

INTRODUCTION

The complainant, Subject 1, who was five months pregnant at the time and the accused Officer A, are siblings. Officer A resides at XXXX W. Cullom and has legal custody of three of Subject 1's children: Civilian 1, Civilian 2, and Civilian 3. There is a visitation court agreement set in place that the frequency of the visits between Subject 1 and her children are to be limited and that unsupervised visits with the children were at the discretion of DCFS and its assigned agent.

On 09 June 2015, Subject 1 went to the residence of Officer A without authorization or permission. She wanted to visit her son Civilian 2. Officer A was not home when Subject 1 banged at his apartment door and yelled for him causing a disturbance. Shortly upon Officer A's arrival home, Subject 1 approached and yelled at Officer A and engaged in a domestic altercation with him directing profanities and threats of physical harm at Officer A. Subject 1 also became aggressive toward Officer A when he told her to leave the premises. Subject 1 swung her closed fist at him striking him on the chest and neck. Officer A grabbed Subject 1 by the arms in order to stop the attack and her actions, but due to the gravel on the street, they both fell onto the ground. An altercation ensued between them and two of Subject 1's sons. Officer A and neighbors from the area called the police. Sergeant A responded and Subject 1 alleged that she was grabbed and thrown onto the ground by Officer A.

ALLEGATIONS

On 09 June 2015, at 2330 hours, Sergeant A #XXXX of Unit XX, telephoned CPIC and spoke with Officer B to register a complaint on behalf of Subject 1. Subject 1, alleged that on 08 June 2015, at 2034 hours, at XXXX W. Cullom Ave., her brother, **Officer A #XXXXX of Units XXX/XXX:**

- 1) Engaged in a verbal altercation with Subject 1 for no reason, a violation of Rule 9; and
- 2) Grabbed Subject 1 and threw her to the ground, a violation of Rule 8.

APPLICABLE RULES AND LAWS

Rule 8 – Maltreatment of a person, while on or off duty.

Rule 9 – Engaged in an unjustified verbal or physical altercation, while on or off duty.

Special Order: SO 08-01-02(IV) (A) (effective date 17 March 2013): Department Member's Involvement with Any Outside Law Enforcement Agency, Government Or Lawful Investigatory Entity. Department members will immediately submit a To-From Subject report to their exempt unit commanding officer whenever they are under investigation by any outside law enforcement agency or governmental or lawful investigatory entity, or have knowledge that another member is under investigation by any law enforcement agency or governmental or lawful investigatory entity, regardless if the member has been contacted by that agency/entity.

INVESTIGATION

In the **Initiation Report**, Sergeant A #XXXX of Unit XXX indicated that the complainant, Subject 1, alleged that during an argument with the accused Officer A,¹ regarding visitation rights to her three children of whom the accused also has legal rights Officer A grabbed her and took her down to the ground causing abrasions to her right arm and knee. Subject A also alleged that her head was sore and that she is five months pregnant. Subject 1 alleged that Officer A also grabbed her stomach. Chicago Fire Department Ambulance XX was on scene, but Subject 1 refused medical treatment. Sergeant A identified various witnesses to the incident and documented their information in the Initiation and Case Reports as Civilian 2, Civilian 1, Civilian 4, Civilian 5, Civilian 6, and Civilian 7. (Att. 4)

The **Original Case Incident Report** (HY #XXXXXX) indicated that Officer A, who was walking home with his niece (Civilian 1) and his nephew (Civilian 2), received a call from his landlord, and learned that there was a woman in front of their residential building banging on the front door yelling for him. The report documented that the woman was Officer A's sister, Subject 1. The case report documented that Officer A is the legal guardian of Civilian 1 and Civilian 2, who are Subject 1's children. Upon reaching the building, Subject 1 charged at Officer A and began to yell and verbally abuse him regarding her rights to see her children. Officer A told Subject 1 to leave the premises, but she refused and continued to be aggressive. In addition, Subject 1 told Officer A that she was "going to find someone to kick his ass and burn his car." The report documented that when Officer A attempted to take a photograph of Subject 1's vehicle, she began to swing at Officer A, striking him on the chest and neck with a closed fist.

At this time, Officer A restrained Subject 1 by the arms to stop the attack and due to the gravel on the street; they both fell onto the ground. While on the ground, Civilian 8 (Subject 1's son) and his friend, Civilian 7, approached Officer A, who was on the ground. Officer A was trying to detain Subject 1 while on the ground, but fearing of receiving a battery allowed her to get up. Officer A walked away as officers responded to the scene. The report documented that Subject 1 is five months pregnant and requested an ambulance. Due to Subject 1's pregnancy, Officer A declined to have Subject 1 arrested for domestic battery. Officer A requested a police supervisor to respond to the scene, to document the incident. The Case report identified various witnesses to the incident: Civilian 2, Civilian 1, Civilian 4, Civilian 5, Civilian 6 and Civilian 7. (Att. 6)

The **Supplementary Report** (HY #XXXXXX) did not provide any further information, since Officer A refused to prosecute Subject 1. There were no other distributions regarding this case which was cleared and closed. The Supplementary Report identified various witnesses to the incident as Civilian 2, Civilian 1, Civilian 4, Civilian 5, Civilian 6, and Civilian 7. (Att. 7)

In her **statement** to IPRA on 12 June 2015, the complainant, **Subject 1**, stated that she went to go visit her son, Civilian 2, who resides with her brother, Officer A. Officer A has custody of three of her children: Civilian 2, Civilian 1 and Civilian 3. Upon arrival to his home,

¹ Officer A was a Probationary Police Officer (PPO) when the complaint was initially registered. Officer completed his probation in April and for the purpose of this report, we will refer to him as Officer. ¹⁰

she engaged in a verbal argument with Officer A, because he told her to leave and threatened to call the police. The altercation took place outside on the sidewalk and during the argument Subject 1's other son, Civilian 8, arrived at the scene with his friend, Civilian 7. Subject 1 stated that Civilian 8 attempted to escort her to Civilian 7's vehicle; as she walked away, Officer A followed behind and Subject 1 felt like she was going to be attacked. Subject 1 turned around with her arms half extended and made contact with Officer A's chest striking him. Subject 1 turned around as Officer A grabbed her arm and shoulder/back area causing them both to lose their balance and fall to the ground. Subject 1 stated that the unlevelled sidewalk was one of the reasons she fell to the ground. Subject 1 stated that during the time that Officer A grabbed her, Civilian 8 was also holding, almost hugging, Subject 1, which also contributed and caused her to fall to the ground.

Subject 1 stated that her fall to the ground was not intentionally done or caused by Officer A, but by the unlevelled ground, her emotions and Civilian 8 holding her. Subject 1 was five months pregnant at the time of this incident. Subject 1 stated that she and Officer A have a scheduled meeting about the custody of her children, since he is currently the legal guardian. She sustained a small cut on the right hand and a scrape on the right knee. A Chicago Fire Department ambulance responded to the incident, but she refused medical attention from the paramedics. She sought medical treatment at Northwestern Hospital later that day. (Atts. 14 – 15)

Subject 1 refused to give permission for IPRA to interview her children **Civilian 8**, **Civilian 2**, and **Civilian 1**. (Att. 24)

Several calls were made to **OEMC** to report the incident involving Officer A and Subject 1. They are documented as followed:

- At 2034 hours – Officer A called 911 from (XXX-XXX-XXXX) to report a domestic altercation with his sister and requested police assistance to remove her from the location.
- At 2037 hours – a call from Civilian 9 (XXX-XXX-XXXX) documented people fighting in the street.
- At 2038 hours – a call from Civilian 10 (XXX-XXX-XXXX) where she stated that six people were fighting with a pregnant woman.
- At 2038 hours – a call from Civilian 11 (XXX-XXX-XXXX) where he stated that a male was fighting in the street with a female yelling she's pregnant. A crowd was gathering.
- At 2039 hours – a call from Subject 1 (XXX-XXX-XXXX) where she reported to be a five months pregnant female who was attacked by her brother and requested EMS.
- At 2039 hours – Officer A called (XXX-XXX-XXXX) and stated that he's an off-duty police officer and requested police assistance. He stated that his sister was hitting him. No weapons were seen and Supervisor A was notified. (Atts. 8 – 10)

In her telephone conversation to IPRA on 16 June 2015, witness **Civilian 10** (who was identified from the OEMC Event Query and 911 calls) stated that she was in her apartment with her boyfriend, Civilian 11, when they heard a woman yelling outside. Civilian 10 looked out the front window and observed a Hispanic female who appeared to be pregnant (now identified as Subject 1) yelling at a man (now identified as Officer A) about children. While Civilian 10

watched, a vehicle with two young men arrived at the scene and pulled up to the curb. One of the young men exited the vehicle, approached and grabbed Subject 1 and pulled her away from the argument. Subject 1 was yelling at Officer A and directing profanities at him. At one point, Subject 1 turned around, swung her purse and struck Officer A. Subject 1 also used her hand to strike Officer A on his chest, but Civilian 10 was not sure if the purse made contact with Officer A. At this time, a young man that was standing next Officer A (now identified as Civilian 2) attempted to stop Subject 1's actions toward Officer A as Officer A grabbed either Subject 1's arms or shoulders. Subject 1 shoved Officer A and somehow they both fell to the ground. Civilian 10 did not know if they had both lost their balance and fell to the ground, or if Officer A had thrown Subject 1 onto the ground.

Civilian 10 stated that one of the young men (now identified as Civilian 8) who arrived in the vehicle engaged in a physical altercation with the other young man (now identified as Civilian 2) that was trying to separate Subject 1 and Officer A. Civilian 10 stated that in between these altercations, she and her boyfriend, Civilian 11 called the police several times. They continued to watch the incident from the window and heard Officer A also call the police to the scene. Civilian 10 stated that it was at that moment that she heard Officer A identify himself as a police officer. The police and an ambulance responded to the scene. Civilian 10 stated that she did not know what injuries if any were sustained by Subject 1 or Officer A. However, she believed that Subject 1 refused medical treatment. Civilian 10 stated that some of her neighbors were outside when the incident occurred, but she did not know their names or contact information. (Att. 23)

In her telephone conversation to IPRA on 16 June 2016, witness "**Civilian 9**" (who was identified from the OEMC Event Query and 911 calls) stated that she was at home when she heard a woman yelling outside. She looked out the front window and saw a Hispanic female who appeared to be pregnant yelling at a Hispanic male. They were outside across the street and the female (now identified as Subject 1) was cursing at the male (now identified as Officer A) something about the kids. Civilian 9 stated that Subject 1 swung her purse at Officer A. There was a young man (now identified as Civilian 2) standing next to Officer A when two other young men arrived on the scene. One of the two young men that arrived at the scene (now identified as Civilian 8) attempted to take Subject 1 away from the scene. However, Subject 1 pulled away from him and continued the argument with Officer A. At one point, Officer A attempted to grab Subject 1 when she swung her purse at him. Civilian 9 stated that she turned around to get her cellular phone to call the police. Upon returning to the window, both Subject 1 and Officer A were on the ground.

Civilian 9 did not observe how they both ended on the ground. Civilian 9 also stated that she observed as Civilian 8 and Civilian 2 engaged in a physical altercation. The police responded, but no one was arrested. Civilian 9 stated that an ambulance responded to the scene, but she was unsure if Subject 1 was taken to the hospital. Civilian 9 stated that several of her neighbors were outside when the incident occurred, but she was unable to identify any of the neighbors by name or contact information. (Att. 22)

In a telephone conversation with IPRA on 11 September 2015, **Civilian 4** stated that on the date of the incident he recalled a pregnant woman (now identified as Subject 1) as being

“crazy,” verbal and physical toward a Hispanic male (now identified as Officer A). During the altercation, Subject 1 slipped and fell to the ground. Civilian 4 terminated the conversation and refused to provide any further information. He provided the phone to his girlfriend, Civilian 5, who provided a separate interview. (Att. 25)

In a telephone conversation with IPRA on 11 September 2015, **Civilian 5** stated that she and Civilian 4 were outside in front of their building when they saw a female (now identified as Subject 1) outside of their building banging on the door. A man (now identified as Officer A) told some kids to go inside. Civilian 5 stated that Officer A resides in the first floor apartment. Subject 1 then stated to him, “You fucking bitch,” “You think you are all tough because you were in the Marines,” and she then told him that she would fight him. Subject 1 was accompanied by her son and another male. Civilian 5 then heard 16-year-old Civilian 1 say that her mom was “crazy.” Civilian 5 observed Subject 1 slip when she attempted to hit Officer A, but she did not see Subject 1 hit the ground. Civilian 5 stated that Officer A had his hands up in front of him to stop Subject 1, but that he never struck or touched her. (Att. 26)

Attempts were made to contact Civilian 9, Civilian 10, Civilian 4 and Civilian 5 to formally conduct an interview with them or have them authenticate their telephone conversations. Personal visits and telephone calls were done, but were all met with negative results. (Atts. 28 – 34)

Numerous **attempts** were made to contact and interview **Civilian 6** and **Civilian 11**. Personal visits were conducted, letters were mailed, and telephone calls were made. All attempts were met with negative results. (Atts. 27, 31 – 34)

Northwestern Medical Hospital Records of Subject 1 from 10 June 2015 documented that Subject 1 was admitted with a complaint of pain to her stomach, abrasions to her left hand and right knee. Subject 1 informed hospital personnel that she was assaulted by her brother after she went to go see her children. Subject 1 stated that during the altercation with her brother, she was thrown to the ground onto her stomach then he jumped on her back. The final diagnosis was abdominal pain. (Att. 36)

A **canvass** of the location of incident was conducted. The R/I spoke with Civilian 13, who was not a witness to the incident, but related that her husband, Civilian 14, was a partial witness. Civilian 13 agreed to provide her husband with the business card. The R/I also spoke with Civilian 15, who was not a witness to the incident, but she identified her daughter Civilian 16, who was not home, as a possible witness. Civilian 15 agreed to have her daughter contact the R/I. No other witnesses or video recordings were located. (Att. 30)

The **Court documents** regarding visitation between Subject 1 and her children documented that the visits between them are to be limited. It also specified that unsupervised visits, their frequency and duration are to be at the discretion of DCFS or its assigned agent after providing all involved parties with a copy of the arranged visits before they take place. (Att. 18)

The **Ambulance** report from the Chicago Fire Department documented that Ambulance #47 responded to the scene at approximately 2043 hours. The report documented that Subject 1

got into an altercation and in the process sustained a small abrasion to the right knee, and left hand, and a small bump on the head. Subject 1 wanted an ice pack, no further medical treatment as she would go to her own doctor. The ambulance report documented that Subject 1 was 18 weeks pregnant, denied any trauma to the baby or any vaginal discharge. Subject 1 denied any pain to her abdomen or any other medical problem. She refused the paramedics medical attention and signed a refusal form. (Att. 21)

Evidence Technician photographs taken of Subject 1 on 09 June 2016 depicted an abrasion to the left hand and the right knee. No other injuries were located or alleged. (Att. 35)

CONCLUSION

The Reporting Investigator recommends that **Allegation #1** against **Officer A** that he engaged in a verbal altercation with Subject 1 for no reason, a violation of Rule 9, be closed with a finding of **UNFOUNDED**. Although an altercation ensued between Subject 1 and her brother Officer A, it was Subject 1 who initiated the argument when she went to Officer A's residence on an unscheduled day and refused to leave the premises upon request. Subject 1 admitted that she went to visit Civilian 2 to give him money and became upset when Officer A told her to leave. According to witnesses from the area, Subject 1 yelled and directed profanities at Officer A, causing a disturbance with her actions. Subject 1 admitted that she was upset and emotional on that day and requested to drop the allegations against Officer A. Based on the totality of the circumstances, the various accounts of witnesses from the area and Subject 1's own description of her actions, there is no evidence in support of the allegation against Officer A. Therefore, this allegation against Officer A in connection to this case should be closed Unfounded in accordance with the S.O. 08-01-01, Section II, item C-12, which states that an investigation should be terminated "when it is determined at any time that the complaint is unfounded or the member exonerated" and that no Department members address any allegations in any way and no reports will be requested.

The Reporting Investigator recommends that **Allegation #2** against **Officer A** that he grabbed Subject 1 and threw her to the ground, a violation of Rule 8, be closed with a finding of **UNFOUNDED**. Based on the totality of the circumstances explained in Allegation #1, the accounts of the witnesses that were at the scene, and by Subject 1's own admission, the incident did not occur as alleged. Subject 1 stated that she was upset and she lost her balance when she turned around to strike Officer A with her purse. The witness Civilian 4 and Civilian 5, who were outside at the time of the incident and a few feet away from where Subject 1 and Officer A were located, denied seeing Officer A throw Subject 1 to the ground. Additional identified witnesses stated that they did not see Officer A grab or throw Subject 1 on the ground. Therefore this allegation against Officer A in connection to this case should be closed Unfounded in accordance with the S.O. 08-01-01, Section II, item C-12, which states that an investigation should be terminated "when it is determined at any time that the complaint is unfounded or the member exonerated" and that no Department members address any allegations in any way and no reports will be requested.