

**BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO**

**IN THE MATTER OF CHARGES FILED AGAINST )**  
**POLICE OFFICER NICOSIA MATHEWS, )** **No. 21 PB 2993**  
**STAR No. 18006, DEPARTMENT OF POLICE, )**  
**CITY OF CHICAGO, )**  
**RESPONDENT. )** **(CR No. 1089834)**

**FINDINGS AND DECISION**

On April 20, 2021, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Nicosia Mathews, Star No. 18006 (“Respondent”), recommending that Respondent be discharged from the Chicago Police Department (“CPD”) for violating CPD’s Rules of Conduct.

A hearing on the charges against Respondent took place before Hearing Officer Lauren A. Freeman on March 14 and 16, 2022. Following this evidentiary hearing, the members of the Police Board read and reviewed the record of the proceedings, including the Hearing Officer’s Report (neither party filed a response to this report), and viewed the video recording of the entire evidentiary hearing. Hearing Officer Freeman made an oral report to and conferred with the Board before it rendered its findings and decision.

**POLICE BOARD FINDINGS**

As a result of its hearing on the charges, the Police Board finds and determines that:

1. Respondent was at all times mentioned herein employed as a police officer by the Department of Police of the City of Chicago.

2. A copy of the charges filed, and a notice stating the date, place, and time the initial status hearing would be held, were personally served upon Respondent not fewer than five (5)

days before the date of the initial status hearing for this case.

3. Throughout the hearing on the charges Respondent appeared and was represented by legal counsel.

### **Introduction**

4. The charges against Respondent stem from an off-duty confrontation with her sister-in-law, Nicole Pugh, that took place on June 11, 2018, in the Country Club Hills home that Ms. Pugh shared with her husband, Emmanuel, and from subsequent statements that Respondent made concerning the confrontation. At the hearing, Respondent pled guilty to Specification No. 1(c) of the charges against her, admitting that she violated Rule 6 (which prohibits disobedience of an order or directive; to wit: Uniform and Equipment Specification U04-01) by putting on her CPD ballistics vest while off-duty, but denied that she wore the vest or any other articles of her uniform when she entered Mr. and Ms. Pugh's house or that she intentionally engaged in any of the intimidating behavior alleged in that specification. Pertaining to the final two specifications, Respondent admitted that she falsely claimed to Country Club Hills Police personnel at the scene that she had just gotten off of work (Specification No. 2), and that she later falsely reported to Civilian Office of Police Accountability ("COPA") investigators that she had not worn her ballistics vest or gun that day (Specification No. 3), but maintained that she did not make either of those false statements willfully and therefore did not violate Rules 2 and 14.

### **Charges Against the Respondent**

5. Police Officer Nicosia Mathews, Star No. 18006, is **guilty** of violating Rules 2, 4, 6, 8, 9, and 38 in that the Superintendent proved by a preponderance of the evidence the following

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charges set forth in Specification No. 1:

On or about June 11, 2018, at approximately 9:22 p.m., at or near the location of [xxxx] 175<sup>th</sup> Place in Country Club Hills, Illinois, while off duty and wearing articles of her Chicago Police Department uniform (including, but not limited to: her vest and/or badge and/or firearm), Police Officer Nicosia Mathews threatened Nicole Pugh (“Pugh”) by stating, “I am going to beat your ass,” or words to that effect, and/or by placing her hand on her firearm, and/or by using her authority as a Chicago Police Officer in attempting to gain entry to Pugh’s home and/or by intimidating Pugh, without justification. Officer Mathews thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department;
- b. Rule 4, which prohibits any conduct or action taken to use the official position for personal gain or influence;
- c. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, by disobeying Uniform and Equipment Specification U04-01 (effective December 18, 2017, through January 30, 2020);
- d. Rule 8, which prohibits disrespect to or maltreatment of any person, while on or off duty;
- e. Rule 9, which prohibits engaging in any unjustified verbal or physical altercation, while on or off duty; and
- f. Rule 38, which prohibits unlawful or unnecessary use or display of a weapon.

The Superintendent clearly established that Respondent, while off-duty, wore her CPD badge, ballistics vest, and gun when she entered Nicole and Emmanuel Pugh’s home. During Nicole Pugh’s recorded 911 call, Nicole spontaneously informed the operator that the Respondent was wearing her CPD badge “and stuff from Chicago,” was armed, and had threatened her. Later, Nicole repeated those allegations in further detail to the responding Country Club Hills police officers. Country Club Hills Officer Luis Serna’s body-worn camera footage corroborates Nicole’s allegations by showing that when Officer Serna encountered Respondent just minutes after Respondent left the house, Respondent was wearing her badge,

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vest, and gun. In addition, only eight months after the incident, Respondent herself told COPA investigators that as she entered the home, she wore her badge on her beltloop underneath her shirt.

The Superintendent also established that Respondent wore those articles of her uniform to intimidate Nicole Pugh. Respondent had not worked as a Chicago police officer in over two months. Her purpose for putting on her CPD uniform and displaying her gun when she entered the Pugh's home was clear—to remind Nicole that Respondent was an armed member of law enforcement in order to keep Nicole in line while Emmanuel moved out. Then, upon entering the home, Respondent engaged in an unjustified, heated altercation with Nicole. Respondent plainly abused her authority as a Chicago police officer in order to help her brother.

In her second COPA interview and hearing testimony, Respondent claimed that she did not wear her ballistics vest while inside of the house and retrieved it from her car seat after she left. She attempted to explain her reasoning for putting it on after she left the house, but her explanation made no sense. She contended that she donned her vest for safety purposes in order to identify herself to the responding officers, but during her hearing testimony she acknowledged that the vest was not necessary—she could have simply identified herself verbally to the officers when they arrived. Her testimony about when she put on her vest after she left the house was also inconsistent: while she told COPA investigators that she put on her ballistics vest *before* she called 911, she also testified at the hearing that she put on her vest *after* she called 911. Furthermore, she told the 911 operator that she had just gotten off work and was still in uniform which is untrue since the Superintendent established that she was already wearing her vest and badge when she entered the home.

The Board finds Respondent's utter lack of credibility disturbing—her COPA statements

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and hearing testimony were inconsistent and disingenuous. Most notably, during both of her COPA statements she denied having any verbal or physical contact whatsoever with Nicole Pugh on the night of the incident and maintained that she did not even see Nicole in the house. During her hearing testimony, however, Respondent acknowledged that she did engage in a confrontation with Nicole in the house and even filmed Nicole with Respondent's cell phone while Nicole was barely dressed. The Superintendent highlighted numerous additional inconsistencies between Respondent's COPA statements and her hearing testimony which collectively discredit Respondent's substantive hearing testimony altogether.

The Board does not credit Emmanuel Pugh's or Alicia Litzey's hearing testimony either. Both testified that Respondent did not wear her vest or badge into the house, that her gun was not visible, and that the Respondent never threatened or intimidated Nicole. In all other important respects, their testimony diverged considerably. Both insisted that they witnessed the entire interaction between the Respondent and Nicole—yet Emmanuel testified that the Respondent and Nicole did not argue in the house at all. In contrast, Alicia testified that they did argue and that Nicole was the aggressor. In addition, both witnesses denied that they saw Respondent video record Nicole with Respondent's cell phone, conduct that Respondent ultimately admitted that she engaged in. Country Club Hills Officer Meder testified that Respondent showed him the cell phone video footage after the incident and that the footage lasted three to four minutes. Had Emmanuel and Alicia truly witnessed the entire interaction between Respondent and Nicole as they claim, they surely would have seen Respondent video record Nicole for that lengthy time-period.

The Department's Rules and Regulations, Article 1 Standards of Conduct, Section B. 3(c), provides, in part, that a Chicago police officer "will never act officiously or permit personal

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feelings, animosities, or friendships to influence [the officer's] decisions." Respondent allowed her personal feelings for family members to influence her decisions. Without justification, she violated Uniform and Equipment Specification U04-01 by wearing articles of her uniform while off-duty. She engaged in an unjustified altercation with her sister-in-law while unnecessarily threatening her and displaying her gun. She used her official position for personal gain—to help her brother avoid confrontation while leaving his wife. Respondent's conduct ran counter to the Department's efforts to achieve its policy and goals and brought discredit upon the Department. The Board finds that the preponderance of the evidence supports a finding that Respondent is guilty of the charges set forth in Specification No. 1.

6. Police Officer Nicosia Mathews, Star No. 18006, is **guilty** of violating Rules 2 and 14 in that the Superintendent proved by a preponderance of the evidence the following charges set forth in Specification No. 2:

On or about June 11, 2018, at approximately 9:24 p.m., at or near [xxxx] 175<sup>th</sup> Place in Country Club Hills, Illinois, Police Officer Nicosia Mathews provided false and/or misleading information to a Country Club Hills Police Officer(s) (including, but not limited to, Country Club Hills Police Officer Luis Serna), in that she claimed that she had just gotten off work, or words to that effect, when she had not, in fact, just gotten off work. Officer Mathews thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department; and
- b. Rule 14, which prohibits making a false report, written or oral.

During the hearing, the Superintendent moved into evidence Officer Serna's body-worn camera footage. The footage shows that when he arrived on scene, he exited his squad car and walked up to Respondent. Respondent was wearing her CPD ballistics vest and her gun was

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holstered to her waist. Respondent immediately told Officer Serna that she had just gotten off work. After Officer Serna visually verified that Respondent was a Chicago police officer, they had a brief conversation about what occurred at the home and she accompanied Officer Serna back to the house.

The Superintendent established that Respondent told the same lie about just getting off work to a 911 operator just minutes before she lied to Officer Serna. During her recorded 911 call, Respondent immediately told the operator that she was an off-duty police officer, had come “straight from work,” and that she was still wearing her uniform. Respondent then reported that her brother’s girlfriend was throwing things and “going crazy,” that her brother had not done anything wrong, and that Respondent had been trying to get her brother out of the house peacefully.

In order to prove a violation of Rule 14, the Superintendent must establish that Respondent made a false statement that was both willful and material. During her hearing testimony, Respondent admitted that those statements to both the 911 operator and to Officer Serna were false. Respondent did not challenge the statements’ materiality. Instead, Respondent testified that her statements were unintentional because she was “feeling hysterical.”

The Board finds Respondent’s claim not credible and deeply troubling, especially because she, a sworn Chicago police officer, made the same false statement not once but twice. The body-worn camera footage and recorded 911 call do not portray Respondent as hysterical at all—in fact, she appears and sounds quite calm. Additionally, during her second COPA statement, Respondent contradicted her claim that her statements were unintentional when she admitted that she told the 911 operator and Officer Serna that she had just left work so that she could get the officers’ attention. The Superintendent established that Respondent’s true purposes

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for lying to Officer Serna and to the 911 operator were to avoid discipline for wearing her uniform off-duty and to bolster her credibility as a witness for her brother.

The Board finds that Respondent's false statement to Officer Serna was both willful and material and that Respondent is guilty of the charges set forth in Specification No. 2.

7. Police Officer Nicosia Mathews, Star No. 18006, is **guilty** of violating Rules 2 and 14 in that the Superintendent proved by a preponderance of the evidence the following charges set forth in Specification No. 3:

On or about February 15, 2019, at the offices of the Civilian Office of Police Accountability ("COPA") located near 1615 West Chicago Avenue in Chicago, Police Officer Nicosia Mathews, during an audio-recorded interview, provided false and/or misleading information to COPA, in that she denied that she wore one or more articles of her Chicago Police Department uniform (including, but not limited to: her firearm and/or vest) on or about June 11, 2018, at approximately 9:24 p.m., at or near [xxxx] West 175<sup>th</sup> Place in Country Club Hills, Illinois, or words to that effect, when she had, in fact, worn one or more articles of her Chicago Police Department uniform on that date, time, and location. Officer Mathews thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department; and
- b. Rule 14, which prohibits making a false report, written or oral.

During Respondent's February 15, 2019, COPA interview, Respondent explicitly denied that she wore her police vest or gun at or near the Pugh's home but recalled that she was, in fact, wearing her badge that night. Officer Serna's body-worn camera video footage, which begins at approximately 9:22 p.m., proves that Respondent's statement to COPA was false by showing that Respondent was wearing her ballistics vest and gun at that time.

Respondent's false statement was both willful and material, and her contention that she was simply mistaken is disingenuous, particularly since she had been so intentional about saying

to Officer Serna and the 911 operator that she had just come from work, justifying her attire. Prior to her interview, Respondent knew that COPA was investigating an allegation that she wore articles of her Chicago Police uniform while off-duty against department policy. When asked by the investigator whether she wore her vest and firearm on that date and time, she specifically denied wearing those articles—she did not tell the investigator that she could not recall whether she was wearing them or not.

Respondent argued that prior to her initial COPA interview, COPA investigators should have shown her the portion of Officer Serna’s body-worn camera footage that depicted her wearing her vest and gun. We disagree. Only eight months had passed since the incident and when asked whether she had been wearing articles of her uniform on the night of the incident, Respondent could have simply responded that she did not recall.

Respondent’s statement to COPA that she was not wearing her vest or gun that night was materially false and she knew it was false -- it was designed to shield herself from disciplinary action and to escape responsibility for abusing her authority as a Chicago police officer. The Board finds that the preponderance of the evidence supports a finding that Respondent is guilty of the charges alleged in Specification No. 3.

### **Disciplinary Action**

8. The Board has considered the facts and circumstances of the conduct of which it has found Respondent guilty, and the evidence presented in mitigation, including Respondent’s complimentary and disciplinary histories.

The Board has considered thoroughly the evidence the Respondent offered in mitigation, including the testimony of the commander of the 6<sup>th</sup> Police District and two Chicago residents

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who are community-policing volunteers, all of whom are familiar with and impressed by Respondent's work as a police officer. In addition, Respondent submitted exhibits documenting her extensive community involvement and her complimentary history that shows she has earned 18 total CPD awards, including one Problem Solving Award, one Joint Operations Award, ten honorable mentions, two emblems of recognition for physical fitness, and one attendance recognition award; she has no sustained complaints on her disciplinary history.

Nevertheless, Respondent's accomplishments as a police officer, the witnesses' evaluations of her work and character, and the lack of prior disciplinary history do not outweigh the seriousness of the misconduct in this case. The Board finds that Respondent's misconduct is incompatible with continued service as a police officer and warrants her discharge from the Chicago Police Department.

Respondent used her position as a police officer in an attempt to intimidate her brother's wife during a domestic dispute. Her doing so brought discredit upon the Chicago Police Department, thereby undermining confidence in the judgment of its officers and the Department's mission. Effective law enforcement depends upon a high degree of cooperation between CPD, other law enforcement agencies, and the public they serve. Conduct such as Respondent's erodes other agencies' and the public's trust of and confidence in Chicago police officers.

Respondent made matters worse by attempting to cover up her misconduct of unjustifiably wearing articles of her CPD uniform by making an intentional materially false statement to a responding police officer and to COPA investigators. Respondent's dishonesty relates directly to her public duties as a police officer and render her unfit to hold that office. Trustworthiness, reliability, good judgment, and integrity are all material qualifications for any

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job, particularly one as a police officer. The duties of a police officer include making arrests and testifying in court, and a police officer's credibility is at issue in both the prosecution of crimes and in the Police Department's defense of civil lawsuits. A public finding that a police officer knowingly made a false material statement to a responding police officer and to COPA is detrimental to the officer's credibility as a witness and, as such, is a serious liability to the Department. *See Rodriguez v. Weis*, 408 Ill.App.3d 663, 671 (1<sup>st</sup> Dist. 2011).

The Board finds that Respondent's conduct is sufficiently serious to constitute a substantial shortcoming that renders her continuance in her office detrimental to the discipline and efficiency of the service of the Chicago Police Department, and is something that the law recognizes as good cause for her to no longer occupy her office.

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### **POLICE BOARD DECISION**

The members of the Police Board of the City of Chicago hereby certify that they have read and reviewed the record of the proceedings, viewed the video-recording of the entire evidentiary hearing, received the oral report of the Hearing Officer, and conferred with the Hearing Officer on the credibility of the witnesses and the evidence. The Police Board hereby adopts the findings set forth herein by the following votes.

By votes of 8 in favor (Ghian Foreman, Paula Wolff, Steven A. Block, Mareil  B. Cusack, Michael Eaddy, Steve Flores, Jorge Montes, and Andrea L. Zopp) to 0 opposed, the Board finds Respondent **guilty** of the charges in Specification Nos. 1 – 3, as set forth in Section Nos. 5 – 7 above.

As a result of the foregoing and for the reasons set forth in Section No. 8 above, the Board, by a vote of 8 in favor (Foreman, Wolff, Block, Cusack, Eaddy, Flores, Montes, and Zopp) to 0 opposed, hereby determines that cause exists for discharging Respondent from her position as a police officer with the Department of Police and from the services of the City of Chicago.

**NOW THEREFORE, IT IS HEREBY ORDERED** that Police Officer Nicosia Mathews, Star No. 18006, as a result of having been found **guilty** of all charges in Police Board Case No. 21 PB 2993, be and hereby is **discharged** from her position as a police officer with the Department of Police and from the services of the City of Chicago.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Ghian Foreman, Paula Wolff, Steven A. Block, Mareil  B. Cusack, Michael Eaddy, Steve Flores, Jorge Montes, and Andrea L. Zopp.

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DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 16<sup>th</sup> DAY  
OF JUNE, 2022.

Attested by:

/s/ GHIAN FOREMAN  
President

/s/ MAX A. CAPRONI  
Executive Director

**DISSENT**

The following members of Board hereby dissent from the findings and decision of the majority of the Board.

[None]

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RECEIVED A COPY OF

THESE FINDINGS AND DECISION

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.

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DAVID O. BROWN  
Superintendent of Police