arrived, Officer Alverio stated [REDACTED] was "harassing him," "she's just going crazy," and "I don't know if she's mental."⁴⁴ However, the owner of the barbershop, Lorenzo, described her demeanor to Sgt. Playney as frustrated but was not irate or out of control.⁴⁵ Lorenzo also told Sgt. Playney that after [REDACTED] came in asking if anyone inside owned the car, he asked Officer Alverio three times if the car was his and Officer Alverio said "no" each time before ultimately admitting that was his vehicle.⁴⁶ Based on the foregoing, COPA finds Officer Alverio's credibility to be in question.

V. ANALYSIS⁴⁷

a. Allegations #1, #2, and #3 – Disrespect to or maltreatment of any person, engaging in any unjustified verbal altercation, and verbally abused [REDACTED]

COPA finds allegations #1, #2, and #3 against Officer Alverio – Disrespect to or maltreatment of any person, engaging in any unjustified verbal altercation, and verbally abused [REDACTED] – to be **sustained**. Department members are required to "treat all persons with the courtesy and dignity which is inherently due every person as a human being," "act, speak, and conduct themselves in a courteous, respectful, and professional manner," and "not exhibit a condescending attitude or direct any derogatory terms toward any person in any manner."⁴⁸ Further, "'Verbal abuse' means the use of oral or written remarks that are overtly insulting,

⁴¹ Att. 27, pg. 43, lns 15 to 16

⁴² Att. 9 at 17:57:43

⁴³ Att. 9 at 18:01:22

⁴⁴ Att. 10 at 18:05:57 and 18:06:44

⁴⁵ Att. 10 at 18:18:00

⁴⁶ Att. 10 at 18:18:32

⁴⁷ For a definition of COPA's findings and standards of proof, see Appendix B.

⁴⁸ Att. 25, G02-01, Protection of Human Rights (effective June 30, 2022, to present)

mocking or belittling, directed at a person based upon the actual or, perceived race, immigration status, color, gender, age, religion, ancestry, national origin, sexual orientation, disability, marital status, parental status, military discharge status, source of income, or gender identity or expression of that person.”⁴⁹

The BWC shows that Officer Alverio’s overall tone in engaging with ██████ even in front of his parents and two officers, was sarcastic and condescending in delivering an insincere apology to her. The officers and both of his parents had to prod him to do better, but he did not. Additionally, BWC captured ██████ accusing Officer Alverio of calling her a bitch and a whore and saying he hoped she would die and in front of his parents and the officers, and he did not deny that he said these things.⁵⁰ Later, Officer Alverio stated words to the effect of, “I am really a good person...whatever I called you... I didn’t mean them,”⁵¹ seemingly admitting that he did call her the names she alleged he did.

During Officers Gibbelina’s and Larocca’s statements to COPA, they stated that Officer Alverio’s behavior was standoffish, and he did not appear to be sincere.⁵² In Officer Alverio’s statement to COPA, he admitted that he may have said, “bitch,” “fuck you,” and “whore” to ██████⁵³ Therefore, COPA finds by a preponderance of the evidence that Officer Alverio verbally abused and engaged in the maltreatment of ██████

VI. DISCIPLINARY RECOMMENDATION

a. Officer Nicholas Alverio

i. Complimentary and Disciplinary History⁵⁴

Officer Alverio has a total of 7 awards, which consists of: 1 2019 crime reduction award and 6 honorable mentions. Officer Alverio also received 2 SPARs’ for absence without permission and inattention to duty.

ii. Recommended Discipline

In mitigation, COPA will consider Officer Alverio’s various awards. In aggravation, COPA will consider that all officers receive training regarding the policy, Protection of Human Rights, and should have a fundamental understanding of professionalism and how to conduct themselves when interacting with the public.

⁴⁹ MCC 2-78-100.

⁵⁰ Att. 8 at 17:41:59

⁵¹ Att. 9 at 17:57:43

⁵² Att. 28 and Att. 29

⁵³ Att. 27, pg. 29, lns. 12 to 19

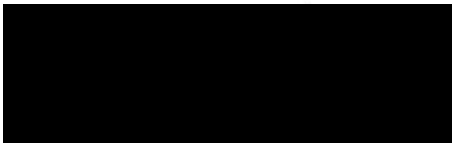
⁵⁴ Att. 30

COPA will also consider Officer Alverio’s sarcastic and condescending behavior towards ██████████ throughout the entire interaction, even in front of his parents and CPD officers. COPA will consider that at the time, Officer Alverio admitted he did not understand what he did wrong and considered himself the victim of being harassed and badgered while it was plainly apparent to ██████████ two CPD officers, his parents, and even the barber. Too, Officer Alverio’s attempt to smooth things over with ██████████ before the sergeant arrived and he realized he might get suspended by offering to jog with ██████████ and trying to give her a hug, demonstrated not only his lack of sincerity when just a few moments later he characterized ██████████ to the sergeant as “crazy” and “mental,” but showed his complete lack of understanding of what is an appropriate way to engage with members of the public.

COPA will also consider that even months later, upon reflection and in hindsight, Officer Alverio still had no intrinsic understanding of his problematic, inappropriate, and unprofessional behavior. In his COPA interview, Officer Alverio justified his verbal abuse by claiming that she started it and that she said harsh words to him as well, and by mischaracterizing her behavior as “very erratic,” when the barber told the sergeant otherwise.⁵⁵ Although Officer Alverio never described any harsh words she said to him other than asking him to move his car, Officer Alverio demonstrated no understanding of the concept that *even if she had*, as a Chicago Police Officer, he must hold himself to the CPD’s standards. Instead, Officer Alverio continued to paint himself as the victim of ██████████ alleged harassment of him, implausibly claiming he felt “threatened”⁵⁶ by her, without recognizing what everybody else there did: that *she* was doing *him* a favor by giving him a chance to move his car rather than coming outside and finding it towed. He insisted to COPA that nothing he did was “super criminally wrong.”⁵⁷

As such, COPA recommends evaluations for Behavioral Intervention/Fitness for Duty and a 30-day suspension.

Approved:



9/25/2023

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date

⁵⁵ Att. 27, pgs. 37, 53, ln. 1

⁵⁶ Att. 27, pg. 56, lns. 14 to 16

⁵⁷ Att. 27, pg. 37, lns. 3 to 5, 47

Appendix ACase Details

Date/Time/Location of Incident:	May 19, 2021 / 5:20 pm/ 5321 and 5345 N. Harlem Avenue, Chicago, IL 60656
Date/Time of COPA Notification:	May 19, 2021 / 7:07 pm
Involved Member #1:	Nicholas Alverio, Star# 17687, Employee ID# [REDACTED], Date of Appointment: April 25, 2016, Unit of Assignment: 014, Male, Hispanic
Involved Member #1	John Gibbelina, Star# 4506, Employee ID# [REDACTED], Date of Appointment: August 19, 1999, Unit of Assignment: 016, Male, White
Involved Member #2:	Anthony Larocca, Star# 6151, Employee ID# [REDACTED], Date of Appointment: November 29, 1999, Unit of Assignment: 016, Male, White
Involved Individual #1:	[REDACTED] Female, Hispanic

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, Protection of Human Rights (effective June 30, 2022, to present)

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.⁵⁸ 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.”⁵⁹

⁵⁸ 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).

⁵⁹ *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