



Log # 2021-0004990

## FINAL SUMMARY REPORT

### I. EXECUTIVE SUMMARY

On December 17, 2021, the Civilian Office of Police Accountability (COPA) received a notification from the Bureau of Internal Affairs reporting alleged sexual misconduct by a member of the Chicago Police Department (CPD). ██████████ (██████████) alleged that on or about December 15-16, 2021, Officer Ivan Robles (Officer Robles) sexually assaulted her by way of penile penetration to her vagina without her consent at his residence.<sup>1</sup> This incident was documented under CPD case report RD# JE480142.<sup>2</sup> Upon review of the evidence, COPA served additional allegations that Officer Robles removed and/or rearranged clothing from ██████████ body and was intoxicated off duty. Following its investigation, COPA reached *not sustained* findings for the allegations.

### II. SUMMARY OF EVIDENCE<sup>3</sup>

On December 16, 2021, at approximately 9:00 p.m. ██████████ arrived at ██████████ Hospital located at ██████████. Upon arrival, she handed a note to the nurse that said, “I think I was raped.”<sup>4</sup> She further reported, having a drink with a man, and waking up in his bed not knowing what happened.<sup>5</sup> Upon notice, hospital staff contacted CPD. Responding officers interviewed hospital staff.<sup>6</sup> While at the hospital, an Illinois State Police Sexual Assault Evidence Collection Kit was prepared, and ██████████ underwear was inventoried.<sup>7</sup> Records also note that a sexual assault nurse exam was performed on ██████████ at the hospital. A DNA profile and toxicology tests were obtained. Toxicology results revealed no indication of any illicit of “date rape” drugs or alcohol in ██████████ system at the time of testing.<sup>8</sup> A sperm fraction sample collected from her underwear identified a mixture of two individuals, excluding ██████████. Although semen was indicated on her underwear, there was insufficient male DNA for autosomal testing.<sup>9</sup>

COPA interviewed ██████████ on December 21, 2021, in a joint interview with Detective Matthew Boehm from the CPD, Bureau of Internal Affairs.<sup>10</sup> ██████████ reported she met Officer

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<sup>1</sup> 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.

<sup>2</sup> Att. 2.

<sup>3</sup> The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including but not limited to; recorded statements, third party electronic correspondences, police reports, hospital records.

<sup>4</sup> Att. 26, pg. 7 (Pg. 3 of the report).

<sup>5</sup> Att. 26, pg. 1 (See section -Chief Complaint), Pg. 14.

<sup>6</sup> Atts. 5 and 6.

<sup>7</sup> Att. 15.

<sup>8</sup> Att. 18, pgs. 1 to 2.

<sup>9</sup> Att. 18, pg. 4.

<sup>10</sup> Att. 7 (Audio), Att. 10 (Transcript).

Robles<sup>11</sup> on a dating app called “Hinge” and after some text exchanges and a few phone calls, she agreed to go out with him. On December 15, 2021, at approximately 7:00 pm, he picked her up in his vehicle from her residence and traveled to Federales, a restaurant/bar.<sup>12</sup> While there, the two talked and drank several alcoholic beverages.<sup>13</sup> █████ recalled consuming approximately four mixed alcoholic beverages.<sup>14</sup> After staying at the bar a few hours, the two left. From that point on, █████ could not recall anything after leaving Federales.

The next thing █████ recalled was waking up at Officer Robles’s residence in his bed with no underwear or pants on and a feeling that she had been vaginally penetrated. █████ relayed, she had no recollection of the sex act but when she woke up the next morning, she said she felt as though she would die if she opened her eyes.<sup>15</sup> She further reported, she required Officer Robles’s assistance to go to the bathroom and was later carried to his car. He dropped her off at her residence, and after waking up from a nap, she texted a friend about her experience. █████ friend suggested to █████ that she may have been “roofied.”<sup>16</sup> █████ found her friend’s theory plausible since she was unable to remember anything after leaving the bar. She also asserted that she was not tipsy or drunk before leaving the bar and expressed the same to Officer Robles when he reached out to her later that day.<sup>17</sup>

After that text exchange, the two had no further contact. █████ shared the below screenshot reflecting her last text correspondence with Officer Robles.<sup>18</sup>

**INTENTIONALLY LEFT BLANK**

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<sup>11</sup> Att. 8 Identified through a line up as Officer Ivan Robles.

<sup>12</sup> Federales is located at: 180 N. Morgan, Chicago, IL.

<sup>13</sup> Att. 11- Receipt reflects a total of 15 alcoholic beverages and 1 Red Bull.

<sup>14</sup> 2 Margaritas (Watermelon/Mango), 1 Tequila Mule, 1 Vegas Bomb Shot (ingredients include: Whiskey, Juice, Red Bull).

<sup>15</sup> Att. 10, pg. 6, lns. 23-24.

<sup>16</sup> Att. 10, pg. 24, ln. 5. “Roofied” typically means that someone has been given a date rape drug.

<sup>17</sup> Att. 10, pgs. 6-9; Att. 25.

<sup>18</sup> Att. 25.

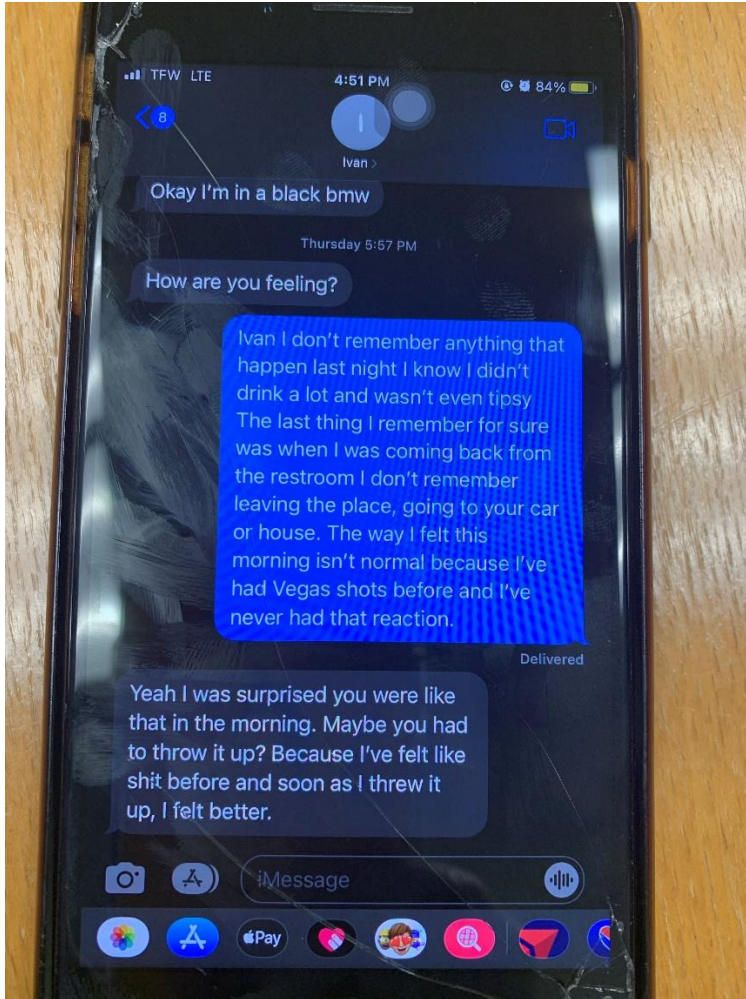


Figure 1: Post-date text between █████ and Officer Robles

Later that day, she called her brother and told him about her experience, and he suggested she go to the hospital. █████ eventually contacted her stepdad to drop her off at the hospital, where she met her brother. █████ brother accompanied her at █████ Hospital.<sup>19</sup>

During his interview with COPA on February 14, 2024,<sup>20</sup> Officer Robles relayed he met █████ on the dating app “Hinge” and after a few short conversations and text exchanges she agreed to go out with him. On the night of December 15, 2021, he drove to her residence, picked her up, and the two traveled to “Federales.” While there, they conversed and had several alcoholic beverages. At the conclusion of the night, the two agreed to go to his residence. Officer Robles explained he had no expectations once they arrived at his house.<sup>21</sup> Robles further stated that after exiting the bar and walking to his vehicle, █████ initiated a kiss on the mouth and the two made out

<sup>19</sup> Att. 10, pg. 25, lns. 1 to 9.

<sup>20</sup> Att. 23 (audio) /Att. 56 (transcript).

<sup>21</sup> Att. 56, pg. 54, lns. 16 to 21.

inside the car prior to proceeding to his residence.<sup>22</sup> Upon arrival, they were greeted at the door by Officer Robles's [REDACTED]. The two then proceeded to the basement and into Officer Robles's bedroom. Officer Robles recalled that shortly after going into his room and having a short conversation, he and [REDACTED] began to "make out,"<sup>23</sup> while standing, at which time she laid on the bed, removed her pants, and he followed by removing his pants and laying with her. While in bed, they continued kissing. He next recalled, [REDACTED] grabbing his penis and inserting it inside her vagina, and they had consensual sex.<sup>24</sup> After the sexual encounter the two went to sleep. When they woke up the next morning, [REDACTED] complained of a stomachache and used her cell to call off work.<sup>25</sup> Afterwards, he drove her home. Officer Robles adamantly reported there was no shift in [REDACTED] demeanor from the time he picked her up from her home at the start of the date until the time he dropped her off the next morning.<sup>26</sup> Subsequently, after dropping her off, he texted her to see how she was feeling, at which time she told him she was having difficulty remembering things from the night before. Officer Robles found her response odd because to him she appeared "completely fine," further explaining that she showed no signs of impairment.<sup>27</sup>

As it pertains to the specific allegations of sexual misconduct, Officer Robles stated they had no discussions about having sex at all and [REDACTED] gave no indication (verbally or physically) that she was uncomfortable with him during their encounter. In fact, when he dropped [REDACTED] off the next morning, she appeared fine and kissed him prior to exiting his vehicle.<sup>28</sup> Officer Robles stated he has had no communication with [REDACTED] since that morning and denied all allegations.

It should be noted, Officer Robles had previously submitted to a voluntary interview with CPD Detectives Matthew Boehm and Willie Hill on June 20, 2023.<sup>29</sup> Officer Robles provided CPD with essentially the same account as he provided to COPA, with some minor inconsistencies. In that interview, Robles also stated that [REDACTED] initiated all physical contact between them; to include grabbing his penis and inserting it in her vagina.

### III. ALLEGATIONS

#### Police Officer Ivan Robles:

It is alleged that on or about December 15-16, 2021, at an unknown time at or near the location of [REDACTED], Chicago, IL, the accused:

1. Penetrated [REDACTED] vagina with his penis without her consent.
  - Not Sustained.

<sup>22</sup> Att. 56, pg. 15, ln. 21 to pg. 16, ln.4.

<sup>23</sup> Att. 56, pg. 17, lns. 4 to 5.

<sup>24</sup> Att. 56, pg. 17, lns. 11 to 12; pg. 38, lns. 3 to 4.

<sup>25</sup> Att. 56, pg. 44, ln. 15.

<sup>26</sup> Att. 56, pg. 31, lns. 1 to 14; pg. 44, lns. 6 to 10.

<sup>27</sup> Att. 56, pg. 46, ln. 19 to pg. 47, ln. 2.

<sup>28</sup> Att. 56, pg. 51, lns. 10 to 17.

<sup>29</sup> Att. 21.

2. Removed and/or rearranged clothing item(s) from ██████████ body without her consent.
  - Not Sustained.
3. Was intoxicated while off duty.
  - 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. While alcohol may have had some effect on the credibility of ██████████ and Officer Robles, COPA does not have sufficient evidence to show whether ██████████ version is correct or whether Officer Robles's version is correct.

#### V. ANALYSIS<sup>30</sup>

COPA finds that Allegations 1 through 3 against Officer Robles that on or about on or about December 15-16, 2021, at an unknown time at or near the location of ██████████, Chicago, IL, the accused: 1) penetrated ██████████ vagina with his penis without consent, 2) removed and/or rearranged clothing from ██████████ body without consent, and 6) was intoxicated while off duty are **NOT SUSTAINED**.

Apart from their perceptions of the incident, ██████████ and Officer Robles offered similar accounts of their movements during the incident, including Officer Robles's admissions to relocating to his residence after being out and consuming several alcoholic beverages. However, each individual's perception of the incident was different. ██████████ did not recall anything after leaving the bar and Officer Robles described the sexual encounter as consensual. Officer Robles claimed that ██████████ was the initiator of all intimate contact throughout the night when she kissed him outside of Federales prior to leaving, at his home in his bedroom, and after dropping her off at home. Officer Robles further stated that ██████████ inserted his penis into her vagina prior to the intercourse.

In her statement, ██████████ continuously relayed she was fine prior to leaving the bar and did not deem herself drunk.<sup>31</sup> She further relayed, that over a 4–5-hour period she can typically consume six shots before she starts to feel tipsy.<sup>32</sup> However, ██████████ does not recall what happened at all after they left the bar. However, Officer Robles denied noticing any signs of impairment for ██████████. While ██████████ believed that she may have been given a date rape drug, the toxicology reports do not bear that out, possibly because it was already out of her system by the time it was tested. Although her immediate outcries and visiting the hospital demonstrate she had concerns regarding her inability to remember the night, there is insufficient evidence to demonstrate that Officer

<sup>30</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

<sup>31</sup> Att. 10 at pg. 8, lns. 20 to 24 and pg. 9.

<sup>32</sup> Att. 10, pg. 17, ln. 10 to pg. 18, ln. 11.

Robles was aware of or should have been aware of her lack of consent. Therefore, there is insufficient evidence to prove Allegations 1 and 2 by a preponderance of the evidence and the allegations are not sustained.

Lastly, COPA found no evidence in the form of a breathalyzer test, third party observations, or personal admissions to suggest that Officer Robles was intoxicated at the time of incident. Although Officer Robles admitted having consumed alcoholic beverages that day, he denied the allegation. Thus, there is insufficient evidence to prove or disprove Allegation 3, and it is not sustained.

Approved:



Sharday Jackson  
*Deputy Chief Administrator – Chief Investigator*

October 28, 2024

Date

Appendix ACase Details

Date/Time/Location of Incident:	December 15-16, 2021, at approximately 11:30 p.m.-9:30 a.m.
Date/Time of COPA Notification:	December 17, 2021, at 2:36 a.m.
Involved Officer #1:	Ivan Robles, Star # 2871, Employee ID# [REDACTED], Date of Appointment: January 16, 2018, Unit of Assignment: 011, Gender: Male/Hispanic
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 15:** Intoxicated on or off duty.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule \_\_:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- N/A

## 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.<sup>33</sup> For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department 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.”<sup>34</sup>

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<sup>33</sup> 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).

<sup>34</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> 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