

INTRODUCTION

On October 29, 2015, complainant Subject walked to the residence of Officer A and his wife Sergeant A. Subject wished to speak with the couple regarding an altercation that occurred earlier in the day between their dogs.¹ When Subject arrived at the Officer A residence, he engaged in a conversation with Sergeant A who was at home alone. At some point after this conversation, Subject called the police. Officer A returned home, and an argument ensued between him and Subject. Subject alleged that during this argument, Officer A struck him repeatedly about the right side of the head with his fist, called him names, and did all of this while intoxicated. Officer B, Officer C, and Sergeant B responded to the scene. Subject alleged that responding Officer C stated to him, "The guy [Officer A] was right to hit you."

ALLEGATIONS

It is **alleged that on** October 29, 2015, at approximately 20:10 hours, at XXXX N. Ottawa Avenue, Chicago, IL 60634, **accused Officer A, #6284, employee #XXXX, Unit 704**, while off-duty:

- 1) Repeatedly struck Subject about the right side of the head with his fist, in violation of Rules 2, 3, 6, 8, 9, and 10;
- 2) Called Subject a "dumb Pollack motherfucker," in violation of Rules 2, 3, 8, and 9;
- 3) Was intoxicated during his contact with Subject, in violation of Rules 2, 3, and 15; and
- 4) Engaged in an unjustified verbal altercation with Subject by stating to him, "Who the fuck do you think you are to come to my house where I just showed you nothing but respect and you're gonna motherfuck my wife in front of my kid. What kind of man are you? You're nothin' but a pussy. If you don't get off my property, I'm gonna throw you outta here," in violation of Rules 2, 3, 8, and 9.

It is further alleged that **accused Officer C, #7343, Employee #XXXX, Unit 016**, while on duty:

- 1) Was rude and unprofessional in that following his response to the scene of a dog bite incident, he told Mr. Subject, "The guy [Officer A] was right to hit you," in violation of Rules 2, 3, 8, and 9.

¹ The initial altercation happened around 17:05 hours, and it occurred between Subject's mother and Officer A as they walked their dogs.

APPLICABLE RULES AND LAW

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.²

Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.³

Rule 6: Disobedience of an order or directive, whether written or oral.⁴

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.⁵

Rule 15: Intoxication on or off duty.

INVESTIGATION

IPRA gathered relevant documentary evidence associated with this incident. In addition, IPRA interviewed and obtained statements from both complainant Subject and from accused Officer A and accused Officer C. IPRA also interviewed Witness C, Witness A, and Witness B. A summary of this evidence follows.

Initiation Reports

Sergeant B completed an Initial Initiation Report that documented Subject's complaint. Per this Report, Subject alleged that he went to the Officer A and Sergeant A residence after being told by his mother that the Officer A's and Sergeant B's dog bit his dog. The Report continued that Subject confronted Sergeant A and at some point, Officer A, who was off-duty, arrived and stated to Subject,

² This Rule applies to both the professional and private conduct of all members. It prohibits any and all conduct which is contrary to the letter and spirit of Departmental policy or goals or which would reflect adversely upon the Department or its members. It includes not only all unlawful acts by members but also all acts, which although not unlawful in themselves, would degrade or bring disrespect upon the member or the Department, including public and open association with persons of known bad or criminal reputation in the community unless such association is in the performance of police duties. It also includes any action contrary to the stated policy, goals, rules, regulations, orders or directives of the Department.

³ This Rule prohibits any omission or failure to act by any member of the Department, whether on or off duty, which act would be required by the stated policy, goals, rules, regulations, orders and directives of the Department. It applies to supervisory and other members who, through carelessness, inefficiency or design fail to implement all policy goals, rules, regulations, orders and directives of the Department or fail to report to the Department any and all known violations of same, or who through carelessness, inefficiency or design fail to become aware of any such violation, when their assigned duty or supervisory responsibility would require them to become so aware.

⁴ This Rule prohibits disobedience by a member of any lawful written or oral order or directive of a superior officer or another member of any rank who is relaying the order of a superior.

⁵ Rules 8 and 9 prohibit the use of any excessive force by any member. These rules prohibit all brutality, and physical or verbal maltreatment of any citizen while on or off duty, including any unjustified altercation of any kind.

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"Why did you spit on my wife?" It further documented that Officer A then struck Subject twice on the right ear. Sergeant B indicated that Subject did not have any visible injuries and refused medical treatment. Subject stated that he saw no injury to his dog. Officers prepared a bite card at the scene. (Attachment 4)

In a subsequent Initiation Report, Sergeant B documented that after Subject made his initial allegations against Officer A, he later alleged that Officer A engaged in the previously alleged conduct while highly intoxicated. Sergeant B dispatched Sergeant C to Officer A's residence to accompany him to the 016th District Station to submit to a breathalyzer. Sergeant C failed to locate Officer A at his residence. (Attachment 5)

Case Report

The related Case Report, RD#HY-XXXXXX, Battery/Simple, documented that Officer B and Officer C responded to XXXX N. Ottawa regarding a battery that occurred and met with Subject. According to the report, Subject appeared intoxicated and immediately requested a supervisor. Prior to a supervisor's arrival, Subject informed Officer B and Officer C that he went to the X residence regarding the dog bite incident, that a confrontation ensued between him and Sergeant A, and that Officer A arrived and struck Subject. Officer B and Officer C observed no visible injuries to Subject. (Attachment 17)

Supplementary Report

The related Supplementary Report documented that Subject informed Detective A that his mother told him that she walked their dog in the area of XXXX N. Ottawa earlier in the day of this incident when a large dog bolted from a residence at that address and bit his dog. Subject stated that he went to that residence, after consuming alcohol, and confronted Sergeant A. According to Subject, Officer A arrived while Subject and Sergeant A were arguing. Subject stated that an argument ensued between the two men, and Officer A struck Subject with his hands.

Officer A informed Detective A that he never placed his hands on Subject. Officer A stated that he came home and observed Subject yelling profanity at Sergeant A and threatening to sue them. Officer A told Subject that he would call an ambulance if his mother was startled by his dog. Subject refused medical attention and continued yelling profane language. Officer A instructed Subject to leave. Officer A expressed remorse to Detective A for the dog incident startling Subject's mother. Officer A offered no apology to Subject.

Detective A recommended that his investigation be suspended due to lack of visible signs of attack and independent witnesses. (Attachment 8)

Department Event Query

The Department Event Query documented that on October 29, 2015, at 1957 hours, Subject called "911" and requested assistance, stating he was battered by an off-duty officer

after the officer's dog attacked his dog. Subject refused medical treatment. The dispatcher made repeated requests for a location of incident. Subject became upset and hung up. The dispatcher called Subject back. Again, Subject became upset and the dispatcher disconnected the call. (Attachment 9)

Evidence Technician Photographs

Evidence Technician photographs taken on October 30, 2015, depicted redness about the right side of Subject's face, neck and ear.⁶ (Attachments 19 & 31)

Interview of Subject 1

IPRA investigator A interviewed Subject on October 30, 2015. Subject affirmed the basic facts as articulated in CPD reports detailed above. Subject added some detail to his interaction with the Xs. He stated that he went to the X residence to talk to them about their German Shepherd biting his Maltese.⁷ Subject stated that Sergeant A explained to him that their dog getting out was an accident and that she apologized. Subject also stated that an unknown casually dressed white male, who he believed to be friends with Officer A, drove up and pulled Officer A away from him during the alleged assault. Subject stated he knew Officer A and his wife were Chicago Police Officers before he went to their residence because he saw the Canine Unit police car in front of their residence previously. He also knew that Officer A was a Canine Officer and that the X owned "two big dogs," possibly German Shepherds. Subject believed "the police dog" bit his dog.⁸ (Attachments 12 & 14)

Interview of Witness C

During an audio recorded interview on February 9, 2016, Witness C stated Officer A called her on her cell phone, from their residence, and informed her that their two year old German Shepherd, "Y," ran from their residence after their front door blew open. "Y" startled an older woman and the dog she walked. Officer A offered to take them both for medical attention but the older woman refused and left.

Later that day, Sergeant A stated that she was at home when she heard someone repeatedly ringing her doorbell. Officer A was not home at the time. Sergeant A stated that she answered the door and observed Subject standing on her front porch, holding a small dog in his arms and that he got "nose to nose" with her and smelled of alcohol. She further stated that saliva projected from Subject's mouth as he yelled and directed profanity at her. Sergeant A

⁶ There were no photographs of the left side of Mr. Subject's face for comparison.

⁷ Attempts to obtain the medical records of Subject's dog were made but met with negative results. (Attachment 60)

⁸ During a telephone conversation with IPRA on October 29, 2015, Subject provided essentially the same account of the incident that he provided in his audio recorded interview on October 15, 2015. Subject additionally stated that he had been drinking when he went to the X residence and that his dog may have sustained a broken leg or internal injuries. (Attachment 10)

recalled statements including, but not limited to, "I don't care if you're the fucking police."⁹ Sergeant A recalled that she repeatedly apologized. Subject continued with his behavior and Sergeant A terminated their conversation.

Sergeant A indicated that she then spoke to her husband via phone and told him what happened. Officer A and the police arrived, separately, sometime thereafter. The police spoke with Subject at the end of the block. The police later went to the X residence where they prepared an animal bite card.

Sergeant A stated that she did not observe any physical contact between Officer A and Subject. She did not hear Officer A verbally abuse Subject or hear any officer state that Officer A was right to hit Subject. Sergeant A also did not observe any behavior from Officer A that she believed indicative of intoxication. (Attachments 30 & 50)

Interview of Witness A

On February 11, 2016, IPRA interviewed Witness A. He stated that he and his partner, Officer C, responded to a call regarding a dog bite and an off-duty officer striking Subject. Upon arrival, they observed Subject, an elderly woman who Subject identified as his mother, and a younger woman at the end of the block, near an alley. Subject approached the officers and requested a supervisor. Officer B and Officer C called for a supervisor. While waiting for a supervisor to arrive, Subject told them that Officer A's dog bit his dog on the neck; that he knew Officer A's status as law enforcement; that he went to talk to Officer A's wife; that Sergeant A told him to, "Get the fuck outta here" and that Officer A struck him on the head. Officer B said that Sergeant B arrived, spoke with Subject, and ordered him and Officer C to relocate to Officer A's residence to prepare a dog bite card. They complied and while at the residence, Officer A identified his dog that was involved in the incident. Witness A described the dog as a German Shepherd, approximately three feet, 90 pounds.

Officer B did not believe that Officer A was intoxicated. Officer B did not hear Officer C state that Officer A was right to hit Subject. Officer B did not hear Officer A verbally abuse or observe Officer A physically abuse Subject. (Attachments 41 and 58)

Interview of Witness B

On February 25, 2016, IPRA interviewed Witness B. He stated that he arrived at the scene following a request by Subject for a supervisor. Sergeant B observed Subject standing approximately fifty feet south of the X residence. Officer B and C were parked approximately fifty feet away from the X residence. Sergeant B spoke with Subject and though he did not appear intoxicated, Sergeant B smelled liquor. Subject told Sergeant B that Officer A struck him twice about the ear with an open hand during a confrontation in front of the X residence regarding the dog bite incident. Sergeant B ordered a bite card to document the incident.

⁹ According to Sergeant A, she believed Subject presumed they were the police because Officer A's canine car was parked in front of their residence.

According to Sergeant B, Subject never told him that Officer A called him a "dumb Polack motherfucker." Sergeant B also stated that Subject never told him that Officer C said, "He [Officer A] was right to hit you." At the time of his initial complaint, Subject never told Sergeant B that Officer A was intoxicated.

Sergeant B later spoke with Officer A at his residence and informed him of Subject's allegations. Sergeant B did not believe that Officer A was intoxicated. Officer A denied physically abusing Subject. Officer A told Sergeant B that Subject spat on his wife; that he "had words" with Subject; and that the dog involved in the incident was not his "working dog." (Attachments 49 & 51)

Interview of Accused Officer C

On February 11, 2016, IPRA interviewed Accused Officer C. He stated that he and Officer B were partnered when they got the call regarding the incident. Officer B observed Subject, his mother and his girlfriend parked in an alley, approximately three to four houses away from the X residence. Subject stood outside the car, holding "a small white poodle type dog." According to Officer C, Subject seemed agitated, loud and upset, and appeared intoxicated. Officer C recalled that Officer B asked Subject if he had been drinking and he stated that he had.

Subject told Officer C and Officer B about the incident. The narrative that Officer C told IPRA was generally consistent with the account of the incident as described above. Officer C denied telling Subject that Officer A was right to hit him. Officer C did not observe Officer A arrive at the scene. Officer C did not observe any physical contact between Subject and Officer A. Officer C did not hear the verbal altercation between Subject and Officer A. Officer C did observe Officer A when he and Officer B relocated to the X residence to prepare the dog bite card. Officer C did not believe that Officer A was intoxicated. (Attachments 44 & 59)

Interview of Accused Officer A

On February 16, 2016, IPRA interviewed accused PO Officer A. He stated that he works the Canine Unit. Officer A was off-duty on the date and time of the alleged incident and was home alone with his two German Shepherds, "Z," his canine partner, and "Y," the family pet. "Y" ran out the front door and startled an older woman and the small dog she was walking. Officer A ran after and secured "Y." Officer A apologized to the older woman and offered to take her and her dog for medical treatment. The older woman declined and left. Officer A called and told his wife, Sergeant A, about the incident and then left the house. Officer A and Sergeant A talked later via phone while Sergeant A was home. Sergeant A told Officer A that Subject had come to their residence while under the influence of alcohol and yelled at/directed profanity at her and threatened to take their house.¹⁰

¹⁰ Officer A does not personally know Subject. Officer A has seen him on occasion walking a small white dog in the neighborhood.

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According to Officer A, he later arrived and observed Subject standing outside his residence. Officer A approached Subject, noted that he smelled of liquor, and without giving Subject a chance to say anything, Officer A stated to him:

Who the fuck do you think you are to come to my house where I just showed you nothing but respect and you're gonna motherfuck my wife in front of my kid. What kind of man are you? You're nothin' but a pussy. If you don't get off my property, I'm gonna throw you outta here.

Subject left. Officer A denied being intoxicated and denied any physical contact with Subject. Officer A also denied calling Subject a "dumb Polack motherfucker."

Subject's mother and another woman approached Officer A residence and asked where Subject was and said Subject had been drinking. The Xs entered their residence. Sergeant A, Officer B and Officer C went to Officer A's residence. Sergeant B informed Officer A that he would register a Complaint Log Number against him on behalf of Subject. (Attachments 45 &55)

Canvass

IPRA investigators conducted a canvass of the area. The only identified witness, Civilian A, stated that he lived at XXXX N. Ottawa and was inside his residence when he heard Sergeant A apologize to Subject who was yelling and swearing at her about her dog getting out. Civilian A reported that he did not see or hear anything further. (Attachments 15 & 16)

ANALYSIS AND CONCLUSION

IPRA recommends that allegation #1, that Officer A repeatedly struck Subject about the right side of the head with his fist be **Not Sustained**. Subject made the allegation and reported the battery to OEMC personnel and to the responding officers. Officer A denied the allegation. Sergeant A stated that she did not observe Officer A strike Subject about the right side of the head with his fist. Subject stated he sustained soreness to his right ear but did not seek medical treatment. Photographs of Subject show redness on the right side of his face, but there are not comparison photographs taken of the left side of his face to determine whether the redness was abnormal. At this time, there is insufficient evidence to prove or disprove the allegation.

IPRA recommends that allegation #2, that Officer A called Subject a "dumb Polack motherfucker" be **Not Sustained**. Subject made the allegation after Sergeant B registered Subject's initial complaint. Subject did not make the allegation to Officer B or Officer C. Officer A denied the allegation. Sergeant A stated that she did not hear Officer A call Subject a "dumb Polack motherfucker." At this time there is insufficient evidence to prove or disprove the allegation.

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IPRA recommends that allegation #3, that Officer A was intoxicated during his contact with Subject be **Unfounded**. Subject made the allegation after Sergeant B registered Subject's initial complaint. Officer A denied the allegation. Sergeant A stated that she did not observe Officer A to be intoxicated. Sergeant B came in contact with Officer A and stated he did not observe Officer A to be intoxicated. Officer B and Officer C came in contact with Officer A and stated that they did not observe Officer A to be intoxicated. Based upon the preponderance of the evidence, the allegation that Officer A was intoxicated was not based on the facts revealed through the investigation.

IPRA recommends that allegation #4, that Officer A engaged in an unjustified verbal altercation with Subject be **Sustained**. Rule 8 prohibits officers from disrespecting or maltreating any person, "while on or *off duty*." Officer A stated that shortly after conversing with Sergeant A about Subject confronting her at their residence, he arrived and observed Subject standing outside his residence. Officer A admitted that he approached Subject, noted that he smelled of liquor, and without giving Subject a chance to say anything, Officer A stated to him, "Who the fuck do you think you are to come to my house where I just showed you nothing but respect and you're gonna motherfuck my wife in front of my kid. *What kind of man are you? You're nothin' but a pussy.* If you don't get off my property, I'm gonna throw you outta here." Officer A did not initiate the confrontation, but he escalated it.

CPD adopted the Law Enforcement Code of Ethics as a general standard of conduct for all sworn members. (Rules and Regulations of the Chicago Police Department) This Code of Ethics states:

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life. I will be exemplary in obeying the laws of the land and the regulations of my department.

CPD personnel must rise above name calling and confrontation like that Officer A engaged in on October 29, 2015. When police officers fall below professional standards and engage in unjustified verbal altercations with members of the public, it brings discredit upon the Department. Allegation #4 is sustained.

IPRA recommends that allegation #1 against Officer C, that Officer C was rude and unprofessional in that following his response to the scene of a dog bite incident, Officer C told Subject, "He [Officer A] was right to hit you," be **Not Sustained**. Officer C denied the allegation. Officer B did not hear Officer C made the statement to Subject. Sergeant B did not hear Officer C make the statement to Subject C. At this time, there is insufficient evidence to prove or disprove the allegations.

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FINDINGS

ACCUSED **Officer A, Star #6284, Employee #20145, Unit #704**

Allegations 1-2 **Not Sustained**

Allegation 3 **Unfounded**

Allegation 4 **Sustained**

Count 1 **Violation of Rule 2**, "Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department," in that on October 29, 2015, at approximately 8:10 pm, at XXXX N. Ottawa accused Officer A, #6284, while off-duty, engaged in an unjustified verbal altercation with Subject by stating to him, "Who the fuck do you think you are to come to my house where I just showed you nothing but respect and you're gonna motherfuck my wife in front of my kid. What kind of man are you? You're nothin' but a pussy. If you don't get off my property, I'm gonna throw you outta here."

Count 2 **Violation of Rule 3**, "Any failure to promote the Department's efforts to implement its policy or accomplish its goals," in that on October 29, 2015, at approximately 8:10 pm, at XXXX N. Ottawa accused Officer A, #6284, while off-duty, engaged in an unjustified verbal altercation with Subject by stating to him, "Who the fuck do you think you are to come to my house where I just showed you nothing but respect and you're gonna motherfuck my wife in front of my kid. What kind of man are you? You're nothin' but a pussy. If you don't get off my property, I'm gonna throw you outta here."

Count 3 **Violation of Rule 8**, "Disrespect to or maltreatment of any person, while on or off duty," in that on October 29, 2015, at approximately 8:10 pm, at XXXX N. Ottawa accused Officer A, #6284, while off-duty, engaged in an unjustified verbal altercation with Subject by stating to him, "Who the fuck do you think you are to come to my house where I just showed you nothing but respect and you're gonna motherfuck my wife in front of my kid. What kind of man are you? You're nothin' but a pussy. If you don't get off my property, I'm gonna throw you outta here."

Count 4 **Violation of Rule 9**, "Engaging in any unjustified verbal or physical altercation with any person, while on or off duty," in that on October 29, 2015, at approximately 8:10 pm, at XXXX N. Ottawa accused Officer A, #6284, while off-duty, engaged in an unjustified verbal altercation with Subject by stating to him, "Who the fuck do you think you are to come to my house where I just showed you nothing but respect and you're gonna motherfuck my wife in front of my kid. What kind of man are you to come to my house where I showed you nothing but respect and you're gonna motherfuck my wife in front of my kid. What kind of man

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are you? You're nothin' but a pussy. If you don't get off my property, I'm gonna throw you outta here."

ACCUSED

Officer C, Star#7343, Employee #2647, Unit #016

Allegation 1

Not Sustained