

INTRODUCTION

On July 24, 2017 Subject 1 (“Subject 1”) visited Sergeant A’s (“Sergeant A”) home located at XXXX N. Markham Ave., Chicago, IL. Subject 1 and Sergeant A had been in a dating relationship prior to July 24, 2017. While at Sergeant A’s residence, Subject 1 and Sergeant A had an argument, and Subject 1 alleges that Sergeant A was physically violent towards her. COPA investigates the alleged domestic violence incident against Sergeant A.¹

ALLEGATIONS:

It is alleged that on July 24, 2017, at approximately 10:00 P.M. to 11:45 P.M. at XXXX N. Markham Ave., Chicago, IL, **Sergeant of Police A #XXXX**:

1. Caused injury to Subject 1 in that he knocked her to the ground, placed his knee on her back and twisted her arm, holding it behind her back.

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.

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

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

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.

INVESTIGATION

The complainant, Subject 1, gave an **audio recorded interview** with IPRA on August 01, 2017. In her interview, Subject 1 stated the incident occurred on July 24, 2017 between 10:30 P.M. and 12:00 A.M. at Sergeant A’s house, located at XXXX N. Markham Ave. in Chicago. Subject 1 stated she was invited over by Sergeant A, but she and Sergeant A began arguing about their relationship. Subject 1 further stated that she tried to retrieve her car keys from her purse and leave, but Sergeant A kicked her purse off his front porch as she was going to grab it. Subject 1 stated she got into her car to leave Sergeant A’s residence, and Sergeant A got into the car with her.

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Thus, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

Subject 1 stated they both left in her vehicle and later returned to Sergeant A's home and continued to argue. Subject 1 then stated Sergeant A took Subject 1's phone from her and looked through it. Subject 1 stated she grabbed Sergeant A's phone from him, and told him, "How does it feel when someone takes your phone, you don't like it do you?" Subject 1 stated that Sergeant A replied, "No, give it back to me." Subject 1 relayed that at this point Sergeant A stated he would call the police, and Subject 1 stated "go ahead." Subject 1 stated she walked from Sergeant A's porch to the grass with his phone, and the next thing she knew she was face down on the ground. She stated that Sergeant A's knee was on her back and her hand was being twisted and held behind her back. Subject 1 stated her feet were taken out from underneath her, she landed on her left hip, and she was lying face down. Subject 1 further stated her left ear was pressed against the grass, and Sergeant A was holding and twisting her right arm and wrist behind her back. Subject 1 stated Sergeant A told her, "I don't have my phone," and she replied, "I don't have your phone either, I dropped it."

Subject 1 stated once she told Sergeant A that she did not have his phone and that she dropped it, he got off her and got up off the grass. Subject 1 stated she then grabbed her purse and went into her car again, and Sergeant A followed, got into her car as well and told her, "I would have given you my phone if you had just asked for it." Subject 1 stated she spent the night at Sergeant A residence after the altercation, and in the morning Sergeant A told her to leave his home. Subject 1 stated after being kicked out, she called her sister, Officer A and her former brother-in-law, Officer B, and she told them what transpired the night before. Subject 1 stated she suffered soreness and possibly a sprain to her right hand, bruising to her right forearm, bruising on her right tricep, and bruising to her left hip. (Attachment 23)

At IPRA's direction, Subject 1, gave a supplemental **audio recorded interview** with IPRA on August 14, 2017. In her second interview, Subject 1 stated she and Sergeant A had a history of emotional abuse. Subject 1 stated that on approximately June 10 or June 11, 2017, Sergeant A went into her purse while Subject 1 was asleep and read her text messages. Subject 1 stated that when Sergeant A kicked her purse onto the lawn, he had made contact with her finger. Subject 1 stated Sergeant A denied kicking her finger. Subject 1 then stated that Sergeant A grabbed Subject 1's purse and ran alongside Subject 1's car when she tried to enter her car and leave. Subject 1 then stated that she and Sergeant A returned to Sergeant A's residence and they were both sitting on his porch between 10:00 P.M. and 12:00 A.M. Subject 1 stated when Sergeant A knocked her to the ground, she was on the ground for roughly 20 seconds, and they were both yelling.

Subject 1 stated that on the next day, when she spoke with Sergeant A over the phone, she told Sergeant A that she could not believe what happened and their relationship was not healthy, Sergeant A responded with, "bitch, cunt, whore, slut" over and over again. Subject 1 stated she stopped talking and asked, "Excuse me?" Subject 1 stated she repeated what Sergeant A told her and Sergeant A denied ever saying those words. Subject 1 stated she began speaking again and Sergeant A repeated, "bitch, cunt, whore, slut" again, and Subject 1 hung up the phone. (Attachment 5)

Officer A gave an **audio recorded interview** with COPA on September 19, 2017. Officer A stated she knew her sister, Subject 1, and Sergeant A had a tumultuous relationship. Officer A stated Subject 1 texted her the morning of July 25, 2017, and the texts relayed that Subject 1 and

Sergeant A were breaking up and that the break up “had gotten physical.” She further stated that Subject 1 instructed Officer A to not tell anyone about what had happened. Officer A stated she texted Subject 1 on July 26, 2017, asking if she was going to report the alleged misconduct, but Subject 1 replied that she was not, as she was afraid to report it. Officer A stated Subject 1 and Sergeant A were in a relationship for approximately three months, and the July 24 incident was the first time their arguments got physical. Officer A stated she told her Sergeant at the First District regarding the July 24 incident, and Officer A made a police report regarding the incident. (Attachment 7)

Officer B gave an **audio recorded interview** with COPA on September 25, 2017. Officer B stated Subject 1 is his former sister-in-law and has known her for over ten years. Officer B stated Subject 1 told him she was dating a Sergeant with the Chicago Police Department. Officer B stated Officer A is his ex-wife and he has known her for over ten years. Officer B was made aware of the July 24 incident either on July 25, or July 26, and Officer B believed Officer A may have told him that something happened between Subject 1 and Sergeant A. Officer B then stated he believed he messaged Subject 1, who then responded that she went to Sergeant A’s residence and that an argument started over a phone. Officer B believed he was told that Sergeant A took Subject 1’s phone, and when Subject 1 went to retrieve her phone from Sergeant A, Sergeant A threw Subject 1 to the ground and knelt on her. Officer B stated Officer A made a case report regarding the July 24 incident and asked Officer B for more information. Officer B stated he heard that Subject 1 sustained bruises to her arms, but he did not see any photographs of her injuries. Officer B stated Subject 1 told him that Sergeant A had taken her phone before in the past and looked through it while she was asleep. (Attachment 9)

Sergeant A gave an **audio recorded interview** with COPA on January 3, 2018. In his interview, Sergeant A stated the time of the alleged incident was incorrect, and the alleged altercation happened during daylight hours. Sergeant A stated he and Subject 1 were still talking on July 24, 2017. Sergeant A stated Subject 1 came to Sergeant A’s house at XXXX N. Markham Ave., Chicago, IL. Sergeant A stated Subject 1 came to his house to discuss being in a more significant relationship with Sergeant A. Sergeant A stated he told Subject 1 he did not want to be in a more significant relationship, and the conversation occurred on his front porch of his house. Sergeant A stated that during the conversation, both he and Subject 1 were agitated. Sergeant A stated that his phone rang and a picture of a different young lady appeared on his phone, at which time Subject 1 began yelling and grabbed his phone from him. Sergeant A stated Subject 1 was approximately two feet away from him when his phone rang. Sergeant A stated he was holding his phone in his left hand when Subject 1 grabbed it from him. Sergeant A stated he never tried to grab his phone back from Subject 1 after she took it from him.

Sergeant A then stated Subject 1 ran down the stairs of his front porch, hitting the brick handheld areas of his porch, and she made contact with the brick somewhere on her left side near her shoulder. Sergeant A stated after hitting her body against the brick, Subject 1 spun and landed on the grass of his front yard, right next to his porch steps. Sergeant A stated he then walked down the steps to her, and he asked for his phone back. Sergeant A stated Subject 1 tried to unlock his phone and she was asking who called him prior to her grabbing his phone. Sergeant A stated that he told her she would not be able to unlock his phone without his thumbprint. Sergeant A stated Subject 1 was holding his phone and tucked it next to her body and rolled away from Sergeant A

on the grass, and she eventually rolled into the rock garden in front of Sergeant A's front yard. Sergeant A stated he told Subject 1 "you are rolling around the grass with a dress on." Sergeant A related his statement lightened the situation. Sergeant A further relayed that Subject 1 calmed down, they started talking again, and then entered Sergeant A's home. Sergeant A stated there were no further arguments that evening. Sergeant A stated he did not kick Subject 1's purse or Subject 1's bag. Sergeant A stated he never grabbed Subject 1's phone during the alleged incident. Sergeant A stated that he did not recall whether or not he told Subject 1 he would call the police after she grabbed his phone. Sergeant A stated he never caused injury to Subject 1, he never knocked her to the ground, he never placed his knee on her back, and he never twisted her arm. Sergeant A stated he did not have any alcohol that evening and did not believe Subject 1 had any alcohol either. (Attachment 10)

Documentary Evidence

Subject 1's **Medical Records** from XXXX University Healthsystem shows that Subject 1 was diagnosed with an ulnar contusion of the right wrist on August 9, 2017. The Records state "Per the patient, she reports having a hand injury on 7/24/17. She was in an altercation with her ex-boyfriend. She was knocked down to the ground and fell with both hands out. The right hand was also twisted behind her back. She is unsure which caused the current pain. She has been having pain in between the fourth and fifth metacarpals. No Swelling. No numbness/tingling. She has been monitoring her symptoms. She has had minimal improvement in the past 2 weeks. She noted soreness immediately after the incident which has not resolved." (Attachment 18)

Evidence Technician Photographs of Subject 1 show bruising to Subject 1's right arm and right hand. The photographs also show bruising to Subject 1's left hip. (Attachment 22)

The corresponding **Chicago Police Department Crime Scene Processing Report** to the Evidence Technician Photographs indicates that the photographs were taken on July 28, 2017, 4 days after the alleged incident. (Attachment 15)

Original Case Incident Report, RD #XXXXXXXX, indicates that Officer A and Officer B reported a physical altercation between Subject 1 and Sergeant A, which occurred on July 24, 2017. The Report states that Sergeant A took Subject 1's cellphone without her permission and read various text messages, even deleting texts he previously sent Subject 1. The Report further states that Subject 1 then took Sergeant A's cell phone which upset Sergeant A, and he picked Subject 1 up off the ground and slammed her onto the ground in his front lawn of his residence, and he fell onto Subject 1's arm so she would release his cell phone. (Attachment 24)

ANALYSIS

Subject 1 alleges that on July 24, 2017, at approximately 10:00 P.M. to 11:45 P.M. at XXXX N. Markham Ave., Chicago, IL, Sergeant of Police A caused injury to her in that he knocked her to the ground, placed his knee on her back and twisted her arm, holding it behind her back.

Subject 1 stated in her statement to COPA that her feet were swept from underneath her, and she was taken onto the ground. Subject 1 stated she landed on her left hip, causing injury, and Sergeant A placed his knee on her back, applying pressure, and twisted and held her right arm behind her. Subject 1 stated that Sergeant A's actions caused her injury. Subject 1's medical records from XXXX University Healthsystem corroborate Subject 1's statement. Subject 1's physician diagnosed Subject 1 with an ulnar contusion of the right wrist on August 9, 2017, 16 days after the alleged incident.

Subject 1's statement is further corroborated by the Evidence Technician Photographs. The photographs show bruising to Subject 1's right arm, right hand, and left hip which were still visible 4 days after the alleged incident. Specifically, there is apparent bruising to Subject 1's forearm, consistent with her account of having her arm pulled behind her back.

Though not eyewitnesses to the event itself, Both Officer B and Officer A, also Chicago Police Officers, stated Subject 1 told them she and Sergeant A had an argument and that the argument turned physical, resulting in injury to Subject 1. Office B and Officer A's statements also corroborated the crux of Subject 1 and Sergeant A's argument, in that they were arguing over taking a cell phone, and that the argument escalated. As they were both immediate outcry witnesses, their accounts are credible.

Sergeant A stated Subject 1 did take his phone from his hands, and initially refused to give it back to him. Sergeant A further stated he did not injure Subject 1, and that she accidentally fell down his front porch and rolled from the grass in his front lawn to his rock garden, which could have caused her injuries. Sergeant A's account of how Subject 1 injured herself is ultimately unreliable, and not corroborated by the evidence. Given COPA's preponderance of the evidence burden, it is more likely than not that Sergeant A did cause injury to Subject 1 by knocking her to the ground, placing his knee on her back, and by twisting her arm and holding it behind her back.

CONCLUSION

Based on the evidence gleaned from the investigation, and COPA's preponderance of the evidence burden, COPA recommends a finding of Sustained for **Allegation #1**, that Sergeant A did cause injury to Subject 1 by knocking her to the ground, placing his knee on her back, and by twisting her arm and holding it behind her back.

Investigator A

Supervising Investigator A

Deputy Chief A