

INTRODUCTION:

On March 11, 2015, several off duty Chicago Police Officers ("Group A") attended a social gathering at Facility, a gaming entertainment establishment, located at XXXX W. Webster Avenue. The complainant, Subject 1, is employed as a referee at Facility. She was working as such on the date of the incident and refereed the games of the off duty officer group. As Subject 1 was about to referee a subsequent group ("Group B"), there was an altercation between one of the accused officers (NKA Officer A) and another patron. The patron, Subject 2 struck Officer A and another off duty officer. Subject 1 was struck in the face during this interaction by Officer A, and ended up on the floor. The police were called and accused sergeant, Sergeant A, was a responding officer. Subject 2 was arrested and charged with two counts of Simple Battery.

ALLEGATIONS:

It is alleged by Subject 1 that on 11 March 2015, at approximately 2300 hours, at XXXX W. Webster Avenue, **Officer A #XXXX, Unit XXX:**

- 1) Struck Subject 1 on the face, in violation of Rule 9; and
- 2) Shoved her to the ground, in violation of Rule 9.

It is further alleged that on the same date, time and location, **Officer A #XXXX, Unit XXX:**

- 3) Called Subject 2 a "pussy", in violation of Rule 8

It is alleged that on 11 March 2015, at approximately 2315 hours, at XXXX W. Webster Avenue, **Sergeant A #XXXX, Unit XXX:**

- 1) Failed to initiate a complaint from Subject 1, in violation of Rule 22.
- 2) Refused to provide involved officers' names to Subject 1, in violation of Rule 37.
- 3) Instructed all officers present not to give Subject 1 involved officers' names, in violation of Rule 37.

APPLICABLE RULES AND LAW

Rule 8: Disrespect to 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 22: Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.

Rule 37: Failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank and star number when so requested by other members of the Department or by a private citizen.

INVESTIGATION:

In an interview with IPRA on March 18, 2015, **Complainant Subject 1** revealed that on 11 March 2015, prior to playing games, the Group A placed their belongings in lockers. She refereed the Group A in laser tag and made sure all the lockers were cleared prior to the Group A leaving and the following group entering. When the Group B² entered, Subject 1 told them to place their personal belongings inside the lockers and stand along the wall as she gave the rules.

A female (now known as Civilian 1, sister of Officer B) entered the room exclaiming that she lost her jacket. Subject 1 asked Civilian 1 if she left her jacket in the lockers. Civilian 1 responded and indicated that she left it outside on one of the chairs. Subject 1 asked all those in the waiting room if they had seen the jacket but no one responded. A male off duty officer, now known as Officer B walked toward the lockers. Subject 1 instructed Officer B not to look through the lockers because patrons have their personal belongings in there and that he had no right to go through their belongings. Civilian 1 reached into one of the lockers and started looking through it. Civilian 2 became involved in a verbal altercation with Civilian 1 and told her not to touch her stuff. Subject 2 told Civilian 1 to watch the way she talked to Civilian 2. Officer A who also had entered the room told Subject 2 to mind his own "fucking business". Subject 1 was holding the door open to the laser tag briefing room while standing between Officer A and Subject 2. Subject 2 swung at Officer A striking him under his right eye. Subject 1 shifted between the men to try to prevent further fighting. Officer A swung back at Subject 2, striking Subject 1 on the face and pushed her to the floor. Subject 1 described that the strike to her face was not intentional, but she believed that Officer A pushed her on purpose to get her out of the way. While Subject 1 was on the floor, the members of the Group A rushed in, to go after Subject 2. Subject 1 got up, jumped in front of the Group A and yelled at them to leave the room. She informed them that Subject 2's group had paid for laser tag and was still occupying the room. Officer A told Subject 1 that they were off duty police officers. Subject 1 noted that the Group A was drinking alcohol prior to the incident.

According to Subject 1, Sergeant B beat her downstairs to talk to manager, Civilian 8 to inform him of what occurred. Subject 1 explained to Civilian 8 what occurred and identified Officer A as the officer that struck her. Sergeant B called the police to have Subject 2 arrested. A few minutes later the police arrived and interviewed everyone that witnessed the incident. Subject 1 indicated that seven of the people that were playing laser tag did not know Subject 2 and told the officers their stories defending Subject 2. Subject 1 told her story to three different officers before Sergeant A interviewed her. During the interview, Subject 1 told Sergeant A that Subject 2 threw the first punch but did not initiate the fight. She further reiterated that during the

Group A Outing consists of Sergeant B, Officers A, C, B, and B's sister Civilian 1.

² Group B consists of Subject 2, Civilian 2, Civilian 3, Civilian 4, Civilian 5, Civilian 6 and Civilian 7.

course of the incident she was struck and pushed to the floor. Subject 1 told Sergeant A that she wanted to file charges against Officer A. Sergeant A replied to Subject 1 that she told him that it was an accident. According to Subject 1, Sergeant A instructed all officers on the scene not to provide her with any information about Officer A because he claimed that Subject 1 had changed her story about what happened. Subject 1 never definitively indicated that Officer A intentionally struck her. (Atts.10, 27, 28)

Departmental Reports related to RD#XXXXXXXX including an Arrest Report and an Original Case Incident Report indicated that Reporting Officers D and E responded to a fight at XXXX W. Webster Avenue (Facility). Reporting Officers spoke with victims and witnesses, Officers A, C, B and Sergeant B identified themselves as off duty officers and were with friends Civilians 1 and 9. They related to Reporting Officers that after playing a game of laser tag, Civilian 1 observed that she was missing her jacket and returned to the laser tag briefing room to see if it was left in a locker. Civilian 1 told Subject 1 (employee on duty) and they along with Officers A and C entered the room to search the locker area. In the briefing room preparing for a new game was: Subject 2, Civilian 2, Civilian 3, Civilian 4, Civilian 5, Civilian 7 and Civilian 6.

While Civilian 1 was searching for her jacket, Civilian 2 became involved in a verbal altercation with Civilian 1 and told her not to touch her stuff or go through her belongings. While Civilian 1 exclaimed that she was looking for her jacket, an argument ensued between her and Subject 2. Officer A told Subject 2 to leave Civilian 1 alone and calm down. Subject 2 struck Officer A with a closed fist across his face. While trying to defend himself, Officer A raised his hand and accidentally struck the face of Subject 1. Officer C was struck by Subject 2 with a closed fist to her lower left face and shoulder. At this point Officer A, Officer C, Civilian 1, and Subject 2 were separated. Subject 1 along with all involved parties went to Civilian 8, manager on scene and called 911.

Sergeant A, supervisor on the scene, spoke with Civilian 8 and Sergeant B. They related they were informed by Subject 1 that she witnessed Subject 2 striking both Officer A and Officer C and that she was inadvertently struck by Officer A as he attempted to defend himself by raising his hand. Sergeant A interviewed Officers A and C who identified themselves as off duty officers. Officers A and C stated that they did not announce their office or take any police action and were only trying to defend themselves during the incident. Subject 2 was taken into custody on signed complaints. As the Reporting Officers were taking Subject 2 into custody, Subject 1 approached Sergeant A and started giving him conflicting accounts of the incident. Sergeant A indicated that Subject 2 also gave conflicting accounts of the incident to the Reporting Officers. (Atts.4, 5)

As part of **an incident report drafted** on March 11, 2015, by **Witness Civilian 8**, manager of Facility, reportedly told CPD that Subject 1 was involved in a skirmish at their facility. A group of off duty police officers went to look for a jacket that one of their members had lost. Subject 1 monitored them as they looked through all the lockers until they got to the last when another member of the group thought she saw it. She grabbed it and started to go through it. Subject 1 told the female, now known as Civilian 1 that she could not go through anyone's property and had no right. An argument ensued until another member of the officers' group (Officer A) said something

that made the gentleman (Subject 2) in the laser tag group, react and throw a punch. In an attempt to grab Subject 2, Officer A struck Subject 1. Subject 2 swung again and struck Officer C. The altercation disbanded and Subject 1, along with other involved parties went downstairs, notified Civilian 8 of the incident and called 911. Civilian 8 spoke with Officer A and Subject 1. Additional officers arrived and escorted Subject 2 out of the facility in handcuffs. Civilian 8 maintained that the officers, who arrived on the scene, informed him that several versions of the incident were given to them by Subject 1. Civilian 8 clocked out both Subject 1 and another employee and they proceeded to the police station. Civilian 8 was unable to obtain any other witnesses account of the incident. (Att.21)

In an information report on 09 April 2015, Investigator reported that **witness Civilian 11** stated that she was in the locker room on the other end of the room with her back turned when the incident occurred. She further stated that she did not witness any physical altercation between anyone because her back was turned. She turned around after hearing a commotion and observed Subject 1 on the ground. However, she does not know how Subject 1 fell to the ground. (Att.22)

Photographs taken depict images of Subject 1's left arm and Sergeant A's vest and department vehicle. The images were taken by Subject 1 and sent to the Independent Police Review Authority. Investigator also took photographs of the lockers at Facility. (Atts.12, 20)

The **Chicago Police Department Event Query** documented that a male inside Facility got into a fight and is still present. (Att.14)

Witnesses Civilian 1, Civilian 9, Civilian 3, Civilian 4, Civilian 7, Civilian 2, Civilian 5, Civilian 6, Civilian 10 and Subject 2 **did not respond to IPRA's requests to interview them** pertaining to this incident. (Atts.15-18, 29-36)

In a written statement to IPRA dated February 1, 2016, **Accused Officer A** explained that he was on furlough and invited to attend a party at Facility on March 11, 2015. His first contact with Subject 1 was hearing her give instructions from the second floor overseeing a Facility game he and his group were playing together. Upon completion, a second group was waiting outside of the laser tag staging room which was completely empty of employees or patrons. Group B was waiting outside of the laser tag staging room. Subject 1 called the Group A into the staging room. They took group pictures together and put on their coats to leave. Civilian 1 realized she did not have her coat but remembered taking it upstairs to the laser tag room. Officer A, Officer B, Civilian 1 and Officer C entered the laser tag staging room where Subject 1 was preparing to send the Group B. Officer B informed Subject 1 that his sister, Civilian 1 believed that she left her coat in the small unlocked lockers. Officer A indicated that Subject 1 was to the right of him and the next group was in a file formation lined against the wall opposite and to the right of the entrance door. Subject 1 told Officer B to hurry up because she wanted to run the waiting group through before they close. Officer A stated that Officer B did not manipulate any clothes or personal affects but he heard people against the wall laughing and saying, "stupid ass bitch" but not directed towards any one person. A female in the group, who Officer A did not know, said "you need to get the fuck out of here." The third time she said it while approaching Civilian 1. Civilian 1 who was to the left of Officer A responded that

she did not want any problem, she just wanted to find her coat. Officer A observed Subject 2 behind the female yelling at Civilian 1 and holding a cell phone as if recording. Officer A told the female to relax and that the female with them just wanted to find her coat. Subject 2 called Civilian 1 "a stupid ass bitch." Officer A told Subject 2 that she is a woman, settle down and that they were trying to find her coat. Subject 2 responded, "She does need to get the fuck out of here and she needs to learn some fucking respect and so do you." Officer A responded, "I am done," turned to his left and stated to Civilian 1, "let's just leave." Officer A states that he felt pain on his right cheek and realized that Subject 2 punched him on his right cheek. Officer A states that he observed Subject 2 jump back and at the same time he quickly extended his right arm in an attempt to push back Subject 2. Officer A states that Subject 1 intervened by jumping in front of him as he was extending his right arm, which resulted in him inadvertently making contact with her and her falling to the ground. Officer A states that he looked down and observed Subject 1 saying, "I'm fine" and was in the process of getting up. Officer A states that he would not characterize this contact with Subject 1 as a "strike," and maintained that he did not use any force other than attempting to push Subject 2 away from him to prevent Subject 2 from striking him again. Officer A looked up and observed Subject 2 strike Officer C who fell back and extended her arms to catch herself. Subject 2 turned around and ran behind his laser tag group. They formed a line in front of him and began yelling obscenities. Subject 1 began yelling, not verbatim, "Get the fuck out of here, it's over. You are fucking cops, right? I am the boss here."

Officer A's statement indicates that he does not recall calling Subject 2 a "pussy." He further states that he does not recall telling Subject 2 he was a coward for sucker punching him while he was not looking and for punching a girl (in reference to Officer C). Officer A and Sergeant B reported the incident to Subject 1's manager, whose name he does not recall. Officer A states that while Sergeant B began to explain the story, Subject 1 told Officer A to shut up, she was right there, worked there and was going to tell what happened. According to Officer A, Sergeant B and the manager recall Subject 1 reporting Subject 2 striking Officer A in his face, prompting Officer A to react and her getting grazed by Officer A while intervening. According to Officer A, Subject 2 admitted to punching Officer A in court and apologized. Officer A states that he thanked Subject 2 for the apology and suggested he use words in the future and that the incident should have never happened. (Att.43)

In a **written statement to IPRA** on February 4, 2016, **Accused Sergeant A** responded to a battery call at Facility. Upon arrival, the Responding Officers (D and E) informed him that an off-duty Chicago Police Officer was the victim of a battery and that Subject 1 was an employee and a witness. Sergeant A interviewed Subject 1. She informed Sergeant A that the Group A approached her and stated that they may have left a jacket behind in the changing area. According to Sergeant A the Group A was confronted by Subject 2 and his acquaintances. Sergeant A learned that one of Subject 2's friends (Civilian 2) became verbally aggressive toward Civilian 1 and told them not to touch their stuff. The Group A was there with an employee looking for a jacket that might have been left behind. An argument ensued between Subject 2 and the Group A. Subject 2 then struck Officer A with a closed fist on the face. Sergeant A asked Subject 1 who she believed to be the primary aggressor. Subject 1 stated that she believed Subject 2 threw the first punch. Sergeant A interviewed the manager on duty (Civilian 8). Subject 1 advised him that she was in the

changing room when a fight broke out and she was accidentally struck in the process. Sergeant A interviewed the Group A that corroborated Subject 1's earlier statements. Sergeant A instructed Officers D and E to place Subject 2 into custody. Sergeant A stated that Subject 1 became verbally abusive and stated that she wanted to sign complaints and have the Group A arrested. Sergeant A advised Subject 1 that an investigation was completed and it was determined that Subject 2 was the aggressor.

Sergeant A states that the on duty officers on the scene were in full uniform with star numbers and name tags clearly visible. Sergeant A recalled Subject 1 looking at the officer's name tags then writing them down. He stated that he provided his own name to her. After Subject 2 was taken into custody the Group B and Subject 1 became hostile, verbally combative and yelling anti-police rhetoric. Sergeant A relates in order to defuse the situation and avoid further conflict, he instructed the officers to leave the scene and immediately transport Subject 2 to the XXXth District Police Station. (Att.48)

In a written statement to IPRA on February 2, 2016, **Witness Sergeant B** relates that he was off duty at the time of the incident. Subject 1 gave pre-game instructions to the group and monitored the games. After the group finished playing and exited the Laser Tag area, a girl from the group could not locate her jacket and went back to the laser tag area to look for it. After a short time, Sergeant B heard a disturbance coming from the laser tag area and went to investigate. He observed Subject 1 in the middle of two groups yelling, "I do not care if you are the fucking police I am the boss here." Sergeant B states that he started to move the group he was with from the laser tag room and called for a manager of the facility. He states that as he began to explain the circumstance, he was interrupted by Subject 1 who told the manager that Subject 2 struck Officer A and as Officer A went to grab Subject 2 she was pushed. Sergeant B relates that after the police were called and it was determined that Subject 2 was going to be arrested, she became irate and stated that she will say Officer A struck her. Sergeant B states that he immediately spoke to the manager to point out the inconsistency in Subject 1' first statement to him and her second allegation. The manager of the facility acknowledged it and stated that he would note the discrepancy. Sergeant B maintained in his statement that he did not see Officer A strike Subject 1 or push her to the ground. Sergeant B states that he does not recall Officer A calling Subject 2 a "pussy," but does recall Officer A saying, "That was a cheap shot, you hit like a girl, you think it is okay to hit a girl." (Att.38)

In a written statement to IPRA on February 23, 2016, **Witness Officer C** relates that she was off duty during the time of the incident and attended a party at Facility. Officer C states that as their Group A was about to leave one of the members of the group, Civilian 1, realized that her jacket which contained her house keys was missing. She began helping Civilian 1 look for her jacket but was unsuccessful in locating it. Officer B, Civilian 1, Officer A and Officer C re-entered the laser tag briefing room and observed a group being briefed for the game. Officer C states that she observed Officer B open the unlocked lockers, when an unknown female started yelling obscenities to Civilian 1 in a threatening tone, "get the fuck out of here" while bopping her head. Civilian 1 responded that she did not want any problem she just wanted to find her coat. Subject 2 approached behind Civilian 1 laughing and yelling obscenities while holding his phone towards her face as if was recording. Officer C states that she heard

Officer A tell Subject 2 to settle down he was just looking for her coat. Officer C observed Subject 2 run towards Officer A and punch him on his right cheek. Officer A appeared startled and, turned quickly as Subject 2 ran to the back of the crowd. Subject 2 then ran back into the group where he was surrounded by his group. Officer C states that she did not observe Officer A strike Subject 1 in the face or body or shove her to the ground. Furthermore, she states that she does not recall Officer A calling Subject 2 a "pussy" but recalls him telling Subject 2 that he was a coward for punching him in the face while not looking, he hits like a girl, and thought it was okay to hit girls." (Att.49)

In a written statement to IPRA on February 23, 2016, **Witness Officer B** relates that he was off duty and attended a party at the Facility. Officer B maintains that he observed Subject 2 repeatedly yell out "you stupid bitch" to Civilian 1. He further stated that he heard Subject 2 respond to Officer A, "she needs to get the fuck out of here and she needs to learn some respect and so do you." Officer B observed Officer A being struck by Subject 2 on the right cheek with a closed hand. He then observed Subject 2 step backwards and lunge toward Officer C striking her about the left side of her face with a closed hand and proceeded to step backwards behind his group. Officer B maintains that Officer A did not use any force on Subject 1 other than a response to a battery that included pushing Subject 2 to the ground to prevent further battery from Subject 2. He further states that as a reaction to the battery received by Officer A from Subject 2, Officer A extended his arm out in an attempt to push back Subject 2 from receiving another battery. Subject 1 who was further to the right of Officer A's right side intervened by jumping in front of Officer A as he was extending his arm out to push back Subject 2 and in the process, was brushed by an unknown part of Officer A's right arm resulting in Subject 1 falling to the ground initiated by her own actions. Officer B observed Subject 1 say, "I'm fine," then got up and began yelling, not verbatim, 'get the fuck out of here, it is over. You are all fucking cops, right? I am the boss here.'

Officer B states that he did not hear Officer A call Subject 2 a "pussy." He further states that he recalled Subject 2 smiling and laughing when Officer A told Subject 2 he was a coward for sucker punching him while he was not looking and that he punched like a girl. (Att.53)

CONCLUSION:

IPRA recommends a finding of **Not Sustained** for **Allegation #1** against Officer A which alleges that he struck Subject 1 on the face, in violation of Rule 9. Subject 2 struck Officer A with a closed fist across his face. According to Officer A, he inadvertently made contact with Subject 1 when he reached out to push Subject 2 away from him. According to Officer A, he did this to prevent a further battery. Manager on duty, Civilian 8, Sergeant A and Sergeant B were informed by Subject 1 that she witnessed Subject 2 striking both Officer A and Officer C and that she was inadvertently struck by Officer A as he attempted to defend himself by raising his hand. As the Reporting Officers were taking Subject 2 into custody, Subject 1 approached Sergeant A and gave him conflicting accounts of the incident. Sergeant A indicated that Subject 2 also gave conflicting accounts of the incident to the Reporting Officers. Officer A admitted that he inadvertently made contact with Subject 1 when she jumped in the way of blocking him

from attempting to push Subject 2 back. However, he maintained that he did not use any force other than a response to a battery which included pushing Subject 2 to prevent himself from being a victim of a battery. Officer A denied striking Subject 1 to the ground. Any contact made was by her actions. The investigation reveals that Subject 1's allegation that Officer A struck her intentionally is not supported by the witness statements. In addition, several witnesses did not respond to IPRA's request to interview them. Based on a preponderance of evidence, and the statements, the burden cannot be met.

IPRA recommends a finding of **Not Sustained** for **Allegation #2** against Officer A that he shoved Subject 1 to the ground, in violation of Rule 9. As previously mentioned, Officer A admitted that he inadvertently made contact with Subject 1 when she jumped in the way of blocking him from attempting to push Subject 2 back. However, he maintained that he did not use any force other than a response to a battery which included pushing Subject 2 to prevent himself from being a victim of a battery. Officer A denied shoving Subject 1 to the ground. Any contact made was by her actions. This account of the incident is also corroborated by Officer B.

IPRA recommends a finding of **Not Sustained** for **Allegation #3** against Officer A that he called Subject 2 a "pussy," in violation of Rule 8. Officer A denied the allegation but admitted that a physical altercation occurred. There were no cooperative witnesses to support or refute this allegation, which was made by Subject 1.

IPRA recommends a finding of **Not Sustained** for **Allegation # 1** against Sergeant A that he failed to initiate a complaint from Subject 1, in violation of Rule 22. Sergeant A stated that Subject 1 never stated to him that he wanted to file a formal complaint. However, she did state that she wanted to sign complaints and have Officers A and C arrested. The burden of proof cannot be met.

IPRA recommends a finding of **Not Sustained** for **Allegation # 2** against Sergeant A that he refused to provide the involved officers' names to Subject 1, in violation of Rule 37. Sergeant A and the on duty officers on the scene were in full uniform with stars and name tags clearly visible. Sergeant A stated that he provided his own name when Subject 1 asked for it and he observed Subject 1 looking at the other on-duty officers' name tags and writing them down. This investigation did not reveal enough information to determine whether or not Subject 1 requested the off-duty officers' names and, if she did, whether Sergeant A refused to provide that information to her.

IPRA recommends a finding of **Not Sustained** for **Allegation #3** against Sergeant A that he instructed all officers present not to give Subject 1 involved officers' names, in violation of Rule 37. Sergeant A stated that after Subject 2 was taken into custody, members of the Group B became hostile and verbally combative by yelling police rhetoric. In order to diffuse the situation and avoid conflict, Sergeant A instructed the officers to leave the scene and immediately transport Subject 2. This investigation did not reveal enough information to determine whether or not Subject 1 requested the off-duty officers' names or, if she did, whether Sergeant A instructed the other officers present not to provide that information to her.