

**INTRODUCTION:**

An anonymous Web Complaint alleges that Crossing Guard ("CG") CG A physically abused the victim, "Subject 1" (now known to be Subject 1) and spat in his face on January 1, 2016 at the location of XXXX S. May Street (now known to be XXXX S. May Street).

**ALLEGATIONS:**

It is alleged that on January 11, 2016, at XXXX S. May Street, the accused, **Crossing Guard A, Employee #XXXXXX, Unit XXX:**

1. Verbally abused Subject 1.
2. Spat at Subject 1's face.

**APPLICABLE RULES AND LAW:**

**Rule 8:** Disrespect or maltreatment of any person, while on or off duty.

**Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

**INVESTIGATION:**

This **Web Complaint** was filed online by an anonymous person. The online complaint documents that the complainant has "personally seen (CG A) hit (Subject 1)." The complainant alleges that Subject 1 has suffered an injury to his lip and that CG A was always "putting her hands on him (Subject 1)". (Attachment 4)

In his statement to IPRA on February 16, 2017, **Subject 1** stated that CG A told him to come to IPRA and provide a statement relative to allegations that were previously made against her. Subject 1 provided a statement and stated that he wanted to provide his account and to tell the truth relating to various incidents. Subject 1 stated that he and CG A dated for approximately four years, and during the relationship, they engaged in numerous verbal altercations.

Subject 1 indicated that on three occasions the altercations escalated to physical contact. On two of those occasions, CG A was arrested.<sup>1</sup> Subject 1 accused CG A of spitting in his face during one of the incidents, but he could not recall if the incident occurred January 11, 2016, as was previously alleged in the anonymous Web Complaint. (Attachment 39)

In his statement to IPRA on January 28, 2016, **Civilian 1**, who is the brother of Subject 1, stated that he was not a witness to the incident that occurred on January 11, 2016. However, Civilian 1 stated that Subject 1 and CG A engage in constant verbal altercations which sometime turn physical, at their house. He stated that

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<sup>1</sup> These incidents were documented under RD#HY-██████████ and RD#HZ-██████████. The allegations for those incidents were investigated under Log numbers #1073285 and 1079360, respectively.

CG A has previously damaged property at the home. Civilian 1 refused to be further involved in the investigation. (Attachment 11)

IPRA made multiple attempts to interview witnesses that both CG A and Subject 1 indicated had been present during altercations between them. The named witnesses, **Civilian 2, Civilian 3, Civilian 4, Civilian 5, Civilian 6** and **Civilian 7** all failed and/or refused to cooperate with this investigation. (Attachment 49)

IPRA conducted two **canvasses at the location** of incident, but no witnesses were located. A neighbor of the relevant parties, Civilian 8, stated that although she did not witness the incidents in question, she was aware of commotion coming from XXXX S. May Street. (Attachments 14, 37)

A search of **OEMC service calls for** any incidents at XXXX S. May for January and February 2016 revealed no 911 calls and no police activity at the home. (Attachments 5, 15)

In her statement to **IPRA, Crossing Guard (CG) CG A** stated that she and Subject 1 have engaged in mutual arguments on a daily basis during their relationship. CG A stated that she was a victim of verbal, physical and emotional abuse by Subject 1 during their relationship.

CG A could not recall any verbal or physical incidents on January 11 2016, and she denied engaging in such actions with Subject 1. CG A also denied that she spat at Subject 1's face on or about that date or any date in 2016. CG A stated that Subject 1 harasses her on a daily basis by calling her phone from various numbers and by visiting her work post. (Attachment 50)

CG A related that Subject 1 left her a voice mail message in which he stated to her that nothing happened on January 11, 2016. CG A failed to provide the voice mail recordings left by Subject 1. CG A wrote down what Subject 1 said in the recording. (Attachments 44, 45)

## **CONCLUSION:**

**IPRA** recommends that Allegation #1, that Crossing Guard A verbally abused Subject 1, be Not Sustained. Subject 1 cannot recall or state with any specificity that this occurred on or about the date alleged. Crossing Guard A denied the specific allegations. Given the preponderance of the evidence standard there is insufficient evidence to prove or disprove this particular allegation.

IPRA recommends that Allegation #2, that Crossing Guard A spat at Subject 1's face, be Not Sustained. Subject 1 cannot recall or state with any specificity that this occurred on or about the date alleged. Crossing Guard A denied the specific allegations. Given the preponderance of the evidence standard there is insufficient evidence to prove or disprove this particular allegation.