

INTRODUCTION

On 16 August 2015, Officer A and Subject 1 were on a date and were consuming alcohol throughout the evening. While returning back to Officer A's residence, they both engaged in a verbal altercation that escalated to directing profanities at each other. Officer A arrived at his residence and parked his vehicle inside his garage and the argument escalated into a physical altercation. Officer A and Subject 1 both admitted to engaging in a verbal and physical altercation that resulted in Officer A calling the police. They both displayed visible injuries as a result of their physical altercation.

BACKGROUND

Officer A and Subject 1 have been in on-again and off-again relationship since 2009. During their relationship, on 02 December 2013, Subject 1 joined the Chicago Police Department as a Probationary Police Officer (PPO).

On 06 July 2014, Officer A and Subject 1 were involved in domestic altercation in which Officer A alleged that Subject 1 battered him; Log #1070174 was initiated. Subject 1 was terminated from the Chicago Police Department and the investigation was halted and interviews were not taken from either Officer A or Subject 1.

ALLEGATIONS

On 16 August 2015, at 0027 hours, Sergeant A, Star #XXX, initiated this complaint on behalf of the alleged victim, Subject 1.

Subject 1, alleged that on 16 August 2015, at about 2300 hours, at XXXX W. Cullerton Street, **Officer A Star #XXXX, Unit XXX**, while off duty:

- 1) Engaged in a verbal altercation with her, in violation of Rule 9;
- 2) Directed profanities at her, in violation of Rule 9;
- 3) Grabbed her food and smashed it against the windshield of her car; in violation of Rule 2;
- 4) Grabbed her hair and pulled her out of his vehicle and threw her to the ground, in violation of Rule 8;
- 5) Pushed her back and caused her to fall on the ground, in violation of Rule 8;
- 6) Choked her, in violation of Rule 8;
- 7) Repeatedly struck her head against the ground, in violation of Rule 8;
- 8) Grabbed her by the hair and leg and dragged her out of his property, in violation of Rule 8;
- 9) Threw her cell phone to the ground and stomped on the phone, in violation of Rule 8.

IPRA Investigator A, Star #XXX also alleged that on 16 Aug 15, at about 2300 hours, at various locations, **Officer A Star #XXXX, Unit XXX**, while off duty:

- 10) Consumed alcohol within a four-hour period preceding the start of his scheduled shift, in violation of Rule 6.

APPLICABLE RULES AND LAW

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 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: Engaged in any unjustified verbal or physical altercation with any person, while on or off duty.

Special Order 08-01-02: Special situations involving allegation of misconduct.

INVESTIGATION

The **Initiation Report**, completed by Sergeant A, #XXX, documented that, on 17 August 2015, she responded to a domestic call made by Officer A. Upon arrival, Sergeant A met with Officer A, who informed her that he and his girlfriend, Subject 1, had engaged in a verbal altercation that had escalated to being physical with each other. According to Officer A, Subject 1 spilled a drink on him and struck and scratched him about his neck and face, causing injury. Sergeant A was informed by Subject 1 that Officer A grabbed and dragged her across the floor of the garage, causing injuries to her left knee and elbow. Officer A and Subject 1 were relocated to the police station where an Evidence Technician took photographs of their injuries. Officer A and Subject 1 both refused medical treatment and refused to sign criminal complaints against each other. (Att. 4)

The **General Offense Report and Supplemental Report (RD#HY-XXXXXX)** documented that, on 16 August 2015, at approximately 2320 hours, at XXXX W. Cullerton St., the victim, Subject 1 and Officer A both engaged in a domestic altercation. The report states that the altercation escalated from an argument into a physical altercation. While parked inside the garage, Subject 1 spilled a cup of soda on Officer A and scratched him about the head and neck, causing visible injuries. The reports states that Officer A grabbed Subject 1 and pulled her away from his property, causing her to fall and injure her right knee. Evidence Technician (ET) photographs were taken of Officer A and Subject 1; both refused to sign complaints against each other. (Atts. 5-7)

In a **statement to IPRA** on 20 August 2015, the alleged **victim Subject 1** said that she and Officer A had been in a dating relationship for about five years. Subject 1 said that they lived together for six months about two years ago, but are no longer dating and do not have any children together.

Subject 1 said that, on 16 August 2015, she met Officer A at his residence and they went on a date. Subject 1 parked her vehicle in his garage and they left together in Officer A's vehicle to attend a neighborhood festival. While at the festival, Subject 1 said that she drank about two or three Sangrias while Officer A was drinking beer. Subject 1 said they visited other bars and she had about one or two vodka tonics while Officer A continued to drink beer. While at the festival, Subject 1 made a comment that she thought she had seen an ex-boyfriend. Subject 1 said that Officer A became upset at hearing the comment and they began to argue with each other.

Subject 1 said that Officer A called his job in order to request time and be allowed to start his shift later. Subject 1 said that they left the festival to buy some food near 18th and Halsted Street. Subject 1 said that Officer A parked his vehicle about a block away from the restaurant and she found it odd that he had parked so far away. At that point, Subject 1 said that she decided to move his vehicle onto 18th Street which was closer to the restaurant. Subject 1 telephoned Officer A to inform him where she had parked his vehicle, but he did not answer his phone. Subject 1 said that Officer A finally called and she informed him where she was parked.

When Officer A arrived, Subject 1 said that he began to yell and said, "Don't fuckin' touch my car, like a dumb bitch," and "Who the fuck do you think you are, to like touch my car."¹ Subject 1 said that Officer A continued talking while driving to McDonalds to buy her food and then to his residence. Subject 1 said that Officer A would not stop complaining and Subject 1 said, "Shut the fuck up already,"² and "You're such a pussy, dude."³

Subject 1 said that, after Officer A drove back to his residence and parked his vehicle in his garage, the altercation began to escalate. Subject 1 described that Officer A got into her face and she startled back, causing her to spill her coke drink from her hand. Subject 1 said that Officer A became irate; exited the vehicle and opened the passenger side door. Officer A then grabbed Subject 1 by her hair and dragged her out and threw her to the ground. Subject 1 said that Officer A then grabbed her food and began to smash it against the hood and windshield of her vehicle that was also parked in the garage. Subject 1 said that she grabbed Officer A by the back of his shirt and attempted to pull him away from her vehicle.

Officer A said, "bitch don't fuckin' touch me"⁴ and pushed Subject 1 causing her to fall to the ground. While on the ground, Subject 1 said that Officer A got on top of her and she began to kick and fight him off of her. At this point, Officer A said "get the fuck off of my property"⁵ and grabbed Subject 1 by her hair and leg and dragged her off his property. Subject 1 got up and ran back inside the garage and entered her vehicle and

¹ Att. 39, Transcription statement of Subject 1, Page 13, Lines 9-12.

² *Id.* at Page 13, Line 32.

³ *Id.* at Page 14, Lines 1-2.

⁴ *Id.* at Page 17, Line 8.

⁵ *Id.* at Page 18, Line 23-24.

attempted to drive away. While inside her vehicle, Officer A grabbed Subject 1 again by her hair and dragged her out of her vehicle and onto the ground. According to Subject 1, while she was on the ground, Officer A got on top of her again and began to choke her and bang her head against the ground. Subject 1 said that Officer A grabbed her by a leg and dragged her off his property.

Subject 1 said that she attempted to call 911 several times, but the calls got disconnected. Subject 1 said that Officer A called the police and while waiting for the police to arrive, Officer A threw her cell phone to the ground and stomped on it. When the police arrived, Subject 1 became extremely emotional while speaking to a sergeant, now known as Sergeant A. Subject 1 told Sergeant A what had occurred and was asked if she wanted medical treatment, but she declined. Subject 1 was also asked if she wanted to file a complaint against Officer A and she also declined.

Subject 1 said that on the following day, 17 August 2015, she was feeling pain to her head and went on her own to Evergreen Care Center and Little Company of Mary Hospital for medical treatment. Subject 1 said that she sustained swelling to her head and scratches and bruises throughout her face and body and agreed to sign a medical release.

Subject 1 refused to talk about any prior incidents of domestic violence between her and Officer A. However, Subject 1 said that she did sustain a black eye from Officer A approximately two years prior to the incident, but refused to provide any further details. (Atts. 15, 16, 29, 39)

Medical records from **Evergreen Care Center** report that on 17 August 2015, Subject 1 received treatment after having been involved in a domestic altercation. Subject 1 complained of a headache and reported that her head had been slammed onto the ground. Subject 1 was diagnosed with having abrasions to her tailbone, face, knee and bruising to her neck. Furthermore, Subject 1 was diagnosed with a hematoma to her scalp and was sent to the emergency room at Little Company of Mary Hospital for further evaluation. (Att. 26)

Medical records from **Little Company of Mary Hospital** report that on 17 August 2015, Subject 1 received additional treatment after being assessed at Evergreen Care Center. The report stated that on 16 August 2015, Subject 1 was involved in a domestic incident and was assaulted by her boyfriend, now known as Officer A. Subject 1 reported that Officer A choked her and slammed her head onto the concrete ground and she complained of a mild headache. Subject 1 had bruising to her face and neck area and lower lip contusion and left upper eyebrow contusion and swelling. Subject 1 also had abrasions to her left foot, left knee, left elbow, and across her buttocks. A CAT scan was performed on Subject 1 and the results were negative. (Atts. 17, 32)

In a **statement to IPRA** dated 08 December 2015, the **accused Officer A** said that he has known Subject 1 since the summer of 2009 and they briefly lived together for about two months.

Officer A said that, on 16 August 2015, Subject 1 came to his residence and together they went on a date to the Taylor Festival. Officer A said that they arrived at the festival before 1800 hours and stayed for over three hours. While at the festival, Officer A and Subject 1 drank alcohol. He reported that he drank some beers and Subject 1 drank wine at the festival. Officer A was asked how many beers he consumed and he responded, "Uh, I can't recall that."⁶ Officer A could not estimate how many drinks he consumed, but said "I did have some drinks. As to how many, I don't know."⁷ They stopped at the Drum & Monkey Pub, which was on the route of the festival; he drank more beers there, and Subject 1 drank vodka tonics. Their last stop was at the Ph.D Pub on Halstead Street, where Officer A reported that they each drank 1-2 drinks. Officer A was asked if he felt impaired while driving his vehicle after having consumed alcohol and he responded, "I didn't feel nothing."⁸

After leaving the festival, Officer A drove to 18th & Halsted Street to buy some food. Officer A parked his vehicle on Halsted Street and went to pick up his food while Subject 1 stayed inside his vehicle. When Officer A exited the restaurant, he could not find his vehicle. Officer A said that he walked up and down Halsted Street in the rain and finally received a text message from Subject 1 informing him that she was parked on 18th Street. Officer A said that he was upset with Subject 1 and engaged in a verbal altercation with her. Officer A said that he drove to McDonald's to buy Subject 1 some food and they had a "pretty intense argument"⁹ in his vehicle.

Officer A said that about 2250 hours, he arrived home and parked his vehicle inside his garage. While inside his vehicle, Officer A said the argument escalated to directing profanities at each other and Subject 1 began to argue about their past. Officer A said that he could not recall all the profanities he directed at Subject 1, but may have called her a "bitch."¹⁰ Upon inquiry, Officer A admitted that he called her a bitch during the altercation.¹¹

While inside his vehicle, Officer A said that Subject 1 threw her coke drink on his face and caused it to spill throughout the interior of his vehicle. Officer A told Subject 1, "Okay, well, you know, you don't care about my car, I'm gonna put food on your car and see how you like it."¹² Officer A said that he grabbed Subject 1's hamburger and fries and threw them onto the windshield of her car.

Officer A denied grabbing Subject 1 by her hair and dragging her out of his vehicle and throwing her onto the ground. Instead, Officer A said that while he was putting the food on her windshield, Subject 1 got out of his car, jumped on his back and began punching and scratching him about his face and body. Officer A said that he

⁶ Transcription of Officer A, Pg. 8, Lines 19

⁷ *Id.* at Page 11, Lines 19-20

⁸ *Id.* at Page 16, Lines 7-10.

⁹ *Id.* at Page 22, Lines 15-17.

¹⁰ *Id.* at Page 25, Line 9.

¹¹ *Id.* At Page 38, Lines 17-21.

¹² *Id.* at Page 26, Lines 20-22.

pushed Subject 1 off him and caused her to fall and to the ground. He reported that she, “landed on her butt, and then, fell backwards.”¹³ Officer A said that Subject 1 got up and continued to go after him. As a result of the limited space inside the garage, Officer A said that he lost his balance and he and Subject 1 both fell to the ground. While on ground, Officer A said that Subject 1 punched, kned, scratched and struck him about the body.

Officer A said that he grabbed Subject 1 around her neck and held her down on the ground in order to stop her from kicking and punching him. Officer A said that he did not squeeze Subject 1’s neck, and denied that he choked her. However, Officer A said, “I was - -just had enough pressure to hold her down to stop her from being on me.”¹⁴ Furthermore, Officer A denied the allegation that he repeatedly struck Subject 1’s head against the ground. Officer A said that Subject 1 continued to be physical and kned him on his rib area, causing him pain. Officer A said that he then took hold of Subject 1 by her hair and either an arm or leg and dragged her out of his garage and onto the driveway.

Officer A said that Subject 1 appeared to be calling 911 and asked him if he wanted to call 911. Officer A said that he called 911 and identified himself as Chicago Police Officer and requested a supervisor to the scene. Officer A said that he informed the responding sergeant, now known as Sergeant A, what had occurred.

Officer A said that he and Subject 1 were both transported to the 012th District and kept in separate rooms. Officer A was shown eighteen Evidence Technician (ET) photographs¹⁵ that were taken of him. Officer A described lacerations and scratches throughout his neck, ear, lower right leg, elbow, and face that were caused during the altercation with Subject 1. Officer A was also shown five ET photographs¹⁶ taken of Subject 1 and Officer A said that he observed a scrape mark on her left knee. Officer A said that injury to Subject 1 may have occurred when he pushed down to the ground or when he dragged her.

Officer A was then shown photographs¹⁷ that were provided by Subject 1 and that depicted abrasions to her left knee, left elbow, swelling and contusion to the upper left eyebrow and showed her damaged cell phone. Officer A was asked to explain how Subject 1 sustained all these injuries and said, “Uh, the only thing I could say is, when I pushed her down, when I was holding her down, and when I was dragging her out.”¹⁸ Officer A denied the allegation that he threw Subject 1’s cell phone to the ground and stomped on the phone; he denied that he ever took Subject 1’s phone.

¹³ *Id.* At Page 29, lines 5-6.

¹⁴ *Id.* at Page 31, Lines 9-10.

¹⁵ ET photographs, Att. 31, Pages 6-22.

¹⁶ *Id.* at Pages 1-5.

¹⁷ Photographs provided by Subject 1 of her injuries, Att. 25, Pages 1-12.

¹⁸ Transcription of Officer A, Page 46, Lines 5-7.

Officer A was shown the General Case Report (RD#HY-XXXXXX)¹⁹ that indicated that Subject 1 was suspected of using alcohol, but not him. Officer A observed the report and admitted that he also had been consuming alcohol. Officer A was scheduled to work at 2100 hours and said, “Uh, I wasn’t planning on going to work so, I was gonna tell them if I could, uh, you know, take some time off, ‘cuz I was, you know, consuming alcohol.”²⁰ At about 2030 hours, Officer A called the district to request the day off and was denied the day off, but said, “I was given permission to have a few hours in the front off, yes.”²¹ Officer A admitted that he violated the Special Order that prohibits police officers to consume alcohol with a four hours period, preceding the start of their previously schedule shift. (Atts. 47, 48).

¹⁹ General Offense Report, Att. 5, Page 2.

²⁰ *Id.* at Page 48, Lines 10-12.

²¹ *Id.* at Page 47, Lines 3-4.

CONCLUSION

In his statement to IPRA, Officer A provided a description of the incident that shared many of the same details that Subject 1 described. Importantly, Officer A did not abdicate responsibility for his actions by casting Subject 1 as the sole aggressor during their verbal and physical dispute. He admitted to committing many of the allegations, even those that did not have physical evidence to support or refute them. Because of his apparent candor, Officer A's credibility is strengthened, including for allegations that he denied.

It is recommended that **Allegation #1** that on 16 August 2015, at about 2300 hours, at XXXX W. Cullerton Street, Officer A engaged in a verbal altercation with Subject 1, , in violation of Rule 9, be **SUSTAINED**. Officer A went to buy takeout food while Subject 1 waited inside his vehicle. When Officer A returned to his vehicle, he discovered that Subject 1 had moved his vehicle. Officer A walked up and down the street and finally received a text message from Subject 1 informing him that she was parked on 18th Street. Officer A became upset with Subject 1 and admitted to engaging in a verbal altercation that escalated into a "pretty intense argument."²²

It is recommended that **Allegation #2** that on 16 August 2015, at about 2300 hours, at XXXX W. Cullerton Street, Officer A directed profanities at Subject 1, in violation of Rule 9, be **SUSTAINED**. Officer A admitted that the verbal altercation escalated to them directing profanities at each other. Officer A said that he could not recall all the profanities that he directed at Subject 1, but admitted he may have called her a "bitch."²³

It is recommended that **Allegation #3** that on 16 August 2015, at about 2300 hours, at XXXX W. Cullerton Street, Officer A grabbed Subject 1's food and smashed it against the windshield of her car, in violation of Rule 2, be **SUSTAINED**. Officer A said that Subject 1 threw her coke drink on his face and caused it to spill throughout his vehicle. However, Subject 1 said that Officer A startled her and caused her to drop her drink. Officer A admitted that he became upset and grabbed Subject 1's food and threw it onto the windshield of her car.

It is recommended that **Allegation #4** that on 16 August 2015, at about 2300 hours, at XXXX W. Cullerton Street, Officer A grabbed Subject 1 by her hair and pulled her out of his vehicle and threw her onto the ground, in violation of Rule 8, be **NOT SUSTAINED** due the insufficient evidence to prove or disprove the allegation. Officer A denied the allegation, and reported that Subject 1 exited his vehicle while he was throwing food onto the windshield of her car. There is no additional evidence to support or refute this allegation.

²² *Id.* at Page 22, Lines 15-17.

²³ *Id.* at Page 25, Line 9.

It is recommended that **Allegation #5** that on 16 August 2015, at about 2300 hours, at XXXX W. Cullerton Street, Officer A pushed Subject 1 back and caused her to fall on the ground, be **SUSTAINED**, in violation of Rule 8. Officer A said that Subject 1 jumped on his back and punched and scratched him about his face and body. Officer A admitted that he pushed Subject 1 back and caused her to fall on the ground.

It is recommended that **Allegation #6** that on 16 August 2015, at about 2300 hours, at XXXX W. Cullerton Street, Officer A choked Subject 1, be **SUSTAINED**, in violation of Rule 8. Subject 1 was consistent in her report to the medical staff and IPRA that Officer A choked her while holding her down on the ground; however this allegation was not included in either the Initiation Report or the Case Report. Evergreen Care Center noted bruising to her neck.²⁴ Officer A's explanation that he did not deliberately squeeze her neck, does not refute Subject 1's allegation that he choked her. Officer A admitted that he grabbed Subject 1 around her neck and held her down on the ground, "I was - -just had enough pressure to hold her down to stop her from being on me."²⁵ Although he denied the allegation, his own description of holding her down by her neck supports Subject 1's allegation that he choked her.

It is recommended that **Allegation #7** that on 16 August 2015, at about 2300 hours, at XXXX W. Cullerton Street, Officer A repeatedly struck Subject 1's head against the ground in violation of Rule 8, be **NOT SUSTAINED** due to the insufficient evidence to prove or disprove the allegation. During this struggle, Subject 1 said that Officer A repeatedly struck her head against the ground. Medical records documented that Subject 1 complained of a mild headache and had a hemoatoma on her scalp. Although the medical reports support that Subject 1 sustained injury to the back of her head that is consistent with this allegation, she could also have obtained this injury at other points in their altercation. Officer A said that he pushed Subject 1 and she fell backwards to the ground. Later in the incident he held her down by her neck while they continued struggling with each other. Given that Officer A specifically denied this allegation, while admitting to other allegations, this allegation should be Not Sustained.

It is recommended that **Allegation #8** that on 16 August 2015, at about 2300 hours, at XXXX W. Cullerton Street, Officer A grabbed Subject 1 by her hair and leg and dragged her out of his property, in violation of Rule 8, be **SUSTAINED**. Subject 1 said that Officer A grabbed her several times by her hair and dragged her away from his property. Subject 1 said that after being dragged out the first time, she ran back inside the garage and attempted to take her vehicle that was parked inside the garage. Subject 1 said that Officer A grabbed her by the hair and leg and dragged her away from his property.

Officer A admitted to grabbing Subject 1 by her hair and taking hold of her arm or leg and dragging her off his property. Officer A was shown photographs of Subject 1's injuries that depicted abrasions to her left knee, left elbow, swelling and a contusion to

²⁴ *Id.* at Page 31, Lines 9-10.

²⁶ Transcription of Officer A, Page 46, Lines 5-7.

the upper left eyebrow. Officer A was asked to explain how Subject 1 sustained all these injuries and he said, “Uh, the only thing I could say is, when I pushed her down, when I was holding her down, and when I was dragging her out.”²⁶

It is recommended that **Allegation #9** that on 16 August 2015, at about 2300 hours, at XXXX W. Cullerton Street, Officer A threw Subject 1’s cell phone to the ground and stomped on it, in violation of Rule 8 be **NOT SUSTAINED** due the insufficient evidence to prove or disprove the allegation. Subject 1 alleged that Officer A stomped on her phone, but Officer A denied that he ever grabbed or damaged her phone. Subject 1 also provided pictures that she took of a phone with a broken screen. Neither the Initiation Report nor the Case Report documented Subject 1’s allegation that Officer A damaged her phone. Due to both Subject 1 and Officer A’s description of their physical altercation, there were many opportunities for her phone to have fallen and broke during this incident.

It is recommended that **Allegation #10** that on 16 August 2015, at about 2300 hours, at various locations, Officer A consumed alcohol within a four-hour period preceding the start of his scheduled shift, in violation of Rule 6 and Special Order 08-01-02, be **SUSTAINED**. Officer A admitted that he consumed alcohol within four hours preceding the start of his shift. Officer A also said that he was not planning on going to work because he was consuming alcohol. Officer A said that he called his district to request the day off and was denied. Officer A said that instead, he was allowed to use several hours of comp time in the beginning of his shift.

²⁶ Transcription of Officer A, Page 46, Lines 5-7.

FINDINGS:**ACCUSED****Officer A, Star #XXXX, Unit XXX**

- Allegation #1** **Sustained – Violation of Rule 9**, “Engaging in any unjustified verbal or physical altercation with any person, while on or off duty,” in that Officer A Star #XXXX, Unit XXX, engaged in a verbal altercation with Subject 1.
- Allegation #2** **Sustained – Violation of Rule 9**, “Engaging in any unjustified verbal or physical altercation with any person, while on or off duty,” in that Officer A Star #XXXX, Unit XXX, directed profanities at Subject 1.
- Allegation #3** **Sustained – Violation of Rule 2**, “Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department,” in that Officer A Star #XXXX, Unit XXX, grabbed Subject 1’s food and smashed it against the windshield of her car
- Allegation #4** **Not Sustained**
- Allegation #5** **Sustained – Violation of Rule 8**, “Disrespect to or maltreatment of any person, while on or off duty,” in that Officer A Star #9654, Unit 008, pushed Subject 1 back and caused her to fall on the ground.
- Allegation #6** **Sustained – Violation of Rule 8**, “Disrespect to or maltreatment of any person, while on or off duty,” in that Officer A Star #XXXX, Unit XXX, choked Subject 1.
- Allegation #7** **Not Sustained**
- Allegation #8** **Sustained – Violation of Rule 8**, “Disrespect to or maltreatment of any person, while on or off duty,” in that Officer A Star #XXXX, Unit XXX, grabbed Subject 1 by her hair and leg and dragged her out of his property.
- Allegation #9** **Not Sustained**
- Allegation #10** **Sustained – Violation of Rule 6**, “Disobedience of an Order/Directive, whether written or oral,” in that Officer] A Star #XXXX, Unit XXX, consumed alcohol within a four-hour period preceding the start of his scheduled shift in violation of Special Order 08-01-02.