

## INDEPENDENT POLICE REVIEW AUTHORITY

Log #1079817

### INTRODUCTION:

On 26 March 2016, at approximately 0644 hours, at XXXXX S. Avenue X, Officers A and B responded to a call of a domestic disturbance, and subsequently found Civilian 1 and off-duty Chicago Police Officer C arguing on the street. Investigation revealed that Civilian 1 and Officer C were intoxicated. The responding officers could not confirm Civilian 1's age, address, or personal identifiers, and were also unable to determine the nature of her relationship with Officer C. Sergeant A arrived, and as Sergeant A continued the investigation by speaking with Civilian 1, Officer C removed Sergeant A's copy of the Watch Line-up from his car and threatened Officer A with physical harm. At the XXX District Station Officer C refused a direct order to submit to a breathalyzer, and by the totality of his actions, refused to cooperate with the Administrative Investigation into this incident. Officer C was also arrested and charged with Simple Assault as a result of the threat he made against Officer A.

### ALLEGATIONS:

On 26 March 2016, at approximately 0644 hours, Officer D, #XXXXX, Unit XXX (Deployment Operations Center) telephoned the Independent Police Review Authority and registered this complaint with IPRA Investigator A. It is alleged that on 26 March 2016, at approximately 0607 hours, at XXXXX S. Avenue X, off-duty Officer C, #XXXXX, Unit XXX:

- 1) was involved in a domestic altercation with Civilian 1;
- 2) removed Sergeant A's copy of the Watch Line-up from Sergeant A's car without permission;
- 3) threatened on-duty Officer A by stating, "Do you want me to step out of this car and kick your fucking ass;"
- 4) was intoxicated;
- 5) refused a direct order from BIA Sergeant B to submit to the breathalyzer;
- 6) refused to cooperate with an Administrative Investigation; and
- 7) was arrested for Simple Assault of on-duty Officer A.

### APPLICABLE RULES:

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| Rule 1:  | Violation of any law or ordinance.  |
| Rule 3:  | Any failure to promote the Department's efforts to implementation its policy or accomplish its goals. |
| Rule 6:  | Disobedience of an order or directive, whether written or oral.                                       |
| Rule 7:  | Insubordination or disrespect toward a supervisory member 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.  |

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General Order 08-01: Complaint and Disciplinary Procedures.  
Special Order 08-01-01: Conduct of Complaint Investigation.  
Special Order 08-01-02: Special Situations Involving Allegations of Misconduct.

### INVESTIGATION:

In his **Initiation Report**, Sergeant A, #XXXX, Unit XXX, reported that on 26 March 2016, at 0524 hours, Beat XXX (Officers B and A) responded to a Domestic Disturbance at XXXXX S. Avenue X. Upon arrival, Officers B and A observed a male (NKA Officer C) and a female (NKA Civilian 1) engaged in a verbal altercation on the street. Officer C, who was intoxicated, identified himself as an off-duty Chicago Police Officer and tendered to the officers his identification card. Civilian 1, who also appeared to be intoxicated, was unwilling or unable to provide the officers with any of her personal identifiers. Officers B and A then requested Sergeant A to respond to the scene. Upon his arrival, Officers B and A briefly explained to Sergeant A what was observed thus far. Sergeant A invited Officer C to have a seat in Sergeant A's marked squad car. Sergeant A observed that Officer C had a strong odor of alcohol emanating from his person. Officer C related to Sergeant A that he was at a party down the street. Officer C related that he was at the "guy's house who owns the business at XXX & Ewing." Officer C did not provide that person's name or address. Officer C further explained that he intended to give Civilian 1 a ride home, but he did not know her name or address. Sergeant A then interviewed Civilian 1 who provided her name and her date of birth as being XXXX. Civilian 1, who appeared intoxicated, only replied with the answer, "Lincoln Nebraska."

Sergeant A then heard Officer A instruct Officer C not to mess with the Sergeant's stuff. Officer B related to Sergeant A that Officer C assaulted them, at which time Sergeant A instructed Officers B and A to place Officer C in custody. After being placed in custody, a custodial search of Officer C was conducted on scene. A copy of Sergeant A's Watch Line-up with Sergeant A's notes, which had been left on Sergeant A's PDT inside his squad car, was recovered from Officer C's wallet (Inventory #XXXXXXXXXX). Officers B and A told Sergeant A that Officer C threatened them by saying, "Do you want me to step out of this car and kick your fuckin' ass." Sergeant A transported Officer C to the XXX District Station for processing. Civilian 1 was taken into protective custody and transported to Hospital A where she was placed under observation by Doctor A. While at Hospital A Sergeant A again attempted to interview Civilian 1 to ascertain if she was the victim of any crime. Civilian 1 did not provide Sergeant A with any of her identifiers or further information other than stating that she wanted her father to come and take her and her brother, Officer C, home<sup>1</sup>. (Att. 4)

The related **Department Reports** indicated that Officers B and A, working in full uniform

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<sup>1</sup> Civilian 1 falsely identified Officer C as her brother. Investigation revealed that Civilian 1 and Officer C are not related.

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and in a marked squad car, were dispatched to a Domestic Disturbance at XXXXX S. Avenue X. Once on the scene Officers B and A observed off-duty Chicago Police Officer C and Civilian 1 arguing in the middle of the street. Officers B and A observed that Officer C and Civilian 1 were intoxicated. Officers B and A attempted to interview Civilian 1 and asked for her identification. Civilian 1 was unable or unwilling to give any information, only stating that she was from "Lincoln Nebraska." Officers B and A interviewed Officer C, who was asked several times what transpired. Officer C would not provide a straight answer and when asked who Civilian 1 was he answered, "I don't know who she is." Officer C became agitated and asked for a sergeant. Sergeant A responded and spoke with Officer C inside his squad car. Officer C was left alone inside Sergeant A's squad car while Sergeant A interviewed Civilian 1. Officer A observed Officer C typing on Sergeant A's PDT inside the squad car. Officer A asked Officer C to not touch the sergeant's equipment and Officer C replied, "You're supposed to be my brother!" Officer A said to Officer C, "I'm not your brother." At this time Officer C said to Officer A, "Do you want me to step out of this car and kick your fuckin' ass?" thereby placing Officer A in reasonable apprehension of receiving a battery. Officer C was placed in custody and transported to the XXX District Station for further processing. Civilian 1 was placed in protective custody due to the fact that she was incoherent and appeared to be intoxicated. The officers were unable to determine if Civilian 1 was a victim of a crime. Civilian 1 was transported to Hospital A and placed under observation by Doctor A. Officer C was subsequently charged with Misdemeanor Simple Assault to Officer A.<sup>2</sup>

The Receiving Screening Record stated that Officer C was under the influence of alcohol/drugs. (Atts. 5-7, 10)

Officer A's **Tactical Response Report (TRR)** classified Officer C's actions as that of an "Assailant: Assault" in that he verbally threatened Officer A by saying to him words to the effect, "Want me to get out of the car and beat your fucking ass?" It was reported in the "Subject's Statement Regarding the Use of Force" that Officer C was highly intoxicated and was unable to verbally articulate or understand the current situation. Lieutenant A attempted to interview Officer C, but terminated the interview due to Officer C's inebriated state. (Att. 8)

The related **Property Inventory Reports** stated that the items taken from off-duty Officer C's person and inventoried included a red/white wrist watch, a black wallet containing miscellaneous cards, a black leather badge holder, and a copy of the 1<sup>st</sup> Watch Line-up with the sergeant's notes. (Att. 10)

In **Bureau of Internal Affairs (BIA) Sergeant B's Synoptic Report**, it was reported that on 26 March 2016, at approximately 0655 hours, he was notified by CPIC that a police officer was in custody in the XXX District Station for Assault. Sergeant B contact Lieutenant B of BIA and informed him of the facts. Sergeant B then proceeded to the XXX District Station and met with Lieutenant A. Lieutenant A related that Beat XXX responded to a call of a Domestic Disturbance at

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<sup>2</sup> It was noted that Officer C was unarmed at the time of this incident.

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XXXXX S. Avenue X. Upon their arrival they observed a man and a woman arguing in the middle of the street. They also observed that both subjects were intoxicated. The officers attempted to speak to the female subject, but she refused to provide her name. Officer C was also interviewed regarding the situation. Officer C identified himself as being an off-duty Police Officer. While speaking to the accused he requested that the officers have a supervisor come to the scene. Sergeant A arrived on the scene and spoke with Officer C and the unknown female. Sergeant A placed the accused inside his vehicle in order to speak with him. When Sergeant A exited his vehicle in order to speak to the unknown female, Officer A observed Officer C typing on Sergeant A's PDT. Officer A asked Officer C to not touch the Sergeant's PDT. Officer C replied, "You're supposed to be my brother." Officer A stated, "I am not your brother." Officer C then threatened Officer A by saying words to the effect, "Do you want me to step out of this car and kick your ass." Sergeant A subsequently ordered Beat XXX to place Officer C under arrest for Assault.

After speaking with Lieutenant A, Sergeant B then spoke to Officer C, who was handcuffed to a bench in the processing room. Sergeant B introduced himself to Officer C and explained why he was there. Sergeant B also informed Officer C that since an allegation had been made that he was intoxicated, Sergeant B needed to test him for the presence of alcohol in regards to the Administrative Investigation. At 0750 hours Sergeant B placed Officer C under observation. Sergeant B then prepared the Notification of Charges/Allegations, and the Administrative Rights for Officer C. Sergeant B also received permission from Chief A to relieve Officer C of his police powers because of his arrest. Sergeant B took possession of Officer C's Chicago Police Department Star and Identification Card and provided him a receipt. While Sergeant B prepared the related paperwork, Officer C repeatedly asked what was going on and stated that he was "a good police officer." Sergeant B, indicated in his report that he had to explain the breathalyzer procedure multiple times to Officer C.

At approximately 0827 hours, Officer C was served with his Notification of Charges/Allegations and his Administrative Rights. Sergeant B read the allegations aloud to Officer C in the presence of Lieutenant A. Officer C informed Sergeant B that he would not sign the forms without an attorney. Officer C was informed that an attorney was not required at this time as he was not being asked any questions. Officer C then disputed the allegations and stated that he was not going to sign them. Sergeant B wrote refused on the related paperwork in the presence of Lieutenant A.

Sergeant B again explained the procedure regarding the breathalyzer to Officer C and the reason he was required to submit to the testing. Sergeant B prepared the instrument for the test and handed it to Officer C. Sergeant B stated to Officer C that he needed to blow into the instrument, which was operational. Officer C stated he would not submit to the testing without a lawyer present. In the presence of Sergeant A and Officers A and B, Sergeant B gave Officer C a direct order to submit to the breathalyzer regarding the allegation that he was intoxicated off-duty. Officer C again refused. The breathalyzer instrument was marked as a refusal. Sergeant B then presented to Officer

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C his Notification of Duty Restrictions in the presence of the aforementioned officers and Lieutenant A. Officer C stated he would not sign anything without a lawyer present. Sergeant B completed the form, marking “refused” in the signature box. Officer C was then instructed to report to the Bureau of Internal Affairs on 28 March 2016 for re-assignment. Officer C was also provided with Employee Assistance Program (EAP) and Department assistance brochures. (Att. 35)

The **Office of Emergency Management (“OEMC”) Event #XXXXXXXXXX** indicates that on 26 March 2016, at 0523 hours, Civilian 2 telephoned 911 and reported that a male and female were arguing with each other outside on the side of her house. (Att. 20)

During a telephone conversation with **Civilian 2** on 13 April 2016, she confirmed that she telephoned 911 and reported a man and a woman arguing on the side of her house. Civilian 2 explained that she was asleep when her dog began to bark. Civilian 2 woke up and then heard a male and female arguing on the north side of her house. Civilian 2 looked out the window and saw the couple standing between her house and the neighbor’s house. Civilian 2 did not know what the couple was arguing about, but added that the female subject was crying and repeatedly saying, “You’re not listening to me!” Civilian 2 then telephoned 911. Civilian 2 stated that a several minutes later two police officers arrived and spoke to the male and female subject separately. Civilian 2 stated that she did not hear what was said between the officers and the couple. Civilian 2 went back to the sleep and did not witness any further. Civilian 2 stated that she did not know the male or female subject. (Att. 38)

Attempts to contact **Civilian 1** in furtherance of this investigation were unsuccessful. Multiple attempts to obtain current contact information for Civilian 1 were unsuccessful. The certified letter sent to Civilian 1 in Lincoln, Nebraska was returned “Insufficient address, unable to forward.” The cell phone number she provided was to her father, Civilian 3. Civilian 3 informed the R/I that Civilian 1 did not have a telephone number and that he did not know her current address. He explained that the address Civilian 1 provided was an old address from about five years prior. Civilian 3 agreed to ask Civilian 1 to contact IPRA regarding this investigation. Civilian 1 never contacted IPRA. (Atts. 21, 41, 43, 76)

**Medical Records** obtained from Hospital A document that Civilian 1 arrived in the Emergency Room on 26 March 2016 at 0702 hours. Civilian 1 informed hospital personnel that she was out the night prior and was drinking alcohol. She was brought to the Emergency Room by CPD to ensure she had not been assaulted. Civilian 1 stated that she had no complaints. Civilian 1 explained that she was from Nebraska and that she was visiting family in Chicago. Civilian 1 denied being assaulted. Civilian 1 was evaluated and diagnosed with Alcohol Intoxication. Civilian 1 had no positive indications of abuse. Civilian 1 refused to submit to lab draws, and would not provide a valid telephone number. Civilian 1’s father arrived at Hospital A to take her home and she checked out at 1131 hours. (Att. 42)

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In his statement to IPRA on 06 April 2016, **Officer A, #XXXXX, Unit XXX**, stated that on the morning of this incident he was on-duty and assigned to Beat XXX with Officer B. Officer A stated that he and Officer B were dispatched a Domestic Disturbance call in the vicinity of XXX and Avenue X. Upon arrival Officer A stated he observed Civilian 1 and Officer C standing in a grassy area near the street. Officer C and Civilian 1 were involved in what appeared to Officer A as an argument. Officer A did not know what was said between Officer C and Civilian 1. Officer A stated that he and Officer B separated Officer C and Civilian 1, with Officer B speaking to Officer C while Officer A spoke with Civilian 1. Officer A stated that Civilian 1 appeared to be intoxicated and was unable, or unwilling, to provide him with any relevant information. Officer A stated that Civilian 1 did not have any ID with her. Officer A stated that Officers B and C were approximately ten feet away and he could not hear what was said between them. When Officer B walked back to Officer A, he told him that Officer C was an off-duty police officer.

Officer B then attempted to speak to Civilian 1 while Officer A walked away and spoke with Officer C, who stated that he was a police officer and that he worked in the XXX District. Officer C showed Officer A his police ID. Officer C stated that he did not know Civilian 1's name, but that they had come from his cousin's house. Officer C identified a nearby house as his cousin's, but no one answered when Officer A knocked on the door.

Officer A stated that Officer B then called for Sergeant A to respond. When Sergeant A responded he had Officer C sit in his car so he could speak with him. Officer C was seated in the front passenger seat while he spoke with Sergeant A. A short time later, Sergeant A exited his car and spoke to Civilian 1, who was seated in the backseat of Officers A and B's squad car. Officer A stated that he was standing alongside the passenger side of Sergeant A's car at this time. Officer A stated that he saw Officer C touching Sergeant A's PDT. Officer A stepped closer to the open driver's side window of Sergeant A's car and told Officer C not to touch it. Officer C said, "We're supposed to be brothers," to which Officer A replied, "I'm not your brother."<sup>3</sup>

Officer A stated that Officer C then threatened him by replying, "Do you want me to get outta the car and kick your ass?"<sup>4</sup> Officer A stated that he did not respond in any way to Officer C. Instead, Officer A approached Sergeant A and told him that Officer C threatened him. Sergeant A then instructed them to place Officer C under arrest. Sergeant A, Officer A, and Officer B approached Sergeant A's car, opened the front passenger door, and asked Officer C to get out. Officer C exited and he was handcuffed. During a custodial search Officer B found Sergeant A's Watch Line-Up in Officer C's wallet. Officer C was then placed into the backseat of Sergeant A's car. Sergeant A transported Officer C to the XXX District Station. Officers A and B transported Civilian 1 to the XXX District Station. Civilian 1 was subsequently transported to Hospital A as a precaution due to her intoxication and her inability, or unwillingness, to provide the officers with relevant information. Officer A stated that never saw or spoke to Officer C after he was taken to the

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<sup>3</sup> Transcript of Officer A; P. 19, L. 17

<sup>4</sup> *Id.* at P. 19, L. 20

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XXX District Station. (Atts. 32, 55)

In a statement to IPRA on 06 April 2016, **Officer B, #XXXX, Unit XXX**, related essentially the same information as Officer A. Officer B stated that when they arrived he first observed a male and female subject (NKA Officer C and Civilian 1) arguing in the street. Officers B and A exited their car and approached and separated Officer C and Civilian 1. Officer B spoke with Officer C while Officer A spoke with Civilian 1. Officer B stated that Officer C immediately identified himself as an off-duty police officer assigned to the XXX District. Officer C provided his police ID to Officer B. Officer B stated that Officer C was intoxicated, and explained that Officer C's eyes were blood-shot, his speech was slurred, and his breath smelled of alcohol. Officer B stated that when he asked Officer C what was happening, Officer C would not tell him what transpired or who Civilian 1 was.

After a few moments Officers B and A traded places with Officer B speaking to Civilian 1 while officer A spoke with Officer C. Officer B stated that Civilian 1 was extremely intoxicated, and explained that she stumbled when she walked and slurred her speech when she spoke. Civilian 1 was unable to tell him her name, and only repeated that she was from Lincoln, Nebraska.

Officers B and A then requested a supervisor and Sergeant A responded. Upon arrival, Sergeant A had Officer C sit in the front passenger seat of his squad car so he could speak with him. Officer B stated that he did not hear what was said between Sergeant A and Officer C, and explained that he went and sat in his squad car and continued to try and speak with Civilian 1, who was seated in the backseat. After several minutes Sergeant A exited his vehicle, leaving Officer C alone in the front seat, and went to speak to Civilian 1. Officer B stated that Civilian 1 repeated that she was from Lincoln, Nebraska and that her father was supposed to pick her up. While Sergeant A was speaking with Civilian 1, Officer B saw Officer A lean into the car and speak with Officer C. A few moments later Officer A approached Sergeant A and Officer B and informed them that Officer C was inside on Sergeant A's squad car, typing on Sergeant A's PDT and moving things around, and had threatened Officer A by saying to him, "You want me to get outta this car and beat your ass?"<sup>5</sup> Sergeant A then instructed them to place Officer C in custody. During a custodial search, Sergeant A's copy of the Watch Line-up was found in Officer C's wallet. Sergeant A transported Officer C to the XXX District Station. Civilian 1 was subsequently transported to Hospital A due to her level of intoxication.

Officer B stated that while at the XXX District Station, Officer C was very uncooperative. Officer B explained that Officer C refused to submit to the breathalyzer for a sergeant from the Internal Affairs Division. Officer B stated that two sergeants and a lieutenant explained to Officer C that he could lose his job for refusing to comply with a Direct Order to submit to the breathalyzer. Officer C refused the direct order and never submitted to the breathalyzer, or cooperated with the investigation in any way.

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<sup>5</sup> Transcript of Officer B; P. 17, L. 12

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Officer B did not hear Officer C threaten Officer A. Officer B only saw Officer C looking down at the PDT. Officer B did not see Officer C take Sergeant A's copy of the Watch Line-up. (Att. 51)

In a statement to IPRA on 06 April 2016, **Sergeant A, #XXXX, Unit XXX**, stated that on the morning of this incident he monitored the radio and was aware that Officers A and B responded to a domestic disturbance. After Officers A and B responded to the domestic disturbance Officer B telephoned Sergeant A and informed him that an off-duty police officer was involved. Officer B also told Sergeant A that the female involved was not cooperative and they could not verify her identity. Sergeant A then went to meet with Officers A and B. Officer B told Sergeant A that Officer C was intoxicated and they were unable to determine what had occurred with Civilian 1.

Sergeant A then had Officer C sit in the front passenger seat of his squad car so he could speak with Officer C. Initially, Officer C stated that Officers A and B were disrespectful to him. Sergeant A told Officer C that he (Officer C) was intoxicated and asked him to identify Civilian 1 and explain what occurred. Officer C stated he did not know Civilian 1 and would not explain what occurred, but instead repeatedly said, "I'm a good officer. We're all brothers."<sup>6</sup> Officer C also would not tell Sergeant A where he was coming from or who he was with prior to this incident, and only stated that he met Civilian 1 at a party "down the street."<sup>7</sup> Sergeant A then decided to speak with Civilian 1. Sergeant A exited his squad car, leaving Officer C seated alone in the front passenger seat, with Officer A standing outside the driver's side of the car.

Sergeant A opened the rear door of Officer A's car and spoke to Civilian 1, who was seated alone in the back seat. Sergeant A immediately noticed that Civilian 1 appeared to be very young, and he thought she might be a minor. Sergeant A asked Civilian 1 for her age and date of birth, but she gave conflicting answers. Civilian 1 stated that she was from Lincoln, Nebraska and that she did not know Officer C. While Sergeant A was speaking with Civilian 1 he heard Officer A tell Officer C not to "mess with Sergeant A's things."<sup>8</sup> Approximately a minute later Officer B informed Sergeant A that Officer C had assaulted him. Sergeant A instructed Officers A and B to arrest Officer C. Officers A and B handcuffed Officer C and Officer B removed Officer C's wallet to retrieve his ID for Sergeant A. Inside Officer C's wallet was Sergeant A's copy of the Watch Line-up with his notes written on it. Sergeant A stated that he left his Watch Line-up between his seat and his PDT inside his car. After Officer C was placed into the backseat of Sergeant A's car, Sergeant A asked Officers A and B exactly what did Officer C say. Officer A stated that Officer C threatened him by saying, "Why don't I get outta the car and beat your fuckin' ass."<sup>9</sup> Subsequently, Officer C was transported to the XXX District Station and Civilian was taken to Hospital A as a precaution.

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6 Transcript of Officer C, P. 9, L. 13

7 Transcription of Sergeant A; P. 8, L. 22

8 *Id.*; P. 10, L. 4

9 *Id.*; P. 11, L. 13



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Sergeant A stated that he left Officer C in the processing room with Officer B while he went to Hospital A. Hospital personnel informed Sergeant A that Civilian 1 was 23 years old and that she was refusing to submit to any tests. Sergeant A spoke with Civilian 1, who would only say that she wanted her father to come and get her. Civilian 1 also told Sergeant A that Officer C was her brother. Since Civilian 1 was not under arrest, and apparently not a victim of any crime, Sergeant A left her at the hospital for observation due to her level of intoxication.

Sergeant A did not hear Officer C threaten Officer A. Sergeant A also did not see Officer C take his copy of the Watch Line-up. Sergeant A stated that Officer C was intoxicated at the time of the incident, and that while in the XXX District Station he refused to submit to the breathalyzer test. (Att. 44)

In a statement to IPRA on 08 April 2016, **BIA Sergeant B, #XXXX**, stated that on the morning of this incident, at approximately 0655 hours, he received notification that off-duty Officer C had been arrested for assaulting an on-duty police officer. Sergeant B was also informed that Officer C was intoxicated. Sergeant B proceeded to the XXX District Station, and upon arrival first spoke with Lieutenant A. Sergeant B then went to the processing room and introduced himself to Officer C, who was handcuffed to a wall. Sergeant B explained his purpose for being there to Officer C. Sergeant B explained to him that he is required to cooperate with the Administrative Investigation, including submitting to the breathalyzer test. Initially Officer C agreed to take the breathalyzer test. Sergeant B then began preparing the related paperwork, which included the Notification of Charges/Allegations and his Administrative Rights, as well as the required 20 minute observation time. Sergeant B then read the completed forms to Officer C, and then gave him the forms so he could read them to himself. Sergeant B stated that he read the allegations to Officer C in the presence of Lieutenant A. Officer C refused to sign the paperwork, stating he wanted a lawyer. Sergeant B wrote "refused" on the signature for Officer C, and then he and Lieutenant A signed as witnesses. Sergeant B stated that when the 20 minute observation period was over he prepared the breathalyzer instrument and handed it to Officer C and explained what he would have to do for the instrument to register a reading. Officer C refused to perform the test. Sergeant B stated that he then gave Officer C a direct order to take the breathalyzer test. Officer C again refused to perform the test. Sergeant B then took the instrument from Officer C, pushed the button on it that coincides with "refused," and continued the paperwork that would relieve Officer C of his police powers. Sergeant B relieved Officer C of his Police ID and Star and provided him receipts for them, which Officer C also refused to sign. Sergeant B believed Officer C was intoxicated, as he had his blood-shot eyes and he smelled of alcohol. (Atts. 39, 45)

In a statement to IPRA on 14 April 2016, **Lieutenant A** stated that at the time of this incident she was the on-duty Operational Watch Lieutenant for the X Watch. Lieutenant A stated that on the morning of this incident Sergeant A entered her office and told her that Officer C had been arrested by XXX District Officers. Sergeant A explained what occurred leading up to Officer C threatening

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Officer A and taking Sergeant A's copy of the Watch Line-up. Sergeant A also explained to Lieutenant A that the female subject, Civilian 1, that was with Officer C was highly intoxicated, and that she looked very young but they had been unable to verify her age. Sergeant A also explained that Civilian 1 had been taken to the hospital as a precaution. Lieutenant A then spoke to Officer C, who was handcuffed to a bench inside a holding cell. Lieutenant A stated that Officer C had a strong odor of alcohol on him, slurred his words when he spoke, and appeared to be highly intoxicated. Officer C explained he was offended that he was not given any courtesy by the responding officers. Lieutenant A explained to Officer C the Rules and Regulations and the General Orders of the Chicago Police Department regarding intoxication and arrest when a police officer is involved. Lieutenant A then left to make notifications and was informed that Sergeant B was in the station. Lieutenant A briefly spoke with Sergeant B and apprised him of the situation.

Lieutenant A accompanied Sergeant B when he spoke to Officer C. Lieutenant A stated that both she and Sergeant B explained to Officer C the consequences of his refusal to cooperate with the Administrative Investigation, but Officer C repeatedly refused to cooperate. Lieutenant A was present and heard Sergeant B give Officer C a Direct Order to submit to the breathalyzer, but Officer C still refused, and also refused to sign any of the related paperwork. (Atts. 40, 56)

In a statement to IPRA on 19 August 2016, **Officer C, #XXXXX**, stated that he had no recollection of this incident because he was intoxicated. Officer C explained that on 25 March 2016, sometime after 1400 hours, he went to a family get-together at his sister's home in Schererville, Indiana to celebrate Good Friday and to watch his sister's wedding video. Officer C stated that while he was at his sister's home he consumed several beers. Officer C could not recall if he was drinking Corona, Modelo, or Heineken beer. Officer C stated that last thing he remembered was preparing to leave his sister's home with his brother-in-law's younger brother, "Civilian 4." Officer C did not recall leaving his sister's home. Officer C stated that he has no recollection of meeting Civilian 1, nor having an altercation with her. Officer C had no recollection of the encounter with Officers A and B. Officer C had no recollection of encountering or speaking with Sergeant A, Sergeant B, or Lieutenant A. Officer C stated that he recalled waking up in a jail cell in the XXX District Station, bonding out, and an unknown Sergeant driving him home. Officer C stated that when he woke up in the jail cell he was still intoxicated. Officer C stated that when he got home he went back to sleep and woke up several hours later.

Officer C stated that after this incident occurred he spoke to "Civilian 4," who told him they had left his sister's home, gone to an unknown bar for an unknown amount of time, and then went to the home of Civilian 5, who is a mutual friend. Civilian 5's home is in the XXXXX block of south Avenue X. Officer C stated that he did not know what time, or how long, they were at the bar, and he did not know what time they arrived at Civilian 5's home. "Civilian 4" confirmed to Officer C that they both were intoxicated the night of this incident. Officer C had no recollection as to how much alcohol he consumed on the night of this incident. (Atts. 73, 75)

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### **CONCLUSION:**

The Reporting Investigator recommends a finding of **Sustained** for **Allegation #1**; that on 26 March 2016, at approximately 0607 hours, at XXXXX S. Avenue X, off-duty Officer C was involved in an altercation with Civilian 1. Civilian 2 witnessed Officer C and Civilian 1 arguing outside her home, and felt it was appropriate to telephone 911 and report the altercation. Officers A and B separately provided consistent accounts of this incident. Officers A and B both stated that when they first arrived at the location of incident it appeared to them that Officer C and Civilian 1 were involved in an argument with each other. Officer C was unable to deny or explain the circumstances surrounding the allegation because he could not recall the incident due to the level of his intoxication.

The Reporting Investigator recommends a finding of **Sustained** for **Allegation #2**; that on 26 March 2016, at approximately 0607 hours, at XXXXX S. Avenue X, off-duty Officer C removed Sergeant A's copy of the Watch Line-up from Sergeant A's car without permission. Sergeant A and Officers A and B stated that after off-duty Officer C was placed in custody and handcuffed, a custodial search of his person was conducted. During that custodial search, the copy of Sergeant A's Watch Line-up was found in Officer C's wallet. Although none of the officers saw Officer C take the copy of the Watch Line-up, Officer A did see Officer C making movements inside Sergeant A's car that made Officer A believe that he was typing on Sergeant A's PDT. Sergeant A further stated that he left his copy of the Watch Line-up in his car, between his car seat and the PDT, when Officer C was allowed to sit in the front of the Sergeant A's car. Officer C was unable to deny or explain the circumstances surrounding the allegation because he could not recall the incident due to the level of his intoxication.

The Reporting Investigator recommends a finding of **Sustained** for **Allegation #3**; that on 26 March 2016, at approximately 0607 hours, at XXXXX S. Avenue X, off-duty Officer C threatened on-duty Officer A by stating, "Do you want me to step out of this car and kick your fucking ass." Officer A stated that when he told Officer C not to touch Sergeant A's belongings inside Sergeant A's car, Officer C responded by threatening him. Officer A stated that Officer C said to him, "Do you want me to get outta the car and kick your ass?" Officer A stated that he did not respond in any way to Officer C. Although Officer B did not hear Officer C threaten Officer A, Officer B saw Officer A lean into Sergeant A's car and say something to Officer C, who was seated in the front passenger seat. Officer B was present when, a few moments later, Officer A approached Sergeant A's and Officer B and informed them that Officer C was inside on Sergeant A's squad car, typing on Sergeant A's PDT and moving things around, and threatened Officer A by saying to him, "You want me to get outta this car and beat your ass?" Sergeant A did not hear Officer C threaten Officer A, but he was immediately informed that Officer C assaulted Officer A, thus prompting him to instruct Officers A and B to place Officer C in custody. Officer C was unable to deny or explain the circumstances surrounding the allegation because he could not recall the incident due to the level of his intoxication.

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The Reporting Investigator recommends a finding of **Sustained** for **Allegation #4**; that on 26 March 2016, at approximately 0607 hours, at XXXXX S. Avenue X, off-duty Officer C was Intoxicated. During separate interviews to IPRA, Lieutenant A, Sergeant A, Sergeant B, Officer A, and Officer B, all stated that Officer C was intoxicated. Although Officer C did not submit to the breathalyzer, during his statement to IPRA he stated that he was intoxicated at the time of the incident.

The Reporting Investigator recommends a finding of **Sustained** for **Allegation #5**; that on 26 March 2016, off-duty Officer C refused a direct order from BIA Sergeant B to submit to the breathalyzer. During separate interviews to IPRA Lieutenant A, Sergeant A, Sergeant B, Officer A, and Officer B, all stated that while inside the XXX District Station Officer C refused Sergeant B's Direct Order to submit to the breathalyzer. Officer C was unable to deny or explain the circumstances surrounding the allegation because he could not recall the incident due to the level of his intoxication.

The Reporting Investigator recommends a finding of **Sustained** for **Allegation #6**; that on 26 March 2016, off-duty Officer C refused to cooperate with an Administrative Investigation. During separate interviews to IPRA, Lieutenant A, Sergeant A, Sergeant B, Officer A, and Officer B, all stated that while inside the XXX District Station Officer C refused to cooperate with the Administrative Investigation by repeatedly refusing to submit to the breathalyzer or sign any of the related paperwork. Officer C was unable to deny or explain the circumstances surrounding the allegation because he could not recall the incident due to the level of his intoxication.

The Reporting Investigator recommends a finding of **Sustained** for **Allegation #7**; that on 26 March 2016, off-duty Officer C was arrested for Simple Assault of on-duty Officer A. The related Department reports stated that Officer C was arrested and subsequently charged with Simple Assault for threatening Officer A.

**FINDINGS:**

**Accused:**                    **Officer C**

**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 on 26 March 2016, at approximately 0607 hours, at XXXXX S. Avenue X, off-duty Officer C was involved in a domestic altercation with Civilian 1.

**Allegation #2:**            **SUSTAINED** – Violation of Rule 7: “Insubordination or disrespect toward a

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supervisory member on or off duty;” in that on 26 March 2016, at approximately 0607 hours, at XXXXX S. Avenue X, off-duty Officer C removed Sergeant A’s copy of the Watch Line-up from Sergeant A’s car without permission.

**Allegation #3:** **SUSTAINED** – Violation of Rule 9: “Engaging in any unjustified verbal or physical altercation with any person, while on or off duty;” in that on 26 March 2016, at approximately 0607 hours, at XXXXX S. Avenue X, off-duty Officer C threatened on-duty Officer A by stating, “Do you want me to step out of this car and kick you fucking ass.”

**Allegation #4:** **SUSTAINED** – Violation of Rule 15: “Intoxication on or off duty;” that on 26 March 2016, at approximately 0607 hours, at XXXXX S. Avenue X, off-duty Officer C was intoxicated.

**Allegation #5:** **SUSTAINED** – Violation of Rule 6: “Disobedience of an order or directive, whether written or oral;” in that on 26 March 2016, off-duty Officer C refused a direct order from BIA Sergeant B to submit to the breathalyzer.

**Allegation #6:** **SUSTAINED** – Violation of Rule 3: “Any failure to promote the Department’s efforts to implementation its policy or accomplish its goals;” in that on 26 March 2016, off-duty Officer C refused to cooperate with an Administrative Investigation.

**Allegation #7:** **SUSTAINED** – Violation of Rule 1: “Violation of any law or ordinance;” in that on 26 March 2016, at approximately 0607 hours, at the location of XXXXX S. Avenue X, Officer C was arrested for Simple Assault against Officer A.