

INTRODUCTION:

Subject 1 and Officer A dated prior to the birth of their son, Civilian 1, in June 2012. Subject 1 registered numerous complaints against Officer A beginning in August 2012. Subject 1 dated another Officer B, #XXXXXX, from fall 2012 through spring 2013, becoming pregnant with his child in February 2013. Officer A married Subject 1 in August 2013 under the pretense that she was pregnant with his child. In October 2013, Officer A learned that he was not the father of the child that she was carrying. They divorced in April 2014. Subject 1 had a total of five children: Civilian 2, seventeen years-old; Civilian 3, ten years-old; Civilian 4, seven years-old; Civilian 1, three years-old, and Civilian 5, one-year-old.

Subject 1 was then involved in an abusive relationship with known XXX gang member Civilian 6. Subject 1 was badly beaten by Civilian 6 in May 2015, after which Officer A allowed her to move into his apartment with her children and his son so she could escape the relationship with Civilian 6. Subject 1 obtained Order of Protection # XXXXXXXXXXXX against Civilian 6. Subject 1 made a complaint against Officer A on 21 June 2015, in which she alleged that she and Officer A had struck each other during a domestic dispute inside his vehicle. Subject 1 subsequently declined to cooperate with this investigation and requested that a Drop Complaint Form be sent to her. This form was received via mail at IPRA in early August 2015.

On 09 September 2015, Subject 1 gave a statement to IPRA¹, adding that Officer A had crashed her car while driving drunk on 21 June 2015; lost control of his weapon for twenty-four hours; and that Officer A had coerced her to drop this complaint and then forged her name on the Drop Complaint Form. Log #1075784 was re-opened.

Subject 1 was stabbed to death on 20 February 2016. Civilian 6 was arrested and charged with her murder. Due to the evidence that corroborates Officer A' account of the events, as well as Subject 1' documented past lying, compounded by her addiction issues, established that the misconduct alleged by Subject 1 should be Unfounded, Exonerated and Not Sustained.²

ALLEGATIONS:

This complaint was registered with the Independent Police Review Authority (IPRA) via telephone on 21 June 2015 by Lieutenant A, #XXX, Unit XXX on behalf of the complainant, Subject 1. It is alleged that on 21 June 2015, at approximately 1400 hours, inside a vehicle in the vicinity of XXXX W. Diversey, the accused, **Officer A, #XXXX, Unit XXX:**

1. Engaged in an unjustified physical altercation with Subject 1, in that he slapped her and put his hand over her mouth, in violation of Rule 8;
2. "Hit" Subject 1 on her eye, in violation of Rule 8; and
3. Repeatedly attempted to prohibit Subject 1 from exiting his vehicle, in violation of Rule 9.

¹ This statement to IPRA was recorded under subsequent Log #1077078.

² Subject 1 was convicted of Making a False Report in August 2005. (Att. 72)

It is also alleged that on 21 June 2015, at an unknown time between 0001 hours and 0600 hours, inside the residence at or in the vicinity of XXXX S. Justine, the accused, **Officer A, #XXXX, Unit XXX:**

4. Was intoxicated, in violation of Rule 15; and
5. Failed to properly secure his weapon, in that he dropped his weapon and allowed an unknown male to retain his gun for approximately 24 hours before retrieving his weapon, in violation of Rules 2 and 6.
6. Drove while under the influence of alcohol and was intoxicated, in violation of Rules 1, 2, and 15; and
7. Damaged multiple parked vehicles while driving Subject 1' vehicle, in violation of Rule 2.

It is also alleged that on unknown dates and times between approximately 22 June 2015 and 14 July 2015, the accused, **Officer A, #XXXX, Unit XXX:**

8. Coerced Subject 1 to sign an IPRA Drop Complaint Form and withdraw her complaint of Log #1075784 in order to receive financial support from him, a violation of Rules 2.

It is also alleged that on or about 14 July 2015, at an unknown location, the accused, **Officer A, #XXXX, Unit XXX:**

9. Forged the signature of Subject 1 on an IPRA Drop Complaint Form, in violation of Rule 2.

It is also alleged that on an unknown date in July 2015, at his residence, 5834 W. 64th Street, the accused, **Officer A, #XXXX, Unit XXX:**

10. Verbally abused Subject 1 in that he directed profanity at her by stating, "You know what? Get the fuck out. Get the fuck out of my house," in violation of Rule 9.

APPLICABLE RULES AND LAW:

- Rule 1:** Violation of any law or ordinance.
- 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 of directive, whether written or oral.
- Rule 8:** Disrespect 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 15:** Intoxication, on or off duty.

INVESTIGATION:

In the **Initiation Report**, Lieutenant A wrote that Officer A was involved in a domestic dispute with Subject 1, his ex-wife and mother of his child. Lieutenant A wrote that it was later determined that both parties were mutual combatants and had struck each other, per minor witness, Civilian 3. Witness Sergeant A, #XXXX, Unit XXX, relocated to the XXXth District station to continue his investigation and ensure the safety of Subject 1's children. (Att. 4)

The **Case Report for Simple Domestic Battery** (XXXXXXXXXX) documented that on 21 June 2015 at 1234 hours police officers responded to Wolfram and Oakley for a domestic incident involving off-duty Officer A and Subject 1. Officer A reported that Subject 1 was intoxicated, and that she refused to get in the car to leave with him. Sergeant A, #XXXX, arrived on the scene as officers separated Officer A and Subject 1. Officer A and Subject 1 agreed to go home together and left the scene. Shortly after, Officer A flagged down officers at XXXX W. Diversey and reported that Subject 1 would not go home with him and that she wanted to return to her own home. Officer A told the officers that neither Subject 1 nor her children could return there³ and the officers informed Officer A that he could not control where Subject 1 went. Officer A then stated that he wanted Subject 1 arrested for striking him on the eye causing a bruise.

The children (Civilian 3, Civilian 1, and Civilian 5) were relocated to Sergeant A's squad car due to the heat. Civilian 3 stated that both Officer A and Subject 1 hit each other. Although Officer A and Subject 1 both admitted to hitting each other, they did not say when that occurred. When Officer A was told that the investigation would continue at the XXXth District Station where an ET (Evidence Technician) would be requested, Officer A was upset and stated that he would go to another district to make a report as he left the scene. While at the station, Subject 1 stated that the bruise Officer A referred to was caused by a car accident on XXth and Throop on 20 June 2015. (Att. 5)

The **Event Queries** and **OEMC recordings** documented that Officer A made four calls to 911 on 21 June 2015. In the **first call** to 911 at 12:30:58 hours, Officer A reported that he

³ At this time, Subject 1 gave her address as XXXX S. Justine, the same location where Civilian 6 battered Subject 1 on 27 May 2015. Neither Subject 1 nor Officer A informed Responding Officers that Subject 1 had a valid Order of Protection against Civilian 6.

needed the police at Diversey and Western to help get his intoxicated girlfriend, Subject 1, back inside his car. Officer A stated that he was inside the vehicle with three little kids followed Subject 1 as she walked and that she needed to be restrained. Officer A did not respond when asked what Subject 1 had done to require her being restrained, instead he repeated that Subject 1 was intoxicated and that he had pulled over at Western and Oakley to await the police.

The **second call** to 911 at 12:34:15 hours documented Officer A again requesting the police for help with an intoxicated female and he was heard yelling at Subject 1 to get back in the car. In the **third call** at 12:35:25 hours, Officer A stated that he needed the police at Western and Wolfram, behind the CVS Parking lot, because his highly intoxicated girlfriend was acting crazy and he could not get her back into the car. Officer A also reported that Subject 1 had battered him. Officer A was also heard yelling, "Calm down, calm down," to someone in the background.

The **fourth call** at 12:39:45 hours documented Officer A stating that he had called for the police previously to report that there was a domestic battery in progress in that his intoxicated girlfriend hit him. Officer A reported that his girlfriend, Subject 1, was running in the street. (Atts. 7 -10; 14-18; 21)

In a **telephone call** to IPRA Investigator A on 01 July 2015, Subject 1 stated that she did not want to cooperate with this complaint and requested that a Drop Complaint Letter be sent to her. Subject 1 described the 21 June 2015 incident as a "big misunderstanding" and stated that they were working on their relationship. (Att. 73)

A **Drop Complaint Letter** dated 14 July 2015 and signed by Subject 1 was returned to IPRA via mail. (Atts. 13, 19, 20)

In a **statement** to IPRA on 06 September 2015, **Sergeant A** stated that he responded to a request for a supervisor and saw an intoxicated Subject 1 outside of the vehicle that Officer A sat in. Subject 1 was red-faced and smelled of alcohol, and obviously intoxicated. Subject 1 also refused to get in the car and go with Officer A, who was sober and in no way appeared intoxicated. Sergeant A described Officer A as calm. After speaking with both Subject 1 and Officer A, they agreed to leave the scene together. Subject 1 entered Officer A's vehicle and they drove away together.

Approximately a half block away, Officer A pulled the vehicle over and the officers notified Sergeant A that the vehicle was stopped. Sergeant A approached the vehicle. Subject 1 was inside the vehicle and stated that she did not want to go with Officer A, who kept repeating that he did not want her to go to the address she provided. Sergeant A asked Officer A why Subject 1 should not go to the address, but Officer A did not provide any reasons and instead he was vehement that she and the children could not go back to her residence. Officer A then stated that he wanted Subject 1 arrested because she had struck him. However, Officer A did not say when she struck him.

Sergeant A stated that it was very hot in Officer A's vehicle and proceeded to place the children inside his air-conditioned squad car. Civilian 3, Subject 1's ten-year-old daughter,

stated to Sergeant A that Officer A and Subject 1 had hit each other. Upon further inquiry, Civilian 3 could not say when or where Subject 1 and Officer A had hit each other. Sergeant A told Subject 1 and Officer A that they would continue the investigation at the XXXth District Station. Officer A stated that he would go to a different police station to get a report and an Evidence Technician. Sergeant A stated that he did not give Officer A a direct order to come to the XXXth District Station and did not stop him from leaving the scene.

At the XXXth District Station, Subject 1 did not make any allegations of physical abuse against Officer A. However, Subject 1 stated that the bruise on Officer A's face was caused by an earlier car accident. Sergeant A described Subject 1 as still intoxicated, but coherent. Subject 1's brother was called and he came to take Subject 1 and her children home. Sergeant A stated that he did not observe any visible injury on Subject 1 and that she never stated to him that Officer A had slapped her or put his hand on her mouth. Sergeant A did observe a small scratch near Officer A's eye that appeared to be older and healing. (Atts. 53, 77)

On 09 September 2015, **Subject 1** gave a **statement** regarding the allegations in Log #1077078 in which she also addressed the allegations in Log #1075784. Subject 1 provided several conflicting accounts of how the incident between her and Officer A began on 21 June 2015. Subject 1 initially reported that between March 2014 and September 2015, she did not see Officer A, except for an incident when he responded as an officer to an incident she had with one of her ex-boyfriend.⁴ Alternately, Subject 1 stated that she "bumped into [Officer A] at the gay festival⁵," and reported that they did not plan to see each other there.⁶ Subject 1 later stated that Officer A called her to spend time together on Father's Day (21 June 2015) by attending a festival together. She also stated that Officer A called her so they could have some lunch. Subject 1 later stated that she and Officer A woke up together on the morning of 21 June 2015 inside her residence at XXXX S. Justine at approximately 0830 hours and left to get breakfast.

Subject 1 stated that on the night of 20 June 2015, she attended a La Raza gang party hosted by a woman named "Civilian 7," who was married to a man named "Civilian 8."⁷ The party was at their residence at 48th Street and Laflin. Subject 1 became intoxicated and called Officer A to pick her up from the party when he got off work because she knew he got off work at midnight.⁸ Subject 1 stated that she was blacked out, but remembered cautioning Officer A not to drink the very strong "fishbowl"⁹ drinks that Civilian 7 had prepared and served. However, she recalled seeing Officer A drinking one fishbowl drink. Subject 1 stated that she remained in one room with the ladies at the party while Officer A stayed with the males. Civilian 8 later told her that Officer A was a "sloppy cop" and that he had dropped his gun while

⁴ On 27 May 2015, Officer A responded to a Domestic Battery, XXXXXXXX of Subject 1 and her children by offender Civilian 6. (Att. 67).

⁵ Chicago Pride Fest, on Halsted Street between Addison and Grace occurred on 20-21 June 2015.

⁶ Transcript of Subject 1, Attachment 58, Page 27, lines 11-17.

⁷ Subject 1 could provide no actual address for Civilian 11 and Civilian 8, instead stating that they lived on the corner of Justin and 48th. Subject 1 was unable to provide any telephone numbers or other contact information, such as Civilian 8's real name.

⁸ Initially Subject 1 reported that Officer A ended work at noon and described the party occurring during daytime hours. (Att. 58, Pages 66, 68-72).

⁹ Subject 1 confirmed that a fishbowl was a mixed drink containing very strong alcohol. (Att. 68, Pages 67-68).

intoxicated.¹⁰ Civilian 8 said that he and the other XXXX members kept his gun and removed the bullets, later returning the gun, but keeping the bullets. Subject 1 stated that she did not see this occur.

Subject 1 could not recall how Officer A ended up driving her vehicle and did not recall who gave him the car keys. Subject 1 recalled being a passenger in her vehicle and that Officer A was the driver. She also recalled hearing Officer A strike parked vehicles and that he kept driving. Subject 1 blacked out again and when asked how she knew Officer A was intoxicated, Subject 1 reasoned that intoxication was the only reason Officer A would have struck so many parked vehicles when he drove. Subject 1 stated that she woke up next to Officer A in the apartment on Justine on 21 June 2015. Subject 1 did not know how she got home. However, her 17-year-old daughter, Civilian 2, and her boyfriend, Civilian 9, were asleep in the same room. Officer A told her that Civilian 2 and Civilian 9 brought them home. Subject 1's younger children were not there.

Subject 1 stated that she was no longer intoxicated, just very hung over from the night before, when Officer A told her that he had smashed her car while driving it the night before after they left the La Raza party. Subject 1 went outside and inspected the damage, stating that there was major damage to the front and driver's side of her vehicle. Subject 1, who stated that she did not have insurance, wanted to make a police report, but Officer A told her that he would get fired if she went to the police. Officer A then told her that they would go get her kids and all of them would go eat breakfast. As they drove, Subject 1 demanded that Officer A fix her damaged truck and they argued. Subject 1 stated that she was going to go to the police to tell them that Officer A drove drunk and caused damage to her car and all the other parked cars on the street. Officer A then called the police against her and placed his hand over her mouth as she screamed while he was on the phone with the police. Subject 1 stated that she never hit or struck Officer A in the face.

When the police initially responded, the officers spoke to Officer A while Subject 1 stayed in the car. The officers then drove off, Officer A and Subject 1 drove a short distance before Officer A waved to the officers to come back to his vehicle. Subject 1 stated that they had argued again when the officers initially left about Officer A fixing her damaged car. Subject 1 stated that Officer A slapped her on the left side of her face, leaving a red mark on the left side of her face. Officer A told the officers that Subject 1 had struck him on the eye.

Subject 1 exited the vehicle, told the officers that she did not want to be with Officer A or in his car, at which time the officers called for a sergeant. Officer A demanded that Subject 1 be arrested for striking him on the eye. Subject 1 stated that she was never outside the vehicle prior to exiting when the police came a second time.

When the sergeant, now known as Sergeant A, arrived, Subject 1 stated that he refused to arrest her and instead transported her and her children to the XXXth District where she was instructed to call a family member to come and get her and her children. Subject 1 called her brother, Civilian 10, to pick her up. Subject 1 stated that Sergeant A interviewed Civilian 3 (10 years-of-age) at the XXXth District Station. Subject 1 stated that the injury on Officer A's eye

¹⁰ Transcript of Subject 1, Attachment 58, Page 116, Line 22.

was caused during the early hours of 21 June 2015 when they left the XXX party and he crashed into the parked vehicles when he drove drunk. Subject 1 also stated that Civilian 7, Civilian 2, Civilian 9, and other guests from the party could all attest to Officer A's drunk driving and behavior. However, Subject 1 stated that she said nothing to Sergeant A about Officer A's drunk driving because she did not want him to lose his job. Subject 1 stated that she never filed a Traffic Crash Report and that her vehicle was ultimately repaired by a friend of the family.

Subject 1 also stated that Officer A continued to provide her with financial support on the condition that she drops this complaint against him. Subject 1 further stated that Officer A told her that he stole the IPRA letter out of her mailbox and sent it back to IPRA after forging her signature. Subject 1 confirmed that she had called the Reporting Investigator and had requested to drop this complaint however she stated that she never signed the "Drop Complaint Form." Subject 1 stated that Officer A threw her out of his apartment after he forged the Drop Complaint Form. Subject 1 added that Officer A verbally abused her on an unknown date in July 2015, when he stated to her, "You know what? Get the fuck out. Get the fuck out of my house." (Atts. 24, 58)

In a **telephone call** to IPRA Investigator A on 21 September 2015, **Subject 1** stated that she was homeless and residing in her truck while her minor children stayed with her aunt. Subject 1 stated that witness Civilian 7 was actually named Civilian 11, and that she resided at XXXX S. Justine, not on XXth and Laflin. Subject 1 also stated that the party occurred at XXXX S. Justine, not at XXth and Laflin. All **attempts to contact** witness Civilian 11 were unsuccessful. (Atts. 56, 74)

On 20 October 2015, Subject 1 left a **voicemail** at the IPRA office in which she provided the phone number for witness "Civilian 12," a La Raza gang member who was present at the La Raza party on 20 June 2015. Subject 1 stated that "Civilian 12" was a witness to Officer A being intoxicated and that Officer A had dropped his gun. All attempts to contact witness "Civilian 12" were unsuccessful. (Att. 57)

Two **Traffic Crash Reports** were filed relative to the location of XXth and Loomis on 21 Jun 2015, at approximately 0300 hours. One report named Subject 1 as the owner of the Dodge Caravan that struck the parked vehicle of Civilian 13 and then fled the scene. The second report did not name the hit-and-run vehicle that struck six parked cars on Loomis and a seventh car on XXth Street. The report documented that the offender drove up and down Loomis several times before disappearing on XXth Street. (Atts. 45, 46)

Various **Event Queries** documented six calls to 911 on 21 June 2015, between 03:08:55 and 03 26:27 hours reporting that a hit-and-run driver in a gray Tahoe, was intentionally hitting parked cars on Loomis near XXth Street. Two Event Queries were from the same caller waiting for the police to report that a Hispanic female struck several parked cars intentionally near Loomis and XXth Street and he described the vehicle to be a gray Tahoe. On 21 June 2016 at 0322 hours, another caller stated that someone had hit her vehicle. The last event query for 21 June 2015 at 2305 hours, documented that a caller obtained a traffic crash report XXXXXXXX. (Atts. 28 – 33, 47)

In the **OEMC Recordings** of the 911 calls, a caller who identified himself as “Civilian 14” stated that it was a female Hispanic woman, not a male Hispanic driver as he had reported earlier, who was riding around hitting parked cars. Civilian 14 stated that he did not know the female driver but described the vehicle to be a gray Tahoe. Civilian 15 called several times to report that a gray Dodge Durango struck several parked vehicles including his and fled the scene. (Atts. 28 -33; 34 -44; 47 -48; 66)

[Juvenile content redacted]

On 24 September 2015, **witness Civilian 9** gave a statement to Investigator Webb relative to the allegations in Log #1077078. Civilian 9 identified himself as the boyfriend of Civilian 2 and the brother of La Raza gang member Civilian 6, Subject 1’s boyfriend. Civilian 9 stated that Subject 1 had threatened him and Civilian 2 with physical harm, with arrest and had stolen money and property from them. **Attempts to contact** Civilian 9 to provide a statement relative to this investigation were unsuccessful. (Atts. 59, 62, 75)

In a **statement** to IPRA on 14 September 2015 regarding allegations made against Officer A by Subject 1 in Log #1077078, **witness Civilian 16**, a cousin of Subject 1, stated that Subject 1 had personally told her that she had lied about Officer A in the past to the Police Department. Subject 1 told her that whenever she wanted to get Officer A in trouble, she called IPRA and made false allegations against him. (Att. 76)

In an **accused statement** to IPRA on 27 October 2016, Officer A stated that on 27 May 2015, Officer A learned that Subject 1 had been badly beaten by her boyfriend, known XXXX gang member Civilian 6, who had also introduced Subject 1 to cocaine. When Officer A saw Subject 1, he physically saw how her health had declined. Officer A allowed Subject 1 and his son, along with two of her minor children, ten year-old Civilian 3, and one year-old Civilian 5, to move into his apartment at XXXX W. XXth Street out of concern for the safety of his son. Officer A stated that Subject 1 obtained an Order of Protection against Civilian 6. Officer A wanted Subject 1 and her children away from Civilian 6’s neighborhood. Subject 1 and the children shared the bedroom while Officer A slept in his living room. Officer A stated that their romantic relationship did not resume, that he was trying to help Subject 1 get her life back on track.

Officer A stated that he did not attend a party on 20 June 2015 on Justine Avenue with Subject 1, and denied all allegations made against him by Subject 1 regarding being intoxicated at a gang party with her, and losing his weapon. Officer A stated that Subject 1 did not call him to pick her up from a party on Justine. Officer A stated that he was not intoxicated; did not drive while intoxicated; did not lose possession of his gun; did not encounter XXXX gang members; and that he was not present while Subject 1 drove drunk through the Back of the Yards neighborhood. Officer A stated that he did not encounter Civilian 2 and her boyfriend, Civilian 9 in the early morning of 21 June 2015 and that he did not spend the night with Subject 1 at XXXX S. Justine. Officer A further stated that he was last in that apartment on 27 May 2015.

Officer A stated that he was unaware of Subject 1 being involved in any incident of hit-and-run driving where she damaged multiple vehicles in the area of XXth and Loomis. Officer A

stated that he had no idea why Subject 1 would fabricate this entire incident. Officer A also stated that on an unknown date, Subject 1 told him that she had damaged her car, an older gray Dodge Durango, but did not provide him with details of how the damage occurred.

On 21 June 2015, Officer A stated that he was alone at his apartment when Subject 1 called him and asked him if he wanted to spend Father's Day with Civilian 1, suggesting that they all do something as a family. Officer A picked up Subject 1, Civilian 1, Civilian 3 and baby Civilian 5 from XXXX S. Justine and drove toward the North side so they could attend a street fair in the area of Belmont and Halsted that Subject 1 wanted to attend. Officer A immediately suspected that Subject 1 was under the influence of drugs because her eyes kept twitching and she appeared to have been up all night. Officer A stated that Subject 1's face was bloated and that she appeared unwell, but that he did not specifically smell alcohol on her breath. Officer A stated that he took the Kennedy Expressway to Diversey, going east on Diversey toward the Belmont and Halsted area.

Subject 1 became argumentative when Officer A confronted her about being on something and asking what happened the night before. Subject 1 repeatedly tried to open the door and jump out into the street as Officer A drove. Officer A stated that he pulled her into the car to keep her from jumping out and injuring herself. Officer A stated that he repeatedly called 911 because Subject 1 was erratic and kept trying to run out of the car as it kept moving as he drove down Diversey. Officer A stated that he was concerned about Subject 1 because she was intoxicated on something, acting crazy, and unfamiliar with the area. Officer A was concerned for Subject 1's physical safety.

Officer A denied engaging in an unjustified physical altercation with Subject 1, stating that he did pull on her arm to keep her from running out of the moving car. Officer A stated that he called the police approximately four times for assistance because he was concerned for Subject 1, who was loose on the street, intoxicated, and erratic. The police responded once and Subject 1 agreed to go with Officer A, but she ran out of the car again a block later. At some point, Subject 1 punched Officer A on the eye. The police responded a second time and called for a sergeant.

Officer A stated that the responding sergeant did not believe him and told him to go home because he could not make his girlfriend and her kids go with him. Officer A told the sergeant that he could have Subject 1 arrested for punching him, but was unsure if he said that he was going to get a report at another station. The sergeant agreed to let Subject 1 call her brother to get her and the children from the XXXth District Station.

Subject 1 and the children left with the sergeant while Officer A drove away alone. Officer A felt that the sergeant was being very one-sided and ignoring his complaint. Officer A stated that he was unaware that any complaints or reports against him had been completed prior to be presented with allegations in October 2015.

Officer A reviewed the case report, stating that he did not slap Subject 1 or hit her on her eye, but that he did pull on her arm to keep her from jumping out of a moving car. When asked

why Civilian 3 stated that both Officer A and Subject 1 had hit each other, Officer A stated that Civilian 3 was in the backseat and would have just seen his hands grabbing at Subject 1.

By late June/early July 2015, Officer A asked Subject 1 to leave his residence because she was drinking excessively, abusing drugs, and was extremely difficult to get along with. Officer A stated that he asked Subject 1 to leave his residence, but denied using profanities or telling her to “get the fuck out.” After July 2015, Officer A continued to provide Subject 1 with \$800.00 a month in child support directly into her bank account. Officer A stated that it was a court order, and that he had also helped her to support her other children. Officer A stated that he only stopped paying child support on 06 October 2015 when the court awarded him custody of Civilian 1. Officer A denied coercing Subject 1 into signing a Drop Complaint Form, adding that he had no idea that there had been another complaint filed against him. Officer A stated that he provided child support regardless of the status of his relationship with Subject 1. Officer A also stated that he would not have had access to the Drop Complaint Form that was mailed to Subject 1 to forge Subject 1’s signature in the complaint form. When asked why Subject 1 would make all these false allegations against him, Officer A stated that this was just how Subject 1 was and that she had continuously made false allegations against him in the past when she was angry or wanted to hurt him. (Atts. 62, 79).

CONCLUSION:

The evidence established that Subject 1’s credibility is diminished, especially concerning allegations of misconduct by Officer A. She has a felony conviction for making a false report to 911, and her daughter Civilian 2 reported that she was instructed to lie to IPRA in the past on behalf of her mother. Both Civilian 2 and Officer A reported that Subject 1 had a vindictive personality, as did witness Civilian 16, who further reported that Subject 1 told her that whenever she wanted to get Officer A in trouble, she called IPRA and made false allegations against him.

Regarding the allegations specific to 21 June 2015, Subject 1 provided conflicting narratives about the incident and her living situation with Officer A at the time of the incident; several of her allegations are refuted by evidence provided by independent witnesses. Prior to making the allegations that Officer A met her at the party and became intoxicated, Subject 1 reported that: 1) she randomly encountered Officer A at a street festival, 2) Officer A called her the morning of Father’s Day to invite her and Civilian 1 to attend a street festival, and 3) Officer A called her in the morning and invited her and Civilian 1 to have lunch with him. However when she addressed the allegations that happened in Officer A’s car, she reported that they woke up together at XXXX S. Justine and then left to get breakfast. Officer A flatly denied attending the party with Subject 1, including all of the related allegations, and reported that Subject 1 fabricated that incident. Officer A reported that he received a call from Subject 1 who suggested that they spend time together as a family on Father’s Day; his description aligns with some of Subject 1’s initial accounts describing how they met each other on the day of the incident. Based on her lack of credibility and inconsistent statements, the evidence indicates that Officer A’s version of how they met that day is more credible. Additionally, her allegation that Officer A drove her vehicle while intoxicated is refuted by multiple witnesses who called 911 to report that it was a female Hispanic driver who crashed into multiple vehicles.

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegation #1**, that on 21 June 2015, at approximately 1400 hours, inside a vehicle in the vicinity of XXXX W. Diversey, Officer A engaged in an unjustified physical altercation with Subject 1 in that he slapped her and put his hand on her mouth, in violation of Rule 8. Subject 1 did not specifically inform Sergeant A of these allegations. Subject 1 did not make this specific allegation until she gave her statement at IPRA in September 2016, months after a Dropped Complaint was received. The case report documented that Civilian 3, Subject 1's daughter, stated to the police that Subject 1 and Officer A struck each other. The case report also documented that both Officer A and Subject 1 had stated that they had struck each other in the past. However, the case report never determined when or where Officer A and Subject 1 had allegedly struck each other. Officer A denied slapping Subject 1 and putting his hand on her mouth; he explained that from her seat in the back of his car, Civilian 3 would have seen him reach for Subject 1, and could have mistakenly believed that he struck her. Without additional witnesses, it is impossible to determine if this allegation did or did not occur as alleged.

A finding of **Unfounded** is recommended for **Allegation #2**, that on 21 June 2015, at approximately 1400 hours, inside a vehicle in the vicinity of XXXX W. Diversey, Officer A "hit" Subject 1 on her eye, in violation of Rule 8. Subject 1 did not make this allegation to Sergeant A and it is not documented in the case report. Officer A stated that Subject 1 had struck him on the eye, leaving a bruise. Subject 1 stated that this bruise was caused by an earlier car accident that he had been involved in. Subject 1 did not make this allegation until she provided her statement to IPRA approximately three months later. Subject 1 had no injury. Although Civilian 3 reported seeing them strike each other, as described above, she may have misinterpreted Officer A's actions towards Subject 1. The delay in the reporting of this allegation, when taken in consideration with Subject 1's history of providing false accounts to IPRA in the past, indicates that the preponderance of evidence establishes that this allegation should be Unfounded.

A finding of **Unfounded** is recommended for **Allegation #3**, that on that on 21 June 2015, at approximately 1400 hours, inside a vehicle in the vicinity of XXXX W. Diversey, Officer A repeatedly attempted to prohibit Subject 1 from exiting his vehicle, in violation of Rule 9. There is no dispute that Officer A attempted to keep Subject 1 from exiting his vehicle. He reported that he was concerned about her safety, given her intoxicated state. Sergeant A confirmed that Subject 1 was obviously intoxicated, and Officer A's repeated calls to 911 support that he was concerned about her safety. Taking into account the totality of the circumstances, Officer A's attempts to keep Subject 1 inside his car does not rise to the level of police misconduct.

A finding of **Not Sustained** is recommended for **Allegation #4**, that on 21 June 2015, at an unknown time, between approximately 0001 and 0600 hours, inside the residence, or in the vicinity of XXXX S. Justine, Officer A was intoxicated in violation of Rule 15. As described above, Subject 1's description of this incident is refuted by other evidence and lacks credibility. However, in support of this allegation, Civilian 2 reported that she observed both Subject 1 and Officer A intoxicated at XXXX S. Justine. Nevertheless, Civilian 2 statement did include sufficient information to definitely confirm that her observation of Officer A being intoxicated

occurred on the reported date of the incident; nor was she questioned as to what observations led to her belief that Officer A was intoxicated. Additionally, Civilian 2 reported that in the past she deliberately provided inaccurate information to IPRA regarding allegations of misconduct by Officer A. Attempts to obtain a statement regarding this allegation from Civilian 9 were unsuccessful. Due to the conflicting descriptions of this incident and the parties' lack of credibility, this allegation should be Not Sustained.

A finding of **Unfounded** is recommended for **Allegation #5**, that on 21 June 2015, at an unknown time, between approximately 0001 and 0600 hours, inside the residence at or in the vicinity of XXXX S. Justine, Officer A failed to properly secure his weapon, in that he dropped it and allowed an unknown male to retain his gun for approximately twenty-four hours before retrieving it, in violation of Rules 2 and 6. Subject 1 admitted that she did not witness this. Beyond her allegation based on hearsay, there is no evidence to support this allegation. Officer A denied this allegation. The totality of the circumstances, when coupled with Subject 1's history of false reports, establishes that this allegation should be **Unfounded**.

A finding of **Unfounded** is recommended for **Allegation #6**, that on 21 June 2015, between approximately 0001 and 0600 hours, on various blocks around XXXX S. Justine, Officer A drove while under the influence of alcohol and was intoxicated, in violation of Rules 1, 2 and 15. Officer A denied this allegation. Calls to 911 documented that the driver hitting all the parked cars was a female Hispanic. The vehicle listed as the offending vehicle in various accident reports was identified as belonging to Subject 1. Civilian 2 stated that Civilian 9 told her that Subject 1 was the driver and that he had her exit the driver's seat and parked the car for her to stop her from striking more vehicles with her vehicle. The preponderance of evidence establishes that this allegation did not occur as alleged and should be Unfounded.

A finding of **Unfounded** is recommended for **Allegation #7**, that on 21 June 2015, between approximately 0001 and 0600 hours, on various blocks around XXXX S. Justine, Officer A damaged multiple vehicles as he drove, in that he struck parked vehicles as he drove Subject 1's vehicle, in violation of Rule 2. As described above, the preponderance of evidence establishes that this allegation did not occur as alleged and should be Unfounded.

A finding of **Unfounded** is recommended for **Allegation #8**, that on unknown dates and times between approximately 22 June 2015 and 14 July 2015, Officer A coerced Subject 1 to sign a Drop Complaint Form and withdraw her complaint of Log #1075784 in order to receive financial support from Officer A, in violation of Rule 2. Officer A denied this allegation, stating that he was court-ordered to provide Subject 1 with \$800.00 a month in child support regardless of whether complaints were pending against him. Officer A stated that he could not legally withhold child support from Subject 1. Officer A also stated that he was unaware of Log #1075784 until he was presented with allegations for this investigation in September 2016. Subject 1 also had a history of making false reports. The preponderance of the evidence establishes that this allegation did not occur as alleged and should be Unfounded.

A finding of **Unfounded** is recommended for **Allegation #9**, that on or about 14 July 2013, Officer A forged the signature of Subject 1 on an IPRA Drop Complaint Form. Officer A also stated that he was unaware of Log #1075784 until he was presented with allegations for this

investigation in September 2016, in violation of Rule 2. Officer A denied this allegation, stating that he was court-ordered to provide Subject 1 with \$800.00 a month in child support. While Subject 1 stated that Officer A must have come to her home and taken the letter out of her mailbox, Officer A stated that he had not been inside her apartment since May 2015. Subject 1 also had a history of making false reports. The preponderance of the evidence establishes that this allegation did not occur as alleged and should be Unfounded.

A finding of **Unfounded** is recommended for **Allegation #10**, that on an unknown date in July 2015, at his residence at XXXX W. XXth Street, Officer A verbally abused Subject 1 in that he directed profanity at Subject 1 in that he stated, "You know what? Get the fuck out. Get the fuck out of my house," in violation of Rule 9. Officer A denied this allegation, stating that he asked Subject 1 to leave due to her drug and alcohol abuse but did not use profanity. There are no witnesses. Given the totality of the circumstances, including Subject 1's diminished credibility, this allegation should also be Unfounded.