

**INTRODUCTION:**

An anonymous Web Complaint alleges that Crossing Guard ("CG") A punched and struck the victim, a "young man" (now known as Subject 1) about the face. The complainant indicates that the incident took place outside in front of at XXXX S. May Street.

**ALLEGATIONS:**

It is alleged that on February 19, 2016 at XXXX S. May Street, the accused, **Crossing Guard (CG) A, Employee #XXXXXX, Unit XXX:**

1. Engaged in a verbal altercation with Subject 1.
2. Engaged in a physical altercation with Subject 1; and
3. Punched Subject 1 about the 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 who alleges that he or she saw "the young lady punching and hitting the young man in the face. She is a city worker of some kind." The address provided on the Web Complaint is the address of Crossing Guard A and Subject 1. The anonymous complainant indicated the incident occurred outside in front of their house and in front of "everyone". (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.

In his interview, Subject 1 described in detail many incidents that occurred between him and CG A. None of those incidents related to the above allegations. Subject 1 could not recall the incident that allegedly occurred on February 20, 2016. (Attachment 21)

In his statement to IPRA on January 28, 2016, **Civilian 1**, who is the brother of Subject 1, stated that Subject 1 and CG A engage in constant verbal and sometime physical altercations. Civilian 1 explained that he was not a witness to the incident on February 20, 2016. Civilian 1 refused to be further involved in the investigation. (Attachment 11)

IPRA made multiple attempts to interview named witnesses; Civilian 2, Civilian 3, and Civilian 4. However, all of the witnesses failed to keep appointments that were scheduled or to cooperate with this investigation. (Attachments 26, 27)

IPRA conducted a **canvass** at the location of the incident, but no witnesses were located. The neighbors that were home on the date of the incident indicated that they did not witness any altercations at the location. (Attachment 7)

A search of OEMC service calls for any incidents at XXXX S. May Street for February 2016 revealed no 911 calls for February 19<sup>th</sup> or 20<sup>th</sup>. On February 19, 2016, there was a misdial by Civilian 5 from the address of XXXX S. May Street. (Attachments 5, 8 - 9)

In her statement to IPRA on February 14, 2017, **Crossing Guard (CG) A** stated that she and Subject 1 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 stated that she could not recall any verbal or physical incidents involving Subject 1 on the 19<sup>th</sup> or 20<sup>th</sup> of February 2016. CG A denied punching or striking Subject 1 and further added that most of their altercations occurred inside the home not outside. (Attachment 24)

#### **CONCLUSION:**

IPRA recommends that Allegation #1, that Crossing Guard A engaged in a verbal altercation with 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 engaged in a physical altercation with 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 #3, that Crossing Guard A punched Subject 1 about the 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.