

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1062528

ALLEGATIONS:

On 28 May 2013, at approximately 1833 hours, Sergeant A, #XXXX, Unit XXX, telephoned the Independent Police Review Authority on behalf of Subject 1 and registered this complaint with IPRA Investigator A. It is alleged on 28 May 2013, at approximately 1521 hours, at XXXX W. 84th PL, off-duty Officer A, #XXXX, Unit XXX 1) pushed Subject 1 without justification; 2) grabbed Subject 1 by her neck and repeatedly shoved her; 3) pointed a gun at Subject 2 without justification; 4) called Subject 2 a “motherfucker;” 5) pushed the barrel of his firearm against Subject 1’s body; 6) engaged in an unjustified verbal altercation with Subject 1; 7) engaged in an unjustified physical altercation with Subject 1; 8) engaged in an unjustified verbal altercation with Subject 2; 9) engaged in an unjustified physical altercation with Subject 2.

It is also alleged that on 05 June 2013, at approximately 2055 hours, at XXXX S. Michigan Avenue, Officer A: 10) was arrested regarding the issuance of a warrant.

INVESTIGATION:

In his **Initiation Report**, Sergeant A reported that Subject 1 alleged that she and her husband, Officer A, were involved in a verbal argument. Officer A grabbed her by her arms and she began to yell and scream. Her son, Subject 2, came to her aid brandishing a BBQ tool, described as a tong or skewers. Officer A then drew his firearm, at which time all parties stopped and left the house. Sergeant A did not observe Subject 1 to have any injuries. (Att. 4)

In a statement to IPRA on 29 May 2013, Subject 1 stated on the day of the incident she and her husband, Officer A, were arguing in their basement. During the argument Officer A agreed to leave the home and told Subject 1 he would remove his belongings from the home the following day. Officer A walked up the stairs from the basement to the first floor and Subject 1 walked behind him, telling him to take his belongings now. Officer A turned and pushed Subject 1. Subject 1 did not fall, but grabbed Officer A and they continued to argue. Officer A then grabbed Subject 1 by the front of her neck and repeatedly pushed her. Subject 1’s son, Subject 2, who was awoken by their arguing, approached Officer A, yelled at him and demanded he release Subject 1. Subject 2 then retrieved a stick and approached Officer A, again demanding that Officer A release Subject 1. Officer A then removed his firearm from the holster on his hip and pointed it at Subject 2. Subject 2 then ran back upstairs to the first floor of the home and called 911. Subject 1 saw her fifteen year-old son, Citizen 1, in the kitchen near the basement stairs. Subject 1 stated that when Subject 2 ran upstairs Officer A grabbed her and pressed the barrel of his gun into her right side. Subject 1 attempted to pull away, but Officer A held her by her arm. During the altercation, Officer A repeatedly called Subject 2 a “motherfucker.” Officer A released Subject 1 and she ran upstairs. Officer A left the house and met the responding officers outside, where he told them that Subject 2 struck him on his face. Subject 1 stated that she did not see Subject 2 strike Officer A. Subject 1 stated that she sustained red marks on her neck and scratches on her arms, but she never sought or

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1062528

received any medical attention. (Att. 56)

In a statement to IPRA 05 June 2013, Subject 2 stated on the night of the incident he was asleep in his bedroom when he was awoken by the argument between Officer A and Subject 1. Subject 2 exited his bedroom and found Officer A and Subject 1 arguing on the landing near the back door. Officer A was holding Subject 1 by her arms, and Subject 2 pushed his body between them to separate them. Subject 2 pushed Officer A, and Officer A slipped half-way down the stairs to the basement. Subject 2 walked up the stairs to the first floor because he saw his younger brother, Citizen 1, at the top of the stairs. Subject 2 then turned to look at Officer A, and saw Officer A pointing a gun at him. Subject 2 ran up the stairs into the kitchen and grabbed a long grilling fork from the counter while telling Citizen 1 to get his cell phone to call the police. Fearing that Officer A would shoot him because he was holding the fork, Subject 2 put the fork down. While Subject 2 was on the phone with 911, Officer A ran out of the house through the back door. Subject 2 did not see Officer A point his gun at Subject 1. Subject 2 did not see Officer A place the barrel of his gun against Subject 1's body. Subject 2 did not see Officer A grab Subject 1 by her neck. The only physical contact he saw was when Officer A held Subject 1 by her arms. Subject 2 denied punching or striking Officer A, but explained that he did push Officer A on his head. Subject 2 heard his mother confront Officer A about pointing the gun. (Att. 55)

In a statement to IPRA on 05 June 2013, Citizen 1 stated that on the day of the incident his father, Officer A, and his mother, Subject 1, were arguing. Citizen 1 stated that he was standing in the kitchen and could see his parents on the landing near the back door of the home grabbing each other and arguing. His brother, Subject 2, who was asleep in his bedroom, came out of his bedroom and retrieved a long barbeque fork from the kitchen counter. Subject 2 then positioned himself between Officer A and Subject 1, at which point he and Officer A began to fight with each other. Citizen 1 saw Officer A and Subject 2 swinging their fists at each other, but he did not see them strike each other. Citizen 1 saw Officer A stumble down the stairs to the basement. Subject 2 began to go down the stairs after Officer A, but Subject 1 pulled Subject 2 up the stairs. Subject 2 ran up the stairs, entered the kitchen, and called 911. Citizen 1 saw Officer A exit the residence through the back door. Citizen 1 did not see Officer A strike Subject 1 or Subject 2. Because his view of them was obscured by the stairwell he did not see Officer A point a gun at anyone and did not see Officer A with a gun at any time during the incident, but added that his view of them was obscured by the hallway at different times of the incident. Citizen 1 never left the kitchen during the incident. (Att. 54)

The **General Offense Case Report (RD# XXXX-XXX)** stated that officers responded to an OEMC dispatch of a Domestic Disturbance involving an off-duty police officer at XXXX W. 84th Place. Upon arrival the responding officers spoke with off-duty Officer A who related that he had a verbal altercation with his wife (Subject 1). The argument became physical when Subject 1 attempted to scratch and bite Officer A. Officer A protected himself by grabbing and holding Subject 1 by her arms. Subject 1's adult son, Subject 2, then approached Officer A. Subject 2, who was armed with a long grilling knife, then punched Officer A multiple times about his head. Fearing

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1062528

for his safety Officer A drew his firearm and ordered Subject 2 to get back. Officer A then fled from the home and dialed 911. Subject 1 told the responding officers that she was not an aggressor in the incident, and that Officer A was the only offender. Subject 2 admitted that he had a physical altercation with Officer A, but that it was in defense of Subject 1. When questioned about him being armed with the grilling knife at the time of the incident Subject 2 stated that it was “after the fact” and declined to answer any follow-up questions. The responding officers were unable to determine who the primary aggressor was. Officer A left the premises. (Att. 5)

PCAD Event#XXXXXXXXXX stated that on 28 May 2013, at 1618 hours, Subject 1 called 911 and reported that her husband pulled a gun on her and fled in a gray HaundaiHyundai Sonata.

PCAD Event#XXXXXXXXXX stated that on 28 May 2013, at 1620 hours, Subject 2 telephoned 911 and reported that his stepfather, who is a Chicago Police Officer, pulled a gun on his mother and then fled in a gray Honda Sonata about 8 minutes ago.

PCAD Event#XXXXXXXXXX stated that on 28 May 2013, at 1621 hours, off-duty Officer A called 911 and reported that his wife’s son struck him on his face.

PCAD Event#XXXXXXXXXX stated that on 28 May 2013, at 1631 hours, Subject 1 telephoned 911 and reported that Officer A is in his gray Hyundai parked at XXXX S. St. Louis Street.

PCAD Event#XXXXXXXXXX stated that on 28 May 2013, at 1636 hours, Citizen 2 telephoned 911 and reported that her stepfather, a Chicago Police Officer, is parked at the corner of XXXX S. St. Louis. Citizen 2 further stated that her mother is in the house and is scared for her life, adding that Officer A threatened to shoot their 24 year-old son.

PCAD Event#XXXXXXXXXX stated that on 28 May 2013, at 1649 hours, Subject 1 telephoned 911 and stated that she was still waiting for the police. Subject 1 continued that her husband is a Chicago Police Officer and pulled a gun on her. Subject 1 stated that her husband is at the back door. (Att. 8)

Evidence Technician Photographs of Subject 1 on 28 May 2013 depicted her to have red marks and/or scratches to her right forearm. The photographs did not depict her to have sustained other obvious injury. (Att. 43)

An Emergency Order of Protection (#XXXX / Case No. 13 DV XXXXX) was issued on 31 May 2013. The Order listed Subject 1 as the Petitioner and Officer A as the Respondent. It was alleged in the petition that on 28 May 2013, Officer A grabbed and pushed Subject 1 about her neck and body and pointed a firearm at her. (Att. 20)

The **Arrest Report** stated that on 05 June 2013, Officer A turned himself in to the Chicago

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1062528

Police Department's Internal Affairs Division. Officer A was arrested on Warrant #XXXXXXXXXX for Domestic Battery. The Receiving Screening Record stated that Officer A did not have obvious pain or injury. (Att. 41)

According to the **Cook County Court Docket**, on 04 October 2013 the criminal case against Officer A was Nolle Prosequi and the Order of Protection was dismissed. (Att. 62)

In a statement to IPRA on 22 October 2013, **Officer A** stated that on the night of the incident he and his wife, Subject 1, were arguing inside their home. Officer A stated that when it was time for him to leave for work he began to walk through the kitchen intending to leave through the back door of the residence. Subject 1 would not allow Officer A to leave by standing between him and the door. They continued to argue for a few moments and when he decided he would leave the home through the front door. Officer A turned toward the kitchen and Subject 1 attempted to bite, kick, and scratch him. Officer A stated that he held her by her arms to keep her away from him. Subject 1's son, Subject 2, ran out of his bedroom and approached them. Subject 2 then punched Officer A several times about the right of his head. Officer A released his hold on Subject 1 and Subject 2 retreated into the kitchen. Officer A walked down the stairs to the basement and Subject 1 remained standing by the back door. Officer A stated that because of the stairwell he was unable to see where Subject 2 ran to, but added that almost as quickly as he left he returned. Officer A stated that he saw Subject 2 charging at him with a long barbeque fork in his hand. Fearing that Subject 2 would stab him with the fork, Officer A drew his firearm. Officer A pointed his firearm at Subject 2 and ordered him to stop. Subject 2 stopped and then again retreated into the kitchen. Officer A left the house through the back door. Officer A got into his car and called 911 and reported that he was involved in a domestic incident. Officer A drove around the corner to wait for the police to arrive. When they did, Officer A drove back to the home and was interviewed by the responding officers. Officer A did not recall calling Subject 2 a "motherfucker." Officer A denied pointing his firearm at Subject 1. Officer A denied pressing the barrel of his firearm against Subject 1's body. (Att. 61)

CONCLUSION:

Officer A

IPRA Investigator A recommends that Allegations 1 thru 9; that Officer A pushed Subject 1 without justification, grabbed Subject 1 by her neck and repeatedly shoved her, pointed a gun at Subject 2 without justification, called Subject 2 a "motherfucker," pushed the barrel of his firearm against Subject 1's body, engaged in an unjustified verbal altercation with Subject 1, engaged in an unjustified physical altercation with Subject 1, engaged in an unjustified verbal altercation with Subject 2, engaged in an unjustified physical altercation with Subject 2; be Not Sustained. Subject 2 and Citizen 1 did not witness the beginning of the altercation between Officer A and Subject 1. Officer A stated that the argument became physical when Subject 1 physically attacked him when he attempted to leave the home. Subject 1 stated Officer A became physically aggressive with her when

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1062528

she followed him and told him to remove his belongings from the home immediately.

Although Subject 1 alleged that Officer A pushed her, grabbed her by her neck and repeatedly shoved her, and pressed the barrel of his firearm against the right side of her body, Officer A denied committing the alleged acts. Officer A explained during the altercation Subject 1 attempted to kick, bite, and scratch him, and he only held her by her arms to prevent her from harming him. The accounts provided by Subject 2 and Citizen 1 support Officer A. Subject 2 stated he only saw Officer A holding Subject 1 by her arms. Subject 2 never saw Officer A point a gun at Subject 1. Citizen 1 added that he only saw Officer A and Subject 1 grabbing each other during the argument. Citizen 1 continued that he never saw Officer A point a firearm at anyone during the incident.

Officer A stated while he was holding Subject 1 by her arms to prevent her from harming him, Subject 2 approached him, punched him in the head several times, and then ran up the stairs to the kitchen. Subject 2 quickly returned and approached Officer A while holding a barbeque fork. Fearing Subject 2 would harm him with the fork Officer A drew and pointed his firearm at him and ordered him to stop. Subject 2 then ran back into the kitchen and Officer A exited the home through the back door. Officer A could not recall if he did nor did not refer to Subject 2 as a “motherfucker.”

Although Subject 2 claimed he only grabbed the barbeque fork after Officer A pointed a gun at him, both Subject 1 and Citizen 1 provided accounts conflicting Subject 2. Subject 1 stated she saw Subject 2 holding the barbeque fork when he approached Officer A and placed himself between Officer A and Subject 1. Subject 1 stated that Officer A drew and pointed his firearm at Subject 2 after Subject 2 approached with the fork. Citizen 1 added that Subject 2 grabbed the barbeque fork from the kitchen before approaching Officer A. The evidence revealed investigation revealed insufficient evidence to prove or disprove the allegation.