

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	December 17, 2017
Time of Incident:	2:47 a.m.
Location of Incident:	6727 N. Olmstead Avenue
Date of COPA Notification:	December 17, 2017
Time of COPA Notification:	7:30 a.m.

On December 17, 2017, at approximately 2:45 a.m., while off duty, Officer Robert Rialmo, #1588, was at a bar named Moretti’s, located on 6727 N. Olmstead Avenue, with several friends. While at Moretti’s, Officer Rialmo engaged in a verbal altercation with two other patrons, which escalated into a physical confrontation. During this exchange, Officer Rialmo punched both [REDACTED] and [REDACTED] rendering [REDACTED] unconscious. Chicago Police Department (CPD) officers were dispatched to the scene and began to investigate the incident. COPA’s investigation examined both the conduct of Officer Rialmo, as well as the actions of on-duty CPD officers engaged in the response. Officer Rialmo was subsequently charged and ultimately acquitted of misdemeanor charges for battery and theft relative to this incident. COPA sustained multiple allegations against both Officer Rialmo and other department members as a result of this administrative investigation.

II. INVOLVED PARTIES

Involved Officer #1:	Robert Rialmo, star # 1588, employee ID# [REDACTED], October 5, 2012, Police Officer, Unit of Assignment 376, [REDACTED] male, Caucasian
Involved Officer #2:	Anthony LaPalermo, star #16727, employee ID# [REDACTED], April 30, 2007, Police Officer, 16 th District, [REDACTED] 1982, male, Caucasian
Involved Officer #3	Richard Schlecht, star #13607, employee ID# [REDACTED], February 28, 2000, Police Officer, 16 th District, [REDACTED], 1979, male, Caucasian
Involved Officer #4	Joseph Rasso, star #4983, employee ID# [REDACTED], October 29, 2007, Police Officer, 16 th District ¹ , [REDACTED] 1976, male, Caucasian

¹ At the time of this incident and at the time of his interview, Officer Rasso was assigned to the 16th District. He was transferred to Unit 376 on May 22, 2018.

Involved Officer #5

Liridon Ballazhi, star #11370, Employee ID# [REDACTED], June 29, 2015, Police Officer, 16th District, [REDACTED], 1992, male, Caucasian

Involved Officer #6

Steven Honda, star #13979, Employee ID# [REDACTED], [REDACTED] 1959, Police Officer, 16th District, December 18, 2000, male, Asian-Pacific Islander

Involved Officer #7

Sergio Aponte, star #11778, Employee ID# [REDACTED] [REDACTED] 1995, Police Officer, March 16, 2017, male, Caucasian

Involved Individual #1:

[REDACTED] 1994, male, Caucasian

Involved Individual #2:

[REDACTED] 1994, male, Asian-Pacific Islander

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Rialmo	1. While off-duty Officer Rialmo struck [REDACTED] about the body.	Sustained
	2. While off duty Officer Rialmo struck [REDACTED] about the body.	Sustained
	3. Officer Rialmo, while off duty, committed a theft by leaving Moretti's bar with [REDACTED] coat.	Unfounded
	4. On December 17, 2017 Officer Rialmo was intoxicated while off duty.	Not Sustained
	5. Officer Rialmo, while off duty, engaged in an unjustified verbal altercation with [REDACTED]	Unfounded
	6. Officer Rialmo, while off duty, engaged in an unjustified verbal altercation with [REDACTED]	Exonerated
	7. Officer Rialmo, while off duty, failed to secure medical attention for [REDACTED]	Sustained

	<p>8. Officer Rialmo, while off duty, failed to secure medical attention for [REDACTED]</p> <p>9. Officer Rialmo, while off duty, fled the scene of a crime by leaving Moretti's Bar.</p> <p>10. Officer Rialmo failed to report a crime and/or criminal conduct to the Chicago Police Department.</p> <p>11. Officer Rialmo used his office for personal gain by making a statement to the effect of, "I'm not going to get arrested. I'm a cop myself, the cops all know me. Nothing is going to happen to me," to [REDACTED]</p> <p>12. On December 17, 2017, at approximately 3:00 a.m., Officer Rialmo returned to Moretti's Bar and against the instructions of on-duty officers, fled the scene of a crime by leaving Moretti's Bar.</p> <p>13. On January 22, 2018, Officer Rialmo was arrested and charged with two counts of misdemeanor battery and one count of misdemeanor theft.</p>	<p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Exonerated</p>
	<p>14.</p>	
<p>Officer LaPalermo</p>	<p>1. Officer LaPalermo failed to conduct a thorough and accurate investigation into the alleged battery of [REDACTED] and [REDACTED]</p> <p>2. Officer LaPalermo failed to convey a general sense of care and concern to [REDACTED]</p> <p>3. Officer LaPalermo allowed an alleged assailant to leave the scene.</p> <p>4. Officer LaPalermo failed to arrest an alleged assailant.</p> <p>5. Officer LaPalermo failed to report the alleged misconduct of another member of the Chicago Police Department.</p>	<p>Exonerated</p> <p>Not Sustained</p> <p>Unfounded</p> <p>Exonerated</p> <p>Unfounded</p>

<p>Officer Schlecht</p>	<ol style="list-style-type: none"> 1. Officer Schlect failed to conduct a thorough and accurate investigation into the alleged battery of [REDACTED] and [REDACTED] 2. Officer Schlecht failed to convey a general sense of care and concern to [REDACTED] 3. Officer Schlect allowed an alleged assailant to leave the scene. 4. Officer Schlect failed to arrest an alleged assailant. 5. Officer Schlecht failed to report the alleged misconduct of another member of the Chicago Police Department. 	<p>Exonerated</p> <p>Not Sustained</p> <p>Unfounded</p> <p>Exonerated</p> <p>Unfounded</p>
<p>Officer Rasso</p>	<ol style="list-style-type: none"> 1. Officer Rasso failed to conduct a thorough and accurate investigation into the alleged battery of [REDACTED] and [REDACTED] 2. Officer Rasso failed to convey a sense of care and concern to [REDACTED] regarding the alleged battery of [REDACTED] and [REDACTED] 3. Officer Rasso allowed an alleged assailant to leave the scene. 4. Officer Rasso failed to arrest an alleged assailant. 	<p>Unfounded</p> <p>Unfounded</p> <p>Sustained</p> <p>Sustained</p>
<p>Officer Ballazhi</p>	<ol style="list-style-type: none"> 1. Officer Ballazhi failed to conduct a thorough and accurate investigation into the alleged battery of [REDACTED] and [REDACTED] 2. Officer Ballazhi failed to convey a sense of care and concern to [REDACTED] regarding the alleged battery of [REDACTED] and [REDACTED] 	<p>Unfounded</p> <p>Unfounded</p>

	<ol style="list-style-type: none"> 3. Officer Ballazhi allowed an alleged assailant to leave the scene. 4. Officer Ballazhi failed to arrest an alleged assailant. 5. Officer Ballazhi deactivated his body worn camera prior to completing a law enforcement related activity in violation of Special Order 03-14. 	<p>Sustained</p> <p>Sustained</p> <p>Sustained</p>
<p>Officer Honda</p>	<ol style="list-style-type: none"> 1. Officer Honda failed to conduct a thorough and accurate investigation into the alleged battery of [REDACTED] and [REDACTED] 2. Officer Honda failed to convey a sense of care and concern to [REDACTED] regarding the alleged battery of [REDACTED] and [REDACTED] 3. Officer Honda allowed an alleged assailant to leave the scene. 4. Officer Honda failed to arrest an alleged assailant. 5. Officer Honda failed to report the alleged misconduct of another member of the Chicago Police Department. 	<p>Exonerated</p> <p>Not Sustained</p> <p>Unfounded</p> <p>Exonerated</p> <p>Unfounded</p>
<p>Officer Aponte</p>	<ol style="list-style-type: none"> 1. Officer Aponte failed to conduct a thorough and accurate investigation into the alleged battery of [REDACTED] and [REDACTED] 2. Officer Aponte failed to convey a sense of care and concern to [REDACTED] regarding the alleged battery of [REDACTED] and [REDACTED] 3. Officer Aponte allowed an alleged assailant to leave the scene. 4. Officer Aponte failed to arrest an alleged assailant. 	<p>Exonerated</p> <p>Not Sustained</p> <p>Unfounded</p> <p>Exonerated</p>

- | | |
|---|-----------|
| 5. Officer Aponte failed to report the alleged misconduct of another member of the Chicago Police Department. | Unfounded |
|---|-----------|

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1- Violation of any law or ordinance.
2. Rule 2- Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
3. Rule 3- Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
4. Rule 4- Any conduct or action taken to use the official position for personal gain or influence.
5. Rule 8- Disrespect to or maltreatment of any person, while on or off duty.
6. Rule 9- Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
7. Rule 10- Inattention to Duty
8. Rule 11- Incompetency or inefficiency in the performance of duty
9. Rule 15- Intoxication on or off duty
10. Rule 21- Failure to report promptly to the Department any information concerning any crime or other unlawful action.

Special Orders

1. Special S03-14 - Body Worn Cameras

State Laws

1. 720 ILCS 5/7-1(a)

V. INVESTIGATION ⁴

a. Interviews and Trial Testimony

COPA conducted an interview of ██████████ on December 20, 2017.⁵ ██████████ stated that on the night of December 16, 2017, going into the early morning of December 17, 2017, he

⁴ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁵ Att. 87, 88

went to Moretti's Bar with several friends, including [REDACTED]. The group had been at a nearby bar prior to arriving at Moretti's at approximately midnight.

[REDACTED] said that he went to the bathroom and then started looking for his jacket in the area in which he was originally sitting. [REDACTED] described his jacket as "very distinct."⁶

[REDACTED] said that [REDACTED] was helping him look for his jacket. According to [REDACTED] a person now known to be Officer Rialmo, approached him and accused him of trying to take items out of Officer Rialmo's jacket or trying to take his jacket. [REDACTED] said that he tried to explain to Officer Rialmo that he was not trying to take anyone else's jacket, that he was only looking for his own jacket. [REDACTED] stated that prior to this he had had not had any interaction with Officer Rialmo. [REDACTED] said that Officer Rialmo punched him with a closed fist on his left jaw.

[REDACTED] saw Officer Rialmo punch [REDACTED] with a closed fist on [REDACTED] left jaw. [REDACTED] did not hear Officer Rialmo say anything to [REDACTED] before he struck him.

[REDACTED] stated that he was focused on helping [REDACTED] and did not see Officer Rialmo leave. [REDACTED] stated that Officer Rialmo did not say anything to either himself or [REDACTED] afterwards and never mentioned he was a police officer.

[REDACTED] said that afterwards [REDACTED] and [REDACTED] helped him and [REDACTED] explained that [REDACTED] informed the uniformed officers at the bar that the other person involved was an off-duty police officer.

[REDACTED] stated that he sustained a laceration on the inside of his check. [REDACTED] did not seek medical treatment or take any photographs of the injury.

[REDACTED] told COPA he believed that Officer Rialmo left Moretti's Bar with his jacket. [REDACTED] stated that he did not actually see Officer Rialmo leave with his jacket but assumed he took it because it was missing when he left Moretti's Bar after all the other customers had left.

[REDACTED] testified at Officer Rialmo's misdemeanor trial on July 9, 2017.¹⁰ [REDACTED] testified that in preparation for the trial he watched video footage from Moretti's and learned that he placed his black and white checkered coat near the DJ booth of Moretti's prior to his interaction with Officer Rialmo.

[REDACTED] stated that the Moretti's footage showed him holding what he believed at the time to be his coat and engaged in a tug of war over the coat with Officer Rialmo. [REDACTED] testified that he did not say that the jacket was his or that he was leaving the bar. [REDACTED] said that he was no longer holding the checkered jacket when Officer Rialmo shoved him. [REDACTED] denied saying anything as he rose to his feet after being struck. Before [REDACTED] had regained his balance, Office Rialmo struck him in the left jaw with a closed fist.

⁶ Att. 87, page 6, line 4.

¹⁰ Att. 181

COPA conducted an interview of ██████████ on December 20, 2017.¹¹ ██████████ stated that on the night of December 16, 2017, going into the early morning of December 17, 2017 he went to Moretti's Bar with a friend, ██████████

██████████ said that he saw person, now known to be Officer Rialmo, yelling at ██████████ and accusing ██████████ of trying to steal his coat. ██████████ told Officer Rialmo that he was just looking for his jacket. ██████████ said that he took a step towards ██████████ because ██████████ and Officer Rialmo had gotten physically close to each other. ██████████ said that the last thing he remembered was taking a step towards ██████████. ██████████ did not remember seeing ██████████ get hit and did not remember being hit himself. ██████████ assumed that he was struck in the mouth with a closed fist.

██████████ remembered that two police officers came to the bar but did not remember having a conversation with them. ██████████ said that afterwards at the bar he learned that the person who had struck him was an off-duty police officer named Robert Rialmo.

██████████ explained that several of his top and bottom teeth were knocked loose and in response he visited a dentist on December 18, 2017. ██████████ also went to the hospital on December 19, 2017 and was diagnosed with a concussion.

██████████ testified at Officer Rialmo's misdemeanor trial on July 9, 2017.¹² ██████████ stated that he did not say anything to Officer Rialmo, nor did he threaten Officer Rialmo or touch any coats. ██████████ said that he saw Officer Rialmo hit ██████████. ██████████ stated that "He [Officer Rialmo] got closer to him [██████████] and he [Officer Rialmo] was getting more angry, and I proceeded to take a step closer to ██████████ and that is the last thing I remember."¹³

██████████ acknowledged that his hand went up in the video footage, but he denied it went up in Officer Rialmo's direction. ██████████ said that he actually placed both hands up, with open palms, at approximately chest height and close to his body. ██████████ said that he did so because he was off balance. ██████████ denied ever touching Officer Rialmo's body, shirt, or throat.

COPA conducted an interview of ██████████ on December 20, 2017.¹⁴ ██████████ said that she arrived at Moretti's Bar with her husband, ██████████ at approximately 10:30 p.m. on December 16, 2017.

██████████ said, "The lights were on already and stuff...and I don't drink...I had a clear view...they [██████████ and ██████████] weren't across the bar from me, but they were at the table behind it."¹⁵ ██████████ said that after ██████████ paid his bill he returned to a high-top table near the bar and appeared to be looking for his coat. ██████████ saw a person she did not know, now known

¹¹ Att. 79

¹² Att.182

¹³ Att., page 137, lines 6-8. ██████████ later acknowledged this his testimony differed from his COPA statement.

¹⁴ Att. 83

¹⁵ *Id.*, page 8, lines 3-7

to be Officer Rialmo, approach █████ shove his shoulder and say something to him. █████ said that she saw █████ move in towards Officer Rialmo to talk to him. █████ saw Officer Rialmo punch █████ in the face and knock him down. █████ got up and Officer Rialmo punched █████ in the face again and █████ did not get up.

█████ said that after Officer Rialmo punched █████ approached Officer Rialmo as if he was trying to separate Officer Rialmo and █████ Officer Rialmo punched █████ in the face and knocked him unconscious.

█████ said that as Officer Rialmo left the bar he was laughing and high-fiving other patrons. She stated that Officer Rialmo then came back to the bar again laughing and high-fiving people, then took his coat and left.¹⁶

COPA conducted an interview of █████ on December 18, 2017²¹ and a follow up phone interview on December 28, 2017.²² █████ stated that he went to Moretti's Bar with his wife, █████ on the night of December 16, 2018. █████ explained that while he was at Moretti's he had "a few Coronas"²³ and one shot. █████ said that his wife does not drink alcohol.

█████ said that he heard a "commotion"²⁵ and then saw a person he later learned to be Officer Rialmo punch a person now known to be █████ explained that the punch caused █████ to fall to the ground. █████ stated that he saw Officer Rialmo punch █████ twice in the mouth.

█████ said that he had not previously known Officer Rialmo. █████ stated that after he saw █████ fall to the ground he saw Officer Rialmo punch a person now known to be █████ in the face, which rendered him unconscious. █████ said neither █████ or █████ attempted to hit Officer Rialmo.

█████ said that after the physical confrontation ended, Officer Rialmo was "bragging and smiling"²⁶ and that people near him were high-fiving him and congratulating him. █████ then saw Officer Rialmo walk towards to the door and followed him. █████ stated, "I said, 'I need you [Officer Rialmo] to stay here until the police comes [*sic*] because I think you're going to get arrested.' And he's [Officer Rialmo] like [*sic*], 'I'm not staying here.' So he walked out the door."²⁷

█████ said that he followed Officer Rialmo out of the bar to make sure no one lost sight of him before the police arrived. █████ said that he was walking with Officer Rialmo when he turned right on the alley behind Moretti's. █████ said that he asked Officer Rialmo,

¹⁶ █████ testified at Officer Rialmo's misdemeanor trial on July 9, 2018. Att. 182. █████ was materially consistent with her COPA statement.

²¹ Att. 89-90.

²² Att. 59

²³ Att. 89, page 5, line 16.

²⁵ *Id.*, page 15, line 11.

²⁶ *Id.*, page 19, line 22.

²⁷ *Id.*, page 28, lines 9-12.

“Why did you hit those guys?”²⁹ Officer Rialmo responded, “Well he touched my coat.”³⁰ [REDACTED] told Officer Rialmo, “You can get arrested for hitting people like that. The cops are coming, so you need to talk to them.”³¹ Officer Rialmo responded, “Who’s coming? What cop? I know all the cops around here, I’m not going to get arrested. I’m a cop myself. They all know me. Nothing’s going to happen to me.”³² [REDACTED] also said that Officer Rialmo told him that he worked in the 11th District.

[REDACTED] said that he turned around and started walking away from Officer Rialmo. [REDACTED] explained that he decided to leave because Officer Rialmo looked “pissed and paranoid.”³³ He also stated, “I don’t want to say [Officer Rialmo was] ‘high’...because I don’t know if he was high, but he looked like his eyes were...crystal shining and he looked like he was ready to kill somebody.”³⁴ [REDACTED] believed Officer Rialmo was intoxicated and said that he smelled like alcohol.

[REDACTED] said that he walked out of the alley, turned left, and saw several squad cars. He approached the closest one and told a Caucasian male officer, “Hey, the guy you’re looking for, he’s down the alley and he’s a cop... And he [Officer Rialmo] told me that you’re not going to do anything about it [the battery] anyways.”³⁵ [REDACTED] said the officer he talked to ignored him and drove past the alley without taking any action. [REDACTED] then proceeded back to Moretti’s.

[REDACTED] said that when he came back to the bar there were two uniformed officers, now known to be Officer Rasso and Officer Ballazhi. [REDACTED] said that one of the officers was asking him questions and he repeatedly informed the officers that neither [REDACTED] nor [REDACTED] had done anything wrong. [REDACTED] said that he repeatedly told the officers to talk to his wife, but to the best of his knowledge neither of them did. He also said that he informed the officers that the person who committed the battery is a police officer in the 11th District and was still in the alley behind the bar.

COPA conducted an interview of Thomas Power on December 18, 2017.³⁶ Power is a manager at Moretti’s Bar and was at work at the time of the incident. He said, “We heard a commotion on the east side of the bar. Myself and another manager [REDACTED] turned around and saw two men knocked on the ground.”³⁷ Power said that one of the two men was knocked down but got up and the other was “knocked out cold.”³⁸ Power said that Caucasian or Hispanic male who was approximately 5’11 wearing a backwards baseball hat, a blue and grey baseball style shirt and jeans was standing over them and that a male in a black shirt was trying to hold Officer Rialmo back. Power said that the person who was only knocked to the ground, now

²⁹ *Id.*, page 30, line 19.

³⁰ *Id.*, page 30, lines 19-20.

³¹ *Id.*, page 31, lines 3-5.

³² *Id.*, page 31, lines 6-9.

³³ *Id.*, page 21, line 1.

³⁴ *Id.*, page 33, lines 7-11.

³⁵ *Id.*, page 40, lines 5-11.

³⁶ Att. 80

³⁷ *Id.*, page 3, lines 11-14.

³⁸ *Id.*, page 6, line 18.

known to be █████ kept saying, "We didn't do anything."⁴¹ Power explained that person who was knocked unconscious, now known to be █████ did not know what happened when he regained consciousness.

COPA conducted an interview of █████ on December 18, 2017.⁴² █████ stated that he is a manager at Moretti's Bar and was working the night of the incident. He stated that he was closing tabs when he saw a scuffle out of his left peripheral vision. He saw chairs and tables slide and then saw a white male, now known to be █████ who appeared to be approximately 6'0 tall and in his early 20s, fall to the ground after being punched. █████ said that he did not hear any argument or scuffle prior to seeing the tables move and █████ fall to the ground.

█████ stated that he did not recognize the person who had been punched, but immediately went over to that area, which was approximately ten to twelve feet away. █████ said that although he did not see anyone punch █████ he was able to immediately determine who punched him because that person, now known to be Officer Rialmo, was being held back to keep him from further striking anyone else.

█████ said that Officer Rialmo tried to leave Moretti's. █████ said that to stall he asked Officer Rialmo to describe his credit card and asked for his name. █████ said that at this point, he returned to the bar area and told the other bartenders not to give Officer Rialmo the card back. He explained that Officer Rialmo also went back to the bar and was laughing and joking with his friends. █████ did not believe Officer Rialmo was overly intoxicated.

COPA conducted an interview of █████ on December 19, 2017.⁴⁴ █████ stated that he is employed by Moretti's as a bartender. He was working the night of the incident. █████ stated, "I noticed a patron laying on the floor and then I witnessed a gentleman sock another gentleman in the face. The guy went down and from then our managers and bouncers cleared it."⁴⁵ █████ stated that he did not hear any type of argument prior to observing the incident.

COPA conducted an interview of █████ on December 18, 2017.⁴⁶ █████ stated that she is employed as a bartender at Moretti's and was working the night of the incident. She explained that she did not observe any type of fight or altercation because her back was turned at the time.

█████ later learned that someone she identified as "█████"⁴⁸ now known to be Officer Rialmo, was involved in the altercation. She learned of his involvement because █████ told her that the person involved left his credit card at the bar. She stated that Officer Rialmo did not appear particularly intoxicated on the night of the incident.

⁴¹ *Id.*, page 10, lines 11-12.

⁴² Att. 81

⁴⁴ Att. 78

⁴⁵ *Id.*, page 3, lines 18-22.

⁴⁶ Att. 86

⁴⁸ *Id.*, page 7, line 11.

COPA conducted an interview with ██████████ on December 20, 2017.⁵⁰ ██████████ stated that in the early morning hours of December 17, 2017, he was planning on picking up his son, ██████████ and his son's friend, ██████████ from Moretti's Bar. He stated that ██████████ called him and told him that he had been hit by someone. ██████████ explained that after he received that call he immediately went into Moretti's Bar.

██████████ explained that the two police officers were trying to figure out what had happened and that ██████████ ██████████, ██████████ was repeatedly telling them that the person responsible is a member of the CPD. ██████████ stated, "Initially, the two police officers, at least in my opinion, did not want to deal with the fact that ██████████ kept saying the guy who did this was a Chicago cop...It took a while for them to acknowledge that he was saying that."⁵¹ ██████████ explained that officers eventually provided them with victim reports.

██████████ said that the next day ██████████ was complaining that his teeth and head hurt. He took ██████████ to the dentist the next day and was told that several of his teeth sustained trauma and were "pushed back." The following day, December 19, 2017, ██████████ took his son to the hospital, where he was diagnosed with a concussion and advised not to return to work immediately.

COPA conducted an interview of ██████████ on February 22, 2018.⁵² ██████████ is employed by the Chicago Fire Department (CFD) as an Ambulance Commander. He responded to an incident at Moretti's on December 17, 2017.

██████████ stated, "I walked in and I met that young man [██████████]⁵³ and he had some facial trauma, and I don't recall if he was punched or in some way he had some facial trauma."⁵⁴ ██████████ said that he was aware that ██████████ had consumed alcohol but explained that he was not heavily intoxicated and could carry on a clear conversation. ██████████ remembered reporting that ██████████ had a blood alcohol level but spoke in clear sentences.

██████████ stated that "they [Officer Rasso and Officer Ballazhi] simply didn't ask questions. They weren't asking questions of the perceived victim the way they normally would have. To me, they were trying to figure out their course of action...I was aware they had a conflict...they weren't taking the report from the victim like they would have done if there was not an off duty police officer involved."⁵⁶

COPA conducted an interview of ██████████ on February 22, 2018.⁵⁷ ██████████ is employed as a Paramedic by the Chicago Fire Department (CFD). He responded with ██████████, to an incident at Moretti's on December 17, 2017.

⁵⁰ Att. 160

⁵¹ *Id.*, page 9, lines 8-12.

⁵² Att. 133-134

⁵³ Prior to the interview ██████████ had reviewed Officer Ballazhi's body worn camera footage to refresh his recollection and identified ██████████ from the video.

⁵⁴ Att. 133, page 5, lines 9-19.

⁵⁶ Att. 134, page 11, lines 19-24 and page 12, lines 4-7

⁵⁷ Att. 135

██████ described ████████ injuries as some swelling to his head. ██████ said that he asked ██████ if he had lost consciousness and was told no.

COPA conducted an interview of Officer Joseph Rasso, #██████, on March 22, 2018.⁵⁸ Officer Rasso stated that on December 17, 2017 at approximately 2:45 a.m. he was on duty in full uniform and assigned to beat 1612R with Officer Ballazhi. He was not assigned a body worn camera at the time of the incident.

Officer Rasso stated that he received a call over the radio for a battery that occurred at Moretti's and that he was assigned to investigate it. He proceeded immediately to Moretti's with Officer Ballazhi after receiving the call and entered the bar upon arriving. Officer Rasso explained that when he entered Moretti's two victims and the bar staff were present. He described the victims as a Caucasian male approximately 6'3 and intoxicated, now known to be ████████ and the other as an Indian male approximately 5'8, now known to be ██████. He believed ██████ was intoxicated because he was not cooperating and needed his father to answer questions on his behalf. Officer Rasso did not observe either ████████ or ██████ with serious injuries.

Officer Rasso said that ██████ informed him that both victims were punched by an individual in the bar and that ██████ gave a physical description and name of the person involved. Officer Rasso said that towards the end of the investigation he learned the offender was a Chicago police officer and then later learned the name of the officer involved, Robert Rialmo. Officer Rasso stated that he was not familiar with Officer Rialmo.

Officer Rasso stated that upon learning a member of the Chicago Police Department was involved he called for a supervisor over the radio. He believed he was outside Moretti's when he called for a supervisor. Officer Rasso said that Sergeant Axium responded over the radio that he was responding to Moretti's Bar.

Officer Rasso said, "Someone may have mentioned that he [the offender] was on scene, so as we're finished up the report...we take a quick look and then he's [the offender] trying to get inside saying that he left his debit card. I go [*sic*], 'No one's coming in here. Who are you then, why do you need your debit card so bad?' And he identified his name, and I said, 'Were you involved in this incident?' He said, 'yes.'"⁵⁹ Officer Rasso asked Officer Rialmo what happened. Officer Rialmo told Officer Rasso that the victims were going through his coat and going through his wallet. Officer Rasso explained that Officer Rialmo acknowledged that he punched the victims but said the explanation was not specific. Officer Rasso said that Officer Rialmo appeared upset but not intoxicated.

Officer Rasso told Officer Rialmo to stay in his squad car and wait for a supervisor to arrive. However, Officer Rialmo refused to do so. Officer Rasso explained he was concerned about Officer Rialmo entering the bar and engaging further with ████████ and ██████. Officer Rasso said that he went back into Moretti's because "too many things"⁶⁰ were happening at the time. He went back outside to check on Officer Rialmo and realized Officer Rialmo was gone.

⁵⁸ Att. 142

⁵⁹ *Id.*, page 17, lines 17-24

⁶⁰ *Id.*, page 24, line 9

Officer Rasso said that when Sergeant Axium arrived at Moretti's Bar he informed Sergeant Axium that a member of the CPD from the 16th District was involved in the incident. He explained that Sergeant Axium took the action required of a supervisor and started the reporting process.

Officer Rasso said that neither [REDACTED] or [REDACTED] signed complaints while he was at Moretti's Bar. He stated, "Well at first, there wasn't anyone on scene when we first arrived there, and then there's also the allegation that Rialmo was also a victim as well. So I don't think I have the authority to determine who [should sign a complaint] that a supervisor would have to make that decision."⁶¹ Officer Rasso explained that once they had finished gathering information they advised [REDACTED] and [REDACTED] of warrant procedures.

Officer Rasso explained that after they left Moretti's Bar they went to the station. Officer Rasso said that they called [REDACTED] and [REDACTED] and asked if they would come to the station and sign complaints. Officer Rasso did not remember if [REDACTED] and [REDACTED] came into the station that night but remembered that they agreed to sign formal complaints.

Officer Rasso reviewed Officer Ballazhi's body worn camera footage. He did not remember speaking to [REDACTED] or hearing him mention that the offender was in the alley. Officer Rasso said that, "Something triggered me to go out and look to see if by chance he [Officer Rialmo] was still there."⁶² But at that time Officer Rialmo was gone.

COPA conducted an interview of Officer Liridon Ballazhi, #11370, on March 22, 2018.⁶³ He stated that on December 17, 2017 he was on duty in full uniform and assigned to Beat 1612R. Officer Ballazhi stated that they received a call over the radio to respond to a battery at Moretti's.

Officer Ballazhi stated, "When we arrived, there's allegedly two people that were involved in that battery with an unknown person at the time. One person, he wasn't very cooperative with us. He didn't want to relay any information. There was another person, who was relatively cooperative. Gave us the necessary information to fill out a report in terms of name and contact number, and his account of what happened."⁶⁴ Officer Ballazhi described that cooperative person, now known to be [REDACTED] as a male Hispanic or "from the India subcontinent" with dark hair and approximately 5'8. He described the noncooperative person, now known to be [REDACTED] as taller than [REDACTED]

Officer Ballazhi did not recall if [REDACTED] had informed him that both [REDACTED] and [REDACTED] had been punched or if just one of them had been punched. Officer Ballazhi did not recall anyone present telling him they witnessed the battery. He also did not recall observing any injuries to either [REDACTED] or [REDACTED]. Officer Ballazhi stated that [REDACTED] informed him the person responsible for the battery was a police officer.

⁶¹ *Id.*, page 25, lines 22-24 and page 26, lines 1-3.

⁶² *Id.*, page 40, lines 2-3.

⁶³ Att. 153-154

⁶⁴ Att. 153, page 8, lines 11-21

Officer Ballazhi said that the person involved, now known to be Officer Rialmo, came back to Moretti's. Officer Ballazhi said that he was trying to ensure Officer Rialmo remained separated from [REDACTED] and [REDACTED].

Officer Ballazhi stated that he did not recall much of the substance of the conversation he and Officer Rasso had with Officer Rialmo outside the bar. He remembered Officer Rialmo telling him that someone was trying to take his jacket. Officer Ballazhi stated that he did not recognize Officer Rialmo and he had not had any prior interaction with him. Officer Ballazhi explained that once he became aware that a person involved was a member of the Chicago Police Department, he and Officer Rasso notified a supervisor. He did not recall Officer Rialmo being intoxicated.

Officer Ballazhi stated that he believed they requested a supervisor over the radio. He could not remember who the supervisor was that responded. Officer Ballazhi informed Officer Rialmo that a supervisor was on the way. Officer Ballazhi said that he did not recall how long Officer Rialmo was on the scene and did not recall the circumstances of Officer Rialmo leaving. He stated, "I didn't get any indication that he would leave for something like that. It was our knowledge, me and my partner, we were still trying to...see what he's [Officer Rialmo] saying and what they're [REDACTED] and [REDACTED] saying. Me, at least, I didn't really see any indication as to why somebody would leave over this."⁶⁵ He explained that at some point he went back into Moretti's. Officer Ballazhi stated that at the time he was not especially concerned about Officer Rialmo leaving the scene because he knew his identity and would be able to easily contact him.

Officer Ballazhi stated that a supervisor arrived at Moretti's Bar after Officer Rialmo had left. He did not remember talking to the supervisor or recall if Officer Rasso spoke to the supervisor.

Officer Ballazhi stated that he had some conversation about Officer Rialmo's jacket with [REDACTED] and/or [REDACTED] but could not recall the specifics. He did not believe that either [REDACTED] or [REDACTED] signed complaints on the scene but based on the arrest report he believed they were later given additional information regarding the procedure to sign a complaint.

Officer Ballazhi stated that he activated his body worn camera at the start of the incident. When asked why he deactivated the camera at the time he did, Officer Ballazhi said that he deactivated the camera because the area appeared safe.

Officer Ballazhi reviewed his body worn camera footage during the interview. Officer Ballazhi stated that he did not remember [REDACTED] informing him that one of the people involved in the incident was a police officer. He explained that he remembered hearing people say one of the involved parties was a police officer. Officer Ballazhi stated, "I heard it was a District cop, but as far as 'in the alley' I didn't really get that on scene."⁶⁶

⁶⁵ *Id.*, page 22, lines 2-7

⁶⁶ Att. 154, page 6, lines 7-8

COPA conducted an interview of Sergeant Jack Axium, #966, on March 15, 2018.⁶⁷

Sergeant Axium stated that on December 17, 2017, he was on duty in full uniform and assigned to Beat 1620R. He became aware of an incident at Moretti's Bar because another unit had requested a supervisor at that location in response to an off-duty officer's involvement in an altercation.

Sergeant Axium said that when he arrived at Moretti's Bar, he talked to the officers on scene, Officer Rasso and Officer Ballazhi, and asked them what had happened. The officers told him that there was an altercation with an off-duty police officer. Sergeant Axium asked the officers if they knew who was involved and they told him it was Officer Rialmo. Sergeant Axium asked how they knew that and the officers informed him because Officer Rialmo had left his debit card at the bar. Sergeant Axium stated, "They said that Officer Rialmo had a verbal altercation with some patrons at the bar and he decked one or two of them."⁶⁸ The officers also informed Sergeant Axium that [Officer] Rialmo had left the scene. Sergeant Axium asked the officers if they made a report and the officers said yes. Sergeant Axium asked if the victims were going to sign complaints and the officers said they were not sure.

Sergeant Axium said that while he was having a conversation with Officer Rasso and Officer Ballazhi, Lieutenant Haynes arrived and asked who was involved in the incident. Sergeant Axium stated that after this conversation, he returned to the station and completed an initiation report regarding this incident. Sergeant Axium said that he saw the victims later at the station.

When asked if he was aware of anyone speaking directly to Officer Rialmo on the night of the incident, Sergeant Axium said that he believed Lieutenant Haynes spoke to him.

Sergeant Axium stated that he did not inform any other officers of this incident. However, he stated, "When I was in the station, [Officer LaPalermo] informed me that his old partner, Rialmo, was blowing his phone up."⁷⁰ When asked if he knew anything about the content of those text messages Sergeant Axium stated, "Just the fact that he's blowing it [Officer LaPalermo's cell phone] up. Just one of them, I remember that... he [Officer Rialmo] said... 'Why are you shutting me out bro?'"⁷¹ Sergeant Axium also stated that that Officer LaPalermo informed him that Officer Rialmo was sending him text messages with an address. Sergeant Axium said that Officer LaPalermo informed Lieutenant Haynes of the messages.

COPA conducted an interview of Lieutenant David Haynes on March 15, 2018.⁷² He stated that he was on duty as the Field Lieutenant on the date of the incident. Lieutenant Haynes explained that in the early morning hours of December 17, 2017, there were several other bar fights in the area near Moretti's Bar and that he was nearby responding to another incident. Lieutenant Haynes stated that since he was nearby he drove by Moretti's and saw Officer Rasso and Officer Ballazhi outside.

⁶⁷ Att. 144

⁶⁸ *Id.*, page 6, lines 18-20

⁷⁰ *Id.*, page 20, lines 4-6

⁷¹ *Id.*, page 20, lines 9-11

⁷² Att. 137

Lieutenant Haynes said that he only spoke to Officer Rasso and Officer Ballazhi long enough to learn that a police officer was involved, that the incident had ended, and that the offender had left. He could not remember if Officer Rasso and Officer Ballazhi told him the name of the specific officer involved at the scene or later at the station. However, Lieutenant Hayes became aware that Officer Rialmo was the person involved in the altercation.

Lieutenant Haynes said that after Officers Rasso and Ballazhi left Moretti's they went to the station to complete the report. Lieutenant Hayes said that at the station he spoke directly to Officer Rasso and Officer Ballazhi and obtained additional information from them. He said at that point he created a log number and called the Crime Prevention and Information Center (CPIC). CPIC notified the on-call Sergeant at IAD⁷³, now known to be Sergeant Mark Lamberg, and Sergeant Lamberg called him back at the 16th District.

Lieutenant Haynes stated, "I asked him [the on-call Sergeant at IAD], in so far as what I should do about [the incident], should I send officers to pick him [Officer Rialmo] up? Do they [IAD] want to come out, were they [IAD] going to respond? How should I handle this without an officer in custody? It's the first time I had an incident [involving] an officer where he [the involved officer] wasn't actually there on the scene. So I talked to the on-call Sergeant several times."⁷⁴ Lieutenant Haynes said that initially IAD told him to send an officer to Officer Rialmo's address to see if he was there. However, before Lieutenant Haynes was able to issue the order IAD called back and told him to order Officer Rialmo to report to the station to be given a breathalyzer test and indicated that the purpose of this call would partially be to determine if Officer Rialmo would respond.

Lieutenant Haynes said that he called Officer Rialmo and told him to report to the station and that Officer Rialmo agreed to come to the station. Lieutenant Haynes stated, "I was immediately called back by IAD...and asked has anybody alleged that he was drunk or drinking? And I said, not to my knowledge. I mean nobody actually said that."⁷⁵ Lieutenant Haynes said that once he informed IAD no one had specifically told him Officer Rialmo was intoxicated, he was instructed to call Officer Rialmo back and tell him not to come in, that no one from IAD would be coming to the station, and that Officer Rialmo would not be given a breathalyzer test under these circumstances.

Lieutenant Haynes said that approximately ten minutes after he arrived at the station Officer LaPalermo came into the station to inform a supervisor that he received multiple text messages from Officer Rialmo. Lieutenant Haynes said that he did not remember the specific content of the text messages but was aware that Officer Rialmo had sent a text message to Officer LaPalermo indicating that Officer Rialmo wanted to meet Officer LaPalermo somewhere. Lieutenant Haynes said that he instructed Officer LaPalermo not to respond to the text messages and that he has no reason to believe that Officer LaPalermo responded. Lieutenant Haynes said that Officer LaPalermo was the only officer he was aware of that had contact with Officer Rialmo the morning of December 17, 2017.

⁷³ The Bureau of Internal Affairs (BIA) was formerly referred to as IAD.

⁷⁴ *Id.*, page 10, lines 8-24

⁷⁵ *Id.*, page 11, lines 12-15

COPA conducted an interview of Sergeant Mark Lamberg, #1847, on March 28, 2018.⁷⁶ He stated that he is currently a Sergeant assigned to the Bureau of Internal Affairs (BIA). On December 17, 2017, at approximately 2:45 a.m. he was off duty but was the secondary sergeant on call. Sergeant Lamberg said that in the early morning hours of December 17, 2017, he received a call from CPIC informing him that there had been an incident involving an off-duty police officer and requesting that he call the 16th District Watch Commander.

Sergeant Lamberg said that he called the Watch Operations Lieutenant, David Haynes, and that Lieutenant Haynes informed him that a police officer was involved in a simple battery at a bar in the 16th District.

Sergeant Lamberg informed Lieutenant Haynes that BIA would not respond to such an incident unless there was an allegation that the officer was drinking or intoxicated. Sergeant Lamberg said that simply being in a bar or establishment that serves alcohol cannot serve as the basis for such an allegation and that other factors such as the time of day would not be considered. He stated that in this case Lieutenant Haynes had not observed Officer Rialmo with glassy eyes, smelling of alcohol, slurred speech or any other sign of impairment. Sergeant Lamberg also said that Lieutenant Haynes informed him that he was not aware of any citizen alleging that Officer Rialmo was intoxicated.

Sergeant Lamberg said that in this case additional information regarding the incident would not have changed his determination that there was an insufficient basis to conduct a breathalyzer test. He stated that based on his training, he needed a complainant's name to proceed with testing.

COPA conducted an interview with Officer Anthony LaPalermo, #16727, on March 7, 2018.⁷⁸ He stated that on December 17, 2017, at approximately 2:45 a.m. he was on duty in full uniform assigned to beat 1611R with Officer Richard Schlecht. He was assigned to a marked Ford Explorer with his partner.

Officer LaPalermo said that he was near the intersection of Milwaukee Avenue and Devon Avenue when he and his partner were assigned to assist unit 1612R in responding to an incident at Moretti's Bar. Officer LaPalermo stated that he was informed over the radio and through the PDT⁷⁹ system that there was a battery with multiple victims.

Officer LaPalermo stated that while they were driving to Moretti's they received a call over the radio to "disregard."⁸⁰ Officer LaPalermo said that when they received the call to disregard they were close to Moretti's so they continued driving towards the bar. He stated, "So we went down Olmstead just to take a quick glance at what was going on. We drove by it. I believe there was another squad car coming towards us but I don't recall who it was. We gave a look. We didn't see anything to be concerned about. We pulled off. I think it [the assignment] was cleared within a few minutes."⁸¹ He knew the car they passed was not 1612R but was not certain who was

⁷⁶ Att. 143

⁷⁸ Att. 136

⁷⁹ Personal Data Terminal

⁸⁰ *Id.*, page 10, line 21

⁸¹ *Id.*, page 11, lines 1-7

in the other marked squad car. Officer LaPalermo did not recall parking near Moretti's and stated that he never left the vehicle. Officer LaPalermo stated that no one approached the vehicle while he was near Moretti's. He did not see Officer Rialmo while he was in vicinity of Moretti's.

Officer LaPalermo stated that approximately half an hour to forty-five minutes after receiving the call to disregard he received a call on his personal cell phone from Sergeant Jack Axium. Officer LaPalermo said that Sergeant Axium informed him that his former partner, Officer Rialmo, was involved in a battery. Officer LaPalermo said that Sergeant Axium told him to avoid phone communication with Officer Rialmo. Officer LaPalermo said that his phone conversation with Sergeant Axium was the first time he learned Officer Rialmo was involved in an alleged battery at Moretti's. Officer LaPalermo explained that he previously worked with Officer Rialmo in the 11th District. Officer LaPalermo described his relationship with Officer Rialmo as that of friends.

Officer LaPalermo stated that prior to receiving the call from Sergeant Axium he received four of five text messages from Officer Rialmo. When asked about the nature of the text messages Officer LaPalermo stated, "I don't recall. I know it was nothing having to do with what he was involved in. Actually, it took four or five texts from him to finally respond. I think I responded one time. I'm positive. I said [sent a text message reading], 'What's up?' And then I was informed that he was involved and I didn't respond again."⁸⁶ Officer LaPalermo explained that he did not look at the messages immediately or respond immediately because he was driving.

Officer LaPalermo stated that after he sent Officer Rialmo a text reading, 'What's up?'⁸⁷ Officer Rialmo responded by sending a text message containing an address and asking to meet. Officer LaPalermo said that he did not remember the address.

Officer LaPalermo said that after receiving the text message he went to the station and spoke to Lieutenant Haynes. Officer LaPalermo said that he told Lieutenant Haynes that he had received several text messages from Officer Rialmo, including one that contained an address. Officer LaPalermo said that he showed Lieutenant Haynes the text messages. Officer LaPalermo said that he no longer has the text messages because he routinely deletes his personal text messages.

COPA conducted an interview of Officer Richard Schlecht, #13607, on March 6, 2018.⁸⁸ He stated that on December 17, 2017 at approximately 2:45 a.m. he was on duty in full uniform assigned to Beat 1611R with Officer Anthony LaPalermo. He stated that he was assigned to a marked Ford Explorer with his partner.

Officer Schlecht stated that he was observing traffic near the intersection of Milwaukee Avenue and Devon Avenue when dispatch sent notification of a battery at Moretti's. He explained that after receiving the call, he and Officer LaPalermo proceeded to Moretti's. He stated, "On the way there, we received a wave off from 1612 [Beat 1612R, Officer Rasso and Officer Ballazhi]

⁸⁶ *Id.*, page 22, lines 6-12

⁸⁷ *Id.*, page 23, line 9

⁸⁸ Att. 131

that they had everything under control. So we never stopped and we passed by the bar and left.”⁸⁹ Officer Schlect said that while they were in the vicinity of Moretti’s no one approached the vehicle. Officer Schlecht said that he was not aware that Officer LaPalermo was receiving text messages from Officer Rialmo or sending text messages to Officer Rialmo.

COPA conducted an interview with Officer Steven Honda, #13979, on April 3, 2018.⁹⁰ He stated that on December 17, 2017, he was on duty in full uniform assigned to Beat 1613R. Officer Honda could not recall if he had a partner at the time of the incident or who his partner was.

Officer Honda said that on December 17, 2017, he received a call for a battery at Moretti’s. He stated that he went as an “assist car”⁹¹ but was not assigned to the call. Officer Honda did not remember if he used the radio to notify dispatch that he would be responding as an assist car. Officer Honda said that as he was approaching Moretti’s “a disregard was given.”⁹²

Officer Honda said that although he received a call to disregard while on the way to Moretti’s Bar he proceeded to and eventually arrived at the bar. Officer Honda said that he parked the car upon arriving at Moretti’s Bar. He said that he never got out of his vehicle and that he did not remember anyone approaching his vehicle while he was in the vicinity of Moretti’s. Officer Honda said that he made the decision to leave because of the call to disregard and because the scene appeared secure.

COPA conducted an interview with Officer Sergio Aponte, #11778, on May 3, 2018.⁹³ He stated that on December 17, 2017 he was on duty in full uniform assigned to Beat 1613R with Officer Honda. He described his assignment on the date of the incident as the “ten sector,” which includes Moretti’s, but could not remember the beat he worked.

Officer Aponte remembered hearing a call for a battery at Moretti’s. Officer Aponte said that when they arrived other squad cars were present but he was unable to identify the specific units. Officer Aponte said that he never exited the vehicle and estimated he was in the vicinity of Moretti’s for approximately two minutes. He did not remember Officer Honda parked the vehicle or if they just did a “slow roll by.”⁹⁵ Officer Aponte did not remember anyone approaching the vehicle.

COPA conducted an interview of Officer Robert Rialmo, #15588, on June 5, 2018.⁹⁶ Officer Rialmo stated that on December 17, 2017, he was on furlough.

At around 10 p.m., Officer Rialmo went to Moretti’s with approximately ten friends. Officer Rialmo stated that while at Moretti’s he consumed “two or three beers and possibly a mixed drink,” over the course of approximately four hours.

⁸⁹ *Id.*, page 12, lines 22-24 and page 13

⁹⁰ Att. 140

⁹¹ *Id.*, page 9, line 17

⁹² *Id.*, page 12, line 1

⁹³ Attachment 175.

⁹⁵ *Id.*, page 13, lines 21-22.

⁹⁶ Attachment 181.

Officer Rialmo stated that while he was at Moretti's a person unknown to him at the time, but now known to be █████ came up to his table, went through the pockets of his flannel then tried to leave with the flannel. Officer Rialmo said that his jackets were located on the back of a chair approximately three or four feet away from him. Officer Rialmo's friends, █████, █████, and █████ were also surrounding the table.

Officer Rialmo asked █████ what he was doing. Officer Rialmo said that █████ responded that he was taking "my jacket."⁹⁷ Officer Rialmo told █████ "no, that's not your stuff boy, that's my stuff, can you put it down for me please?"⁹⁸ Officer Rialmo said that █████ continued to hold his flannel and stared at him in response. Officer Rialmo said that his keys and cell phone had fallen out of his coat pocket. Officer Rialmo asked █████ to pick up those items and put them back. According to Officer Rialmo, █████ tried to do so but could not because he was intoxicated.

Officer Rialmo said that he tried to grab his flannel from █████ which resulted in the two engaged in a "tug-of-war"⁹⁹ over the flannel. Officer Rialmo told █████ "whatever, I don't want to get into an altercation."¹⁰⁰ █████ told Officer Rialmo, "fuck you dude, this is my jacket, I'm out of here."¹⁰¹ Officer Rialmo responded, "no you're not, give me my stuff."¹⁰²

Officer Rialmo stated that he grabbed the flannel and pulled it toward himself. Officer Rialmo stated, "as I pulled my jacket towards me, he gave me a good, like, chest bump."¹⁰³ When asked to describe the chest bump, Officer Rialmo said that █████ put his hands up and then put his arms in Officer Rialmo's chest. Officer Rialmo stated that he gave █████ a "hard shove to the chest."¹⁰⁴ Officer Rialmo said that after he shoved █████ that █████ fell backwards into the table behind him.

Officer Rialmo explained that as the altercation with █████ was taking place, that one of █████ friends, now known to be █████ was standing to █████ left. Officer Rialmo estimated that █████ was approximately three feet away from him. Officer Rialmo stated that █████ had a beer in his left hand that was resting on the table. He said that after █████ "went down"¹⁰⁵ █████ balled up his right fist and took a step toward Officer Rialmo. Officer Rialmo said that █████ put his hands on Officer Rialmo's shoulders and pushed Officer Rialmo.

Officer Rialmo stated that in response to █████ pushing him he punched █████ in the face. Officer Rialmo said that he was worried █████ was going to punch him in the face. Officer Rialmo said that █████ fell "straight down."¹⁰⁶

⁹⁷ *Id.*, p. 12, line 1.

⁹⁸ *Id.*, page 12, lines 15-16

⁹⁹ *Id.*, page 14, line 3.

¹⁰⁰ *Id.*, page 14, lines 4-5.

¹⁰¹ *Id.*, page 14, lines 6-7.

¹⁰² *Id.*, page 15, lines 13-14.

¹⁰³ *Id.*, page 15, line

¹⁰⁴ *Id.*, page 15, lines 15-16.

¹⁰⁵ *Id.*, page 18, line

¹⁰⁶ *Id.*, page 21, line 5.

Officer Rialmo said that after he punched ██████ ██████ tried to stand up, balled up his fists, and “said something about ‘mother fucker.’”¹⁰⁷ Officer Rialmo stated that ██████ was “charging at me”¹⁰⁸ and was approximately two or three feet away. Officer Rialmo explained that ██████ got back up on his feet leaned forward in an “aggressive posture.”¹⁰⁹ Officer Rialmo struck ██████ in the face. When asked why he did so, Officer Rialmo stated, “I didn’t feel like getting myself punched in the face.”¹¹⁰ Officer Rialmo said that ██████ fell to the floor.

Officer Rialmo said that after he punched ██████ that bouncers approached him. He stated that he grabbed his coats and his friends pushed him towards the door. Officer Rialmo explained that he left the bar through the revolving doors onto Oshkosh Avenue. Officer Rialmo stated that he then returned to Moretti’s to try to get his credit card from the bar. He estimated that he stayed at Moretti’s for approximately five minutes after the physical altercation.

Officer Rialmo explained that when he left Moretti’s after trying to get his credit card that a large crowd had formed. He said that he went down the nearby alley and was followed by a person he now knows to be Hugo ██████ Officer Rialmo said that ██████ told him, “Hey man, you can’t leave yet. The cops are coming.”¹¹¹ Officer Rialmo said that he told ██████ he would wait for the police. Officer Rialmo said that he was wearing a hooded sweatshirt with CPD insignia for the 11th District on it, which prompted ██████ to ask him if he worked in the 11th District. Officer Rialmo said that he told ██████ that he worked in the 11th District. Officer Rialmo denied telling ██████ that nothing would happen to him because he is a police officer.

Officer Rialmo stated that he did not call 911, anyone in the 16th District¹¹² or anyone in the 11th District. Officer Rialmo said that he walked down the alley, through the Moretti’s courtyard to the front of the building in order to see if police had arrived. Officer Rialmo explained that the door to Moretti’s was locked. Officer Rialmo knocked on the door and a police officer opened the door. Officer Rialmo believed the police officer who opened the door was Officer Ballazhi.

Officer Rialmo said that he told Officer Ballazhi, “Yeah, uh, I’m Rialmo, I’m just looking for my debit card.”¹¹³ Officer Ballazhi asked Officer Rialmo to wait outside and returned inside. Officer Rialmo said that when Officer Ballazhi returned he asked if Officer Rialmo was involved in a fight and Officer Rialmo told Officer Ballazhi that he was involved in a fight. Officer Rialmo said that Officer Ballazhi and his partner Officer Rasso called for a supervisor. Officer Rialmo said that Officer Ballazhi and Officer Rasso told him to wait outside and went back into Moretti’s. He stated that approximately five minutes later a large crowd of approximately ten to fifteen people recognized him as the person involved in the physical altercation at Moretti’s. Officer Rialmo said

¹⁰⁷ *Id.*, page 22, line 4.

¹⁰⁸ *Id.*, page 22, line 5.

¹⁰⁹ *Id.*, page 22, line 11.

¹¹⁰ *Id.*, page 23, lines 3-4.

¹¹¹ *Id.*, page 28, lines 21-22.

¹¹² Moretti’s is located within the boundaries of the 16th District.

¹¹³ *Id.*, page 32, line 5-6.

that he tried to knock on the door again to get the officers' attention and then walked down the street to avoid an altercation with the crowd.

Officer Rialmo said that he then walked to [REDACTED] home. Officer Rialmo stated that while he was at [REDACTED] home he tried unsuccessfully to contact Officer LaPalermo. When asked why he tried to contact Officer LaPalermo he stated, "Because he is a friend of mine, and I know he worked midnights in the area, so I needed to, uh, see if he could have, help me out in the situation at all."¹¹⁴ Officer Rialmo said that [REDACTED] gave him a ride back to the bar in order to talk to the officers and retrieve his credit card. He said that when he returned to Moretti's at approximately 3:30 a.m. with [REDACTED] the bar was closed and the squad car was gone. Officer Rialmo said that he then went home.

Officer Rialmo said that after he got home Lieutenant Haynes called his cell phone and asked if he was involved in a situation at Moretti's. Officer Rialmo told Lieutenant Hayes that he was. Lieutenant Hayes called Officer Rialmo again later that morning and told him they would figure out the situation the next day.

Officer Railmo stated that he first learned he would be arrested on the date of his arrest. He acknowledged he was arrested on two counts of misdemeanor battery and one count of misdemeanor theft.

Officer Rialmo testified at his misdemeanor trial on July 10, 2018. Officer Rialmo said that he did not notice the people he now knows to be [REDACTED] and [REDACTED] until they approached him at approximately 2:40 a.m. on December 17, 2017. Officer Rialmo stated "He started going through my pockets of my heavy coat, made my cell phone and my keys fall out,"¹¹⁶ referring to [REDACTED] Officer Rialmo asked [REDACTED] why he was taking his phone and keys. Officer Rialmo said that [REDACTED] bent down and picked up the phone and keys and put them on a nearby chair. He stated, "[REDACTED] is telling me that is his jacket. I'm telling him it is my jacket and please do not touch my things."¹¹⁷ Officer Rialmo said that [REDACTED] left the area and then came back.

Officer Rialmo testified [REDACTED] picked up his jacket.¹¹⁸ Officer Rialmo said that [REDACTED] had his hands up and was insisting he had his own jacket. Officer Rialmo stated, "I told him no, it was mine, to take a walk to get out of there."¹¹⁹ Officer Rialmo said that [REDACTED] walked up behind [REDACTED] Officer Rialmo said that [REDACTED] picked up his jacket again. He stated, "[REDACTED] seemed to want to get engaged in a conversation somehow even though he had nothing to do with it."¹²⁰

Officer Rialmo stated that he engaged in a tug of war with [REDACTED] over the jacket. Officer Rialmo said that he told [REDACTED] it was not his jacket but that [REDACTED] did not appear to understand. Officer Rialmo testified that at the time, [REDACTED] was holding either a glass or a bottle of

¹¹⁴ *Id.*, page 39, lines 15-17.

¹¹⁶ Page 98, lines 18-19.

¹¹⁷ Page 102, lines 16-18.

¹¹⁸ Officer Rialmo also described an earlier interaction with [REDACTED] concerning his coat.

¹¹⁹ Page 104, lines 5-6.

¹²⁰ Page 104, lines 19-21.

beer, which Officer Rialmo believed he might use to hit him in the head. Officer Rialmo stated that [REDACTED] moved closer to him and used his right hand to reach for Officer Rialmo's face. Officer Rialmo stated, "He [REDACTED] told me 'Fuck you dude. I'm taking this coat.'"¹²¹ Officer Rialmo said that he pushed [REDACTED] and that he believed the jacket fell. Officer Rialmo stated that he believed the jacket was still in [REDACTED] hands when he pushed [REDACTED]. He stated, "As he fell, he did not have the flannel jacket on top of him, no."¹²² When asked why he pushed [REDACTED] Officer Rialmo stated, "[REDACTED] was getting aggressive and agitated. He told me fuck you, I'm taking my coat . . . I pushed him and it caused a distance between him and myself."¹²³

Officer Rialmo stated that [REDACTED] fell to the ground. He said that [REDACTED] was on his feet and leaning towards Officer Rialmo in an "aggressive posture."¹²⁴ Officer Rialmo believed that [REDACTED] was going to charge at him and tackle him. Officer Rialmo said that as [REDACTED] was getting off the ground he called Officer Rialmo a "motherfucker."¹²⁵ Officer Rialmo stated that he had to step over or to the side of [REDACTED] who was still on the ground to move closer to [REDACTED] to punch him.

[REDACTED] testified at Officer Rialmo's misdemeanor trial on July 10, 2018. [REDACTED] testified that on December 16, 2017 he arrived at Moretti's at approximately 10:30 p.m. and met up with a group of approximately fifteen friends, including Officer Rialmo.

[REDACTED] stated that on December 17, 2017 at approximately 2:30 a.m. he observed [REDACTED] yelling at Officer Rialmo. He testified that he could not hear what was going on but believed [REDACTED] was yelling because of [REDACTED] body language and that [REDACTED] had his hands up in an aggressive manner. [REDACTED] stated that Officer Rialmo reacted in a calm manner. He observed an unknown person behind [REDACTED] who was also behaving in an aggressive manner and yelling at Officer Rialmo. [REDACTED] did not see a tug of war occurring between Officer Rialmo and [REDACTED] though he said he could see movement of their shoulders. [REDACTED] described Officer Rialmo as "calm, but frustrated."¹²⁶

[REDACTED] saw Officer Rialmo push [REDACTED]. He testified that after Officer Rialmo pushed [REDACTED] and [REDACTED] fell onto the chairs behind him. [REDACTED] stated that the person standing behind [REDACTED] now known to be [REDACTED] moved forward and raised his hand towards Officer Rialmo's shoulder and head. He explained that [REDACTED] hands were approximately an arm's length away from his body raised to shoulder height. [REDACTED] testified that Officer Rialmo hit [REDACTED] and [REDACTED] fell down.

[REDACTED] observed [REDACTED] get up and walk toward Officer Rialmo. [REDACTED] did not hear [REDACTED] did not hear [REDACTED] say anything. He explained that he did not believe [REDACTED] said anything at this point but would not have heard if [REDACTED] said anything. [REDACTED] stated that

¹²¹ Page 107, lines 5-6.

¹²² Page 116, line 24, page 117, line 1.

¹²³ Page 107, lines 17-21.

¹²⁴ Page 108, line 19.

¹²⁵ Page 123, line 8

¹²⁶ Att. ???, page 21, line 12.

Officer Rialmo punched [REDACTED] was not able to describe Officer Rialmo's demeanor after he struck [REDACTED] stated that Officer Rialmo was "just kind of standing there."¹²⁷

[REDACTED] stated that Officer Rialmo left the immediate area. [REDACTED] said that he stayed and later had a conversation with [REDACTED] about the coats. [REDACTED] described [REDACTED] as highly intoxicated.¹²⁸

[REDACTED] testified at Officer Rialmo's misdemeanor trial on July 10, 2018. [REDACTED] stated that between 9:30 and 10:00 p.m. on December 16, 2017 he arrived at Moretti's with a group of friends, including Officer Rialmo. [REDACTED] testified that he first noticed a person now known to be [REDACTED] because [REDACTED] pointed him out. [REDACTED] observed [REDACTED] in Officer Rialmo's "personal space."¹³⁰ [REDACTED] stated that [REDACTED] and Officer Rialmo were "having a heated exchange of words."¹³¹ [REDACTED] explained that he was too far away to hear the conversation. [REDACTED] stated that he observed [REDACTED] pick up a coat. He explained that there were several coats present and he was not sure which one [REDACTED] picked up. [REDACTED] stated, "He attempted to pick it up as if it were his,"¹³² referring to [REDACTED] observed Officer Rialmo and [REDACTED] engaged in a "tug of war"¹³³ over the coat, which resulted in Officer Rialmo having possession of the coat. At this point, [REDACTED] stated that he moved his fiancé away from the area by pulling her chair away.

[REDACTED] observed Officer Rialmo use one hand to shove [REDACTED] When asked to describe the shove [REDACTED] stated the shove was "more or less to separate himself and give himself space,"¹³⁴ referring to Officer Rialmo. [REDACTED] stated that after Officer Rialmo shoved [REDACTED] that [REDACTED] flew back into nearby tables. [REDACTED] observed a person, now known to be [REDACTED] standing behind [REDACTED] explained that [REDACTED] was "just standing there," and after [REDACTED] was shoved [REDACTED] engaged with Officer Rialmo. [REDACTED] stated that [REDACTED] moved toward Officer Rialmo and attempted to grab him. He stated that Officer Rialmo then struck [REDACTED] who fell to the floor.

[REDACTED] stated that after Officer Rialmo struck [REDACTED] was attempting to stand up and engage with Officer Rialmo. Officer Rialmo struck [REDACTED] again. [REDACTED] stated that he went over to Officer Rialmo to remove him from what he believed to be a dangerous situation.¹³⁵

¹²⁷ Page 26, lines 1-2.

¹²⁸ COPA made several attempts to interview [REDACTED], but [REDACTED] did not respond.

¹³⁰ Page 47, line 1.

¹³¹ Page 47, line 2.

¹³² Page 47, line 15.

¹³³ Page 49, line 4

¹³⁴ Page 50, lines 13-14.

¹³⁵ COPA made several attempts to interview [REDACTED] However, [REDACTED] did not respond.

b. Digital Evidence

COPA obtained **surveillance video from Moretti's**.¹³⁶ The footage includes six cameras located in and outside the building. Moretti's initially provided footage from December 17, 2017, from 2:40 a.m. until 2:45 a.m. The most relevant footage is summarized below.

The *SnugEP Bar East* view shows a person, now known to be Officer Rialmo, near a table with four males and one female. At 2:40:51¹³⁷ Officer Rialmo appears to start interacting with a person now known to be [REDACTED]. A light hanging from the ceiling obstructs the view of [REDACTED]. At 2:41:17 a person, now known to be [REDACTED] approaches [REDACTED] and Officer Rialmo. At 2:41:47 Officer Rialmo is shown lunging in the direction of [REDACTED] and [REDACTED]. Officer Rialmo is then shown striking [REDACTED] then striking [REDACTED] both of whom fall to the floor.

The *SnugEP Dining SW* view shows [REDACTED] approach a table. [REDACTED] is moving his arms in a manner that indicates he is likely interacting with someone off camera. At 2:41:18 [REDACTED] approaches the area where [REDACTED] is standing. At 2:41:47 Officer Rialmo is shown shoving [REDACTED] and then striking him in the head. [REDACTED] falls into a nearby table, knocking it over, and then falls to the ground. Officer Rialmo then strikes [REDACTED] in the head. [REDACTED] falls to the ground. At 2:41:51, [REDACTED] gets off the ground. As [REDACTED] gets up, Officer Rialmo strikes him in the head. [REDACTED] falls to the ground. An unidentified individual pushes Officer Rialmo away from [REDACTED] and [REDACTED].

The *SnugEP Hostess* view shows that at 2:42:22 Officer Rialmo walks down the stairs towards the exit of Moretti's. Officer Rialmo stops at the bottom of the stairs near the door and appears to have a conversation with a member of Moretti's staff. At 02:44:39 a male, now known to be [REDACTED] starts to walk down the stairs and appears to have a conversation with Office Rialmo. At 02:43:00 Officer Rialmo walks back up the stairs and off the view of the camera. [REDACTED] follows. At 02:44:27 Officer Rialmo walks down the stairs and out the door, followed by [REDACTED].

At approximately 3:03, Officer Ballazhi can be seen walking down the stairs and stopping at the door, holding what appears to be a hat in his hand. A unidentified person opens the door next to the revolving door. Officer Ballazhi looks at the person and then steps outside. The door remains open. Officer Rasso walks down the stairs at around 3:04 and stands in the doorway, facing toward the exterior of Moretti's. He then exits and the door closes. The officers reappear at the door at approximately 3:24 and are let in by a member of Moretti's staff. At 3:29:14, [REDACTED] and [REDACTED] exit Moretti's. At 3:31:50, Officers Rasso and Ballazhi exit.

COPA obtained additional **surveillance video from Moretti's Bar** from the exterior of the building and extending to 4:30 a.m. on December 17, 2017.¹³⁸

The *Snug EP Revolving Door* view captures the exterior of one of the exits to Moretti's Bar. The camera only captures part of the area accessible through the revolving door and the view

¹³⁶ Att. 10

¹³⁷ The timestamps appear accurate and all times referenced in the video are a.m.

¹³⁸ Att. 77

is partially obstructed by a hanging wreath. At 03:03:26 a male wearing a black shirt or jacket approaches the revolving door, is unable to open it and leaves the view of the camera. At 03:03:56 a male who appears to be Officer Ballazhi is shown exiting Moretti's. At 03:04:37, Officer Ballazhi steps into view. Another male, who appears to be Officer Rasso, also appears on view of the camera and both officers appear to have a conversation with the person who previously approached the door. At 03:05:16, one of the officers appears to be using his radio. Both officers leave the view of the camera at 03:06:12. Officer Rasso can be seen on camera again at approximately 3:24:20 before he again goes offscreen.

At 03:29:45 a marked SUV pulls up and a male in a Sergeants' uniform, now known to be Sergeant Axium, exits the vehicle. Another marked SUV pulls up near the first SUV and Sergeant Axium approaches the second vehicle, off the view of the camera. He then goes to the revolving door and appears to attempt to enter Moretti's Bar but cannot do so. At 03:31:55, two uniformed officers who seem to be Officers Rasso and Ballazhi exit Moretti's Bar and appear to have a conversation with Sergeant Axium. At 03:32:20 Sergeant Axium walks back to the marked SUV and walks off the view of the camera. At 03:32:57 Sergeant Axium gets in the marked SUV. At 03:33:16 the two marked vehicles stop near each other. At 03:33:20 a third marked vehicle comes from off the view of the camera and drives by the two stopped marked vehicles. At 03:34:17 the two marked vehicles drive away.

COPA obtained **Security footage from Don Juan's Restaurant.**¹³⁹ At 02:44:57¹⁴⁰ on December 17, 2017, Officer Rialmo is shown walking down the alley, carrying what appears to be at least one coat. [REDACTED] follows behind Officer Rialmo. At 02:54:23, [REDACTED] is seen walking in the opposite direction in the alley, towards Moretti's.

COPA obtained Officer Ballazhi's Body Worn Camera Footage from December 17, 2017.¹⁴¹ The footage starts with Officer Ballazhi driving. Officer Ballazhi stops and gets out of a marked police vehicle.

After talking to a man outside, Officer Ballazhi then proceeds with Officer Rasso through a crowd of people into the bar. Officer Rasso approaches a Caucasian male, now known to be [REDACTED] who is holding a cell phone to his ear. Officer Rasso says to [REDACTED] "What's going on young man, what happened?" A Caucasian female, now known to be [REDACTED] approaches Officer Rasso and says, "He's talking to his dad." She explains to Officer Rasso that [REDACTED] lives in her neighborhood and that she has offered him a ride home. While [REDACTED] is still on the phone, Officer Rasso asks him, "Do you want to talk to us?" [REDACTED] does not respond.

Officer Rasso gets out his radio and tells the dispatcher to "Slow it down." The dispatcher is heard giving directions for a "total disregard."

¹³⁹ Att. 68; Don Juan's Restaurant is located at 6730 Northwest Highway. The alley that runs alongside Don Juan's is located directly behind Moretti's.

¹⁴⁰ The time stamp appears to be correct and all times referenced in the Don Juan's footage would be a.m.

¹⁴¹ Att. 51. The date stamp of 2017-12-17 is correct. However, the time stamp of 08:50 is not accurate.

A person now known to be [REDACTED] can be heard saying, "So we had an incident in the sense we were trying to leave the bar but our tab wasn't closed yet. We were going to go tab it out. And then my friend over there, [REDACTED] was punched out from a local...whatever...well a guy in sense. He punched him [REDACTED] out. He [the offender] left the scene and I tried to contact the officials in a sense to try to get any personal information from the government. They left the scene and we're stuck here in the moment right now."

[REDACTED] arrives. Officer Rasso asks [REDACTED] if he will talk to his son because his son is not talking to the police. [REDACTED] asks [REDACTED] what happened. [REDACTED] answers [REDACTED] and explains that [REDACTED] and [REDACTED] were "just trying to leave the bar when some guy just started punching them [REDACTED] and [REDACTED] Knocked him [pointing to [REDACTED] out." [REDACTED] informs Officer Rasso that he was also punched. [REDACTED] asks [REDACTED] "Who are you?" and she introduces herself and explains they know each other "from the neighborhood."

Officer Rasso asks [REDACTED] if he wants to file a report. [REDACTED] says, "Officially ycs." Officer Rasso asks [REDACTED] for his identification. An arm blocks the view of the camera. Officer Rasso is heard saying, "Apparently the bar has the name of whoever did this to you and your friend." [REDACTED] searches for his identification and provides the officers with his credit card.

Paramedics arrive and start speaking to [REDACTED] Officer Rasso then approaches [REDACTED] Officer Rasso asks [REDACTED] if he wants to file a report. [REDACTED] does not appear to answer either Officer Rasso or the paramedics. The camera captures [REDACTED] going through his wallet trying to find his identification.

[REDACTED] asks [REDACTED] if he wants to go to the hospital. [REDACTED] asks one of the paramedics if he could "just check him out." The paramedic says, "It looks like he just busted his lip." It appears that the paramedic continues to have a conversation with [REDACTED] While the paramedic speaks to [REDACTED] and [REDACTED] Office Rasso and Officer Ballazhi have a conversation with each other. The officers determine that the doorman might have information and decide to attempt to talk to him. During this conversation, [REDACTED] is shown walking into the bar area.

[REDACTED] tells Officer Ballazhi, "The guy that hit him, is an 11th District cop. You just can't hit people like that in the bar." Officer Ballazhi asks [REDACTED] "Do you know him?" [REDACTED] says, "Yeah, he's down in the alley. I just talked to him." Officer Ballazhi's arm blocks the view of the camera but he is heard saying, "That's his card right there." Officer Rasso then approaches [REDACTED] says, "The guy just cold cocked him. He's down the block. These kids didn't do nothing." The camera is then deactivated.¹⁴²

Officer Ballazhi reactivates his body worn camera approximately thirty minutes after it was deactivated.¹⁴³ The footage shows the officers sitting at a table with [REDACTED] and [REDACTED] going over paperwork. Officer Ballazhi explains to [REDACTED] that he is listed as the

¹⁴² The camera is deactivated at 08:57:45.

¹⁴³ The camera is reactivated at 09:26:39.

victim. [REDACTED] and [REDACTED] walk towards the exit. [REDACTED] asks if he can look for his coat. [REDACTED] appears unable to find his coat. The camera is deactivated.¹⁴⁴

Chicago Police Department Event Queries document three 9-1-1 calls related to this incident.¹⁴⁵

CPD Radio transmissions from December 17, 2017, document that at 2:45 a.m. Beat 1612R was informed of a person knocked out at the Snuggery Pub and a battery in progress at 6727 Olmstead.¹⁵¹ At 2:52 a.m. Beat 1612R issues a “disregard.” The dispatcher then instructs other units to disregard the battery at 6727 N. Olmstead Avenue. At 3:04 a.m. Beat 1612R requests a supervisor. The Dispatcher requests that Beat 1620R respond to 6727 N. Olmstead Avenue. 1620 acknowledges the call and states over the radio that he is coming “all the way from the south end.” At 03:15 a.m. 1620R requests that the Dispatcher contact 1612R using a mobile device. 1620R then confirms he contacted 1612R.

COPA obtained a copy of **Officer Rialmo’s call detail logs from Sprint**.¹⁵² The telephone connection records reflecting the incoming and outgoing calls and text messages from December 16, 2017 at 12:00 a.m. until December 17, 2017 at 11:59 p.m.¹⁵³

c. Physical Evidence

The **medical records** from Advocate General Lutheran Hospital document that [REDACTED] was admitted to the emergency department on December 19, 2017 at 10:04 a.m.¹⁵⁴ [REDACTED] was diagnosed with a closed head injury with concussion.

The **Ambulance Report** for [REDACTED] documents that [REDACTED] sustained a laceration to the inside lip and had controlled bleeding and was oriented.¹⁵⁶

d. Documentary Evidence

COPA received reviewed various CPD reports including the **Initiation Report, the Original Case Incident Report, The Office of Emergency Management and Communications (OEMC) Event Query Report, The Watch Incident Log, Arrest Report, and GPS reports**.¹⁵⁷

Court records show that Officer Rialmo was initially charged with two counts of misdemeanor battery and one count of theft. The trial court ultimately found Officer Rialmo not guilty of both counts of misdemeanor battery, finding the State failed to prove beyond a reasonable doubt that Officer Rialmo’s actions were unreasonable.

¹⁴⁴ The camera is deactivated at 09:28:39.

¹⁴⁵ Att. 64-66

¹⁵¹ Att. 67

¹⁵² Att. 61

¹⁵³ These records do not include the content of any text messages.

¹⁵⁴ Att. 72

¹⁵⁶ The CFD confirmed an Ambulance Report was not generated for [REDACTED] Att. 162.

¹⁵⁷ Atts. 4, 6, 49, 63, 69, 52, 76.

e. **Additional Evidence**

COPA obtained a copy of **Officer Rialmo's receipt** from Moretti's at 1:20 a.m. on December 17, 2017.¹⁶⁷ The receipt shows that Officer Rialmo purchased two Miller Lite bottled beers and three Corona Light bottled beers.

VI. **ANALYSIS**

a. **Allegations Against Officer Rialmo**

Allegation 1

COPA finds that Allegation 1, that Officer Rialmo, while off-duty, struck ██████████ Stassen about the body, is **Sustained**.

At the outset, we note that there is no evidence that Officer Rialmo struck ██████████ in his role as a police officer as opposed to simply as a private individual. Accordingly, instead of analyzing Officer Rialmo's actions under CPD's use of force policy or Fourth Amendment caselaw, we will analyze them under CPD's other rules and directives. *See, e.g., United States v. Jacobsen*, 466 U.S. 109, 113 (1984).

Rule 2 prohibits an officer from engaging in any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department. Rule 8 prohibits disrespect to or maltreatment of any person, while on or off duty, and Rule 9 prohibits an officer from engaging in any unjustified verbal or physical altercation with any person while on or off duty. Finally, Rule 1 prohibits an officer from violating any law or ordinance.

Under Illinois law, "a person commits battery if he or she knowingly without legal justification by any means (1) causes bodily harm to an individual or (2) makes physical contact of an insulting or provoking nature with an individual." 720 ILCS 5/12-3(a) (West 2016). However, self-defense is an affirmative defense to battery. Illinois law provides that a person is "justified in the use of force against another when and to the extent that he *reasonably* believes that such conduct is necessary to defend himself or another against such other's imminent use of unlawful force." 720 ILCS 5/7-1(a) (West 2018) (emphasis added). The elements justifying the use of force in defense of a person are (1) force is threatened against a person; (2) the person who is threatened is not the aggressor; (3) the danger of harm is imminent; (4) the force threatened is unlawful; (5) the person actually believes a danger exists, the use of force is necessary to avert the danger, and the kind and amount of force which he uses is necessary; and (6) the above beliefs are reasonable. *People v. Garcia*, 407 Ill. App. 3d 195, 203 (2011).

It is undisputed that Officer Rialmo struck ██████████ about the body. The issue is whether Officer Rialmo's striking of ██████████ was a violation of Department rules and directives.

Officer Rialmo told COPA investigators that he struck ██████████ because he was worried ██████████ would try to punch him in the face for pushing ██████████ down. Officer Rialmo also

¹⁶⁷ Att. 11

said that before he punched ██████ put his hands on Officer Rialmo's shoulders and pushed him. Officer Rialmo alleged that ██████ used force of a level six¹⁶⁹ when pushing him. At his criminal trial, Officer Rialmo said that ██████ had one hand on a beer bottle and reached for Officer Rialmo's face and chest with his other hand. According to Officer Rialmo's trial testimony, ██████ right hand touched Officer Rialmo's arm and neck. Officer Rialmo also testified at trial that when he saw ██████ hand with the bottle, he thought ██████ was going to try to hit him on the head with it.

██████ denied touching Officer Rialmo in his testimony at Officer Rialmo's criminal trial. ██████ and ██████ also said they did not see ██████ touch Officer Rialmo.

Contrary to Officer Rialmo's statement, the video footage does not reflect ██████ pushing Officer Rialmo, and it certainly does not show ██████ pushing Officer Rialmo using force of a level six. A chandelier and table block much of ██████ body in the *SnugEP Bar East* video footage. However, ██████ left hand can be seen on the table holding a beer, and after Officer Rialmo pushes ██████ left hand does not move from the table. The *SnugEP Dining SW* video shows that after Officer Rialmo pushes ██████ raises his right arm toward Officer Rialmo. It is unclear whether ██████ touches Officer Rialmo with his right hand. However, critically, the video footage clearly does not show Officer Rialmo moving backwards or otherwise indicating in any way that ██████ pushed him. A preponderance of the evidence demonstrates that ██████ did not push Officer Rialmo.

Even if ██████ did touch Officer Rialmo, the kind and amount of force used by Officer Rialmo was not necessary to defend against ██████ actions. ██████ reached out with one hand toward Officer Rialmo without making any verbal threats at Officer Rialmo. Officer Rialmo then responded by *punching* ██████ directly in the face with such force that ██████ fell to the ground and sustained a concussion. Officer Rialmo's hard punch to ██████ head was entirely disproportionate to the *de minimis* threat posed by ██████. See *People v. Belpedio*, 212 Ill. App. 3d 155, 163 (1991). (even if the victim elbowed or pushed the defendant, the defendant used unnecessary and excessive force where he punched the victim in the face at least twice, splitting his lip, breaking his nose, cutting his eye, and rendering him unconscious; the defendant's actions were not those "of a person defending himself from an elbowing or a shove" but were instead "the actions of a person seeking revenge or retaliation"). Officer Rialmo said at trial that he was also concerned ██████ was going to try to hit him on the head with the beer bottle ██████ was holding, but this statement is not credible. Importantly, Officer Rialmo did not detail this fear to COPA investigators despite questioning on the subject. Further, any such belief was unreasonable given that ██████ did not even lift the beer bottle off the table or make any accompanying verbal threats to Officer Rialmo.

We recognize that Officer Rialmo was found not guilty of battery to ██████ in his criminal case. However, in criminal cases, the State must prove beyond a reasonable doubt that the defendant was unjustified in using force. See *People v. Harmon*, 2015 IL App (1st) 122345, ¶ 50. The State's inability to meet the highest burden of proof – as appropriate in a criminal trial –

¹⁶⁹ Throughout the interview, Officer Rialmo was using a scale of one through ten, with ten being the highest, in order to describe the amount of force being used by the parties involved. Att. 181

does not mean that the actions of Officer Rialmo under a lesser burden have not been met. By ordinance, COPA's administrative investigative authority is analyzed using a different, lower evidentiary standard of proof and the outcome of Officer Rialmo's criminal case was appropriately not factored into COPA's analysis of whether his actions amounted to a violation of CPD Department rules nor should it have been. The standard of proof upon which COPA analyzes the facts in an administrative investigation is a preponderance standard, that standard is met when a proposition is more probably true than not. *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005). Applying this standard to the facts uncovered in this investigation, a preponderance of the evidence demonstrates that Officer Rialmo's use of force was not commensurate with a real or perceived threat and was therefore unjustified. Based on the foregoing, COPA finds Allegation 1 is **Sustained**.

Allegation 2

COPA finds that Allegation 2, that Officer Rialmo, while off-duty, struck ██████████ about the body is **Sustained**.

Under Illinois law, person is also justified in the use of force against another "when and to the extent that he reasonably believes that such conduct is necessary to prevent or terminate such other's trespass on or other tortious or criminal interference with either real property (other than a dwelling) or personal property." 720 ILCS 5/7-3(a) (West 2018).¹⁷¹

Officer Rialmo told COPA investigators that ██████████ tried to take his flannel jacket and refused to put it down, despite Officer Rialmo's instructions to ██████████ to do so. According to Officer Rialmo, a "tug-of-war" then ensued, with ██████████ holding the flannel jacket and pulling it towards himself while Officer Rialmo held another part of the flannel jacket and tried to pull it towards himself. Officer Rialmo said as he pulled the flannel toward himself, ██████████ delivered a "chest bump" to Officer Rialmo and Officer Rialmo pushed ██████████. Officer Rialmo subsequently punched ██████████ and then ██████████. Officer Rialmo explained that he punched ██████████ because ██████████ tried to stand up, balled up his fists, and charged at Officer Rialmo. Officer Rialmo said he "did not feel like getting [himself] punched in the face."

While Officer Rialmo was justified in using some force to take back his flannel jacket, Officer Rialmo's subsequent punch to ██████████ face was clearly was not justified. The *SnugEP Bar East* video shows Officer Rialmo punch Stassen and then, in rapid succession, punch ██████████ in the face as ██████████ is starting to stand up. At this point, ██████████ is just rising from the floor and is not seen "charging" at Officer Rialmo in any way. At trial, ██████████ said Officer Rialmo struck him before he had regained his balance. Even if ██████████ was saying "mother fucker," as Officer Rialmo alleges, ██████████ was not overtly threatening Officer Rialmo. It was objectively unreasonable for Officer Rialmo to believe ██████████ posed an *imminent* harm when ██████████ had not even risen to his feet. Further, to the extent Officer Rialmo did believe ██████████ posed a risk of harm, the amount and type of force Officer Rialmo used—*punching ██████████ in the face*—was completely disproportionate to any purported harm posed by ██████████. See *Belpedio*, 212 Ill. App. 3d at 163. Accordingly, we find Officer

¹⁷¹ For the applicable rules and the general law on battery and self-defense see above.

Rialmo violated CPD Rules 1, 2, 8, and 9, and we find that Allegation 2 against Officer Rialmo is **Sustained**.¹⁷²

Allegation 3

COPA finds that Allegation 3, that Officer Rialmo, while off-duty, committed a theft by leaving Moretti's bar with [REDACTED] coat, is **Unfounded**.

Officer Rialmo denied taking [REDACTED] coat in his statement to COPA investigators. At trial, [REDACTED] acknowledged that although he originally thought Officer Rialmo took his coat, upon viewing surveillance footage, he realized he placed his coat by the DJ booth in Moretti's and that he was mistaken about Officer Rialmo taking his coat. Accordingly, Allegation 3 is **Unfounded**.

Allegation 4

COPA finds that Allegation 4, that Officer Rialmo was intoxicated while off duty, is **Not Sustained**.

Officer Rialmo denied being intoxicated and stated that he consumed up to four drinks—two or three beers and possibly a mixed drink—over a 3.5 or 4-hour period. Officer Rialmo's bar receipt shows that he purchased five beers while at Moretti's. At trial, Officer Rialmo testified he only drank two mixed drinks on the night of the incident, and that the beers on his tab were purchased for others. [REDACTED] believed Officer Rialmo was intoxicated and said Officer Rialmo smelled like alcohol. However, Officer Rialmo likely would have smelled like alcohol regardless of whether he was intoxicated because he was drinking in a bar. In addition, unlike [REDACTED] and [REDACTED] did not believe Officer Rialmo was overly intoxicated. Officer Rasso said that Officer Rialmo did not appear intoxicated, and Officer Ballazhi did not recall Officer Rialmo being intoxicated. A breathalyzer test was not administered to Officer Rialmo.

Based on the conflicting evidence, COPA cannot determine by a preponderance of the evidence whether Officer Rialmo was intoxicated. Accordingly, Allegation 4 is **Not Sustained**.

Allegation 5

COPA finds that Allegation 5, that Officer Rialmo, while off-duty, engaged in an unjustified verbal altercation with [REDACTED] is **Unfounded**.

Officer Rialmo said that he and [REDACTED] did not say anything to each other while [REDACTED] was going through Officer Rialmo's pockets. [REDACTED] did not report to COPA investigators that he and Officer Rialmo engaged in a verbal altercation. The video evidence shows [REDACTED] at the table for part of Officer Rialmo's interaction with [REDACTED] however, it cannot be determined from the video footage whether [REDACTED] and Officer Rialmo say anything to each other. Accordingly, as

¹⁷² As explained above, COPA is applying

the evidence does not show that Officer Rialmo and ██████ engaged in any verbal interaction, let alone an unjustified verbal altercation, we find Allegation 5 is **Unfounded**.

Allegation 6

COPA finds that Allegation 6, that Officer Rialmo, while off-duty, engaged in an unjustified verbal altercation with ██████ is **Exonerated**.

Both ██████ and Officer Rialmo acknowledged speaking to each other about ██████ searching through Officer Rialmo's jackets. The video footage in this case also clearly shows Officer Rialmo and ██████ talking, with both men moving their hands (*i.e.* gesticulating) as they interact. That Officer Rialmo would confront ██████ after seeing ██████ search through his jackets is understandable. Officer Rialmo observed ██████ touching his items and did not know what ██████ was doing. There is no indication from ██████ or anybody else that Officer Rialmo used hateful or derogatory language during this exchange. Under these circumstances, we find the verbal altercation was not unjustified. Officer Rialmo was entitled to speak to ██████ when he saw ██████ going through his things. What ultimately transformed the exchange Officer Rialmo had with ██████ into unjustified behavior was Officer Rialmo's decision to use disproportionate physical force against ██████. Based on the foregoing, Allegation 6 against Officer Rialmo is **Exonerated**.

Allegation 7

COPA finds that Allegation 7, that Officer Rialmo, while off-duty, failed to secure medical attention for ██████ is **Sustained**.

One of CPD's stated goals is to protect "life, limb and property in the City of Chicago." Article II(A). Department members are to act in a professional manner, "recognizing their obligation to safeguard life and property." G02-01(III)(B). Rule 3 prohibits an officer from failing to promote the Department's efforts to implement its policy or accomplish its goals.

Officer Rialmo acknowledged to COPA investigators that he did not call 9-1-1. Officer Rialmo knew that he had struck ██████ with such force that ██████ fell to the floor, and notably, when Officer Rialmo walked away, ██████ was still on the floor. Given this, Officer Rialmo should have called 9-1-1 to secure medical attention for ██████

In his statement to COPA, Officer Rialmo said he did not call 9-1-1 because an ambulance was already on scene. Yet, the CFD ambulance report for ██████ shows the ambulance did not arrive on scene until 2:51:34 a.m.—at least five minutes after the incident.¹⁷³ In the five minutes following the incident, the surveillance footage shows Officer Rialmo laughing and joking with his friends while trying to retrieve his debit card. Officer Rialmo then leaves at approximately 2:45 a.m. Officer Rialmo's behavior belies his claim that he did not call for medical attention because an ambulance had already arrived, and it in fact shows he had ample opportunity to secure medical attention for ██████ before he even stepped outside. By laughing at the bar with his friends instead of calling for medical attention, Officer Rialmo failed to promote the Department's efforts to protect and safeguard life in the City of Chicago. Accordingly, Officer Rialmo violated Rule 3.

¹⁷³ Att. 161. The ambulance was not dispatched until 2:46:08 a.m.

Allegation 8

COPA finds that Allegation 8, that Officer Rialmo, while off-duty, failed to secure medical attention for [REDACTED] is **Sustained**. Officer Rialmo acknowledged to COPA that he did not call 9-1-1. For the reasons articulated above, COPA finds Officer Rialmo should have done so and that his failure to secure medical attention for [REDACTED] violated Rule 3.

Allegation 9

COPA finds that Allegation 9, that Officer Rialmo, while off-duty, fled the scene of a crime by leaving Moretti's Bar, is **Sustained**.

Rule 2 prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department. It is uncontested that Officer Rialmo struck both [REDACTED] and [REDACTED] during an altercation that required police intervention. His decision to leave the scene is contrary to Department goals of establishing and maintaining peace and enforcing the law. Accordingly, Officer Rialmo had a duty to remain on scene until responding officers allowed him to leave and he failed to do so.

In sum, Allegation 9 is **Sustained**.

Allegation 10

COPA finds that Allegation 10, that Officer Rialmo failed to report a crime and/or criminal conduct to the Chicago Police Department, is **Sustained**.

Rule 21 requires a CPD officer to report promptly to the Department any information concerning any crime or other unlawful action. Even under Officer Rialmo's own version of events, he was the victim of an attempted theft and an assault and battery. As a CPD officer, Officer Rialmo had a duty, at an absolute minimum, to call 9-1-1 to report the crime or otherwise notify on-duty officers. However, Officer Rialmo simply fled the scene despite being in possession of a cell phone and having ample to opportunity to call 9-1-1. Furthermore, Officer Rialmo's acquittal at the subsequent criminal trial in no way absolves him of the duty he had to report this incident when it occurred. Accordingly, COPA finds that Officer Rialmo's failure to report the incident that transpired at Moretti's constituted a violation of Rules 21 and that Allegation 10 against Officer Rialmo is **Sustained**.

Allegation 11

COPA finds that Allegation 11, that Officer Rialmo used his office for personal gain by making a statement to the effect of, "I'm not going to get arrested. I'm a cop myself, the cops all know me. Nothing is going to happen to me," to [REDACTED] is **Sustained**.

[REDACTED] and Officer Rialmo provided differing accounts of what transpired in the alley. [REDACTED] indicated to COPA investigators that he told Officer Rialmo the police were coming

and that Officer Rialmo needed to wait to talk to them. ██████ said that in response, Officer Rialmo said, “Who’s coming? What cop? I know all the cops around here, I’m not going to get arrested. I’m a cop myself. They all know me. Nothing’s going to happen to me.” Officer Rialmo denied to COPA investigators that he made this statement.

██████ account of what transpired in the alley is more credible than Officer Rialmo’s. Certainly, ██████ is not a completely disinterested witness, as he knew both ██████ and ██████ also described Officer Rialmo as punching ██████ twice in the mouth, while the video shows Officer Rialmo in fact pushed ██████ once and then punched him once. However, it is reasonable that from where he was sitting approximately 25 feet away, ██████ could have perceived Officer Rialmo’s push of ██████ as a punch. Further, the bulk of ██████ account of what transpired at Moretti’s is corroborated by video or other evidence. For example, the video footage shows that ██████ followed Officer Rialmo to the door of Moretti’s and appeared to have a conversation with him. After Officer Rialmo returned to the bar where ██████ had been sitting, Officer Rialmo hugged and made physical contact with two men in a joking manner. This is consistent with ██████ statement that following the incident, he saw Officer Rialmo “bragging and smiling” and being high fived and congratulated by others. ██████ also told COPA that he saw a white pick-up truck in the alley, and this truck can be seen in the video footage obtained by COPA.

By contrast, large parts of Officer Rialmo’s account of the night in question are vague, or unsupported by other evidence. For example, Officer Rialmo asserted that the reason he left Moretti’s was because a group of angry people identified him as the officer that was involved in a controversial shooting.¹⁷⁶ However, none of the video footage or witness accounts supports this assertion.

We also find it significant that ██████ knew Officer Rialmo worked out of the 11th District. While Officer Rialmo claimed this was because ██████ saw the insignia on Officer Rialmo’s hooded sweatshirt, the video evidence shows Officer Rialmo was still wearing the shirt he was wearing in the bar when he interacted with ██████ in the alley.

Based on the foregoing, we find ██████ to be a more credible witness than Officer Rialmo and find it more probable than not that Officer Rialmo did make a statement to the effect of, “I’m not going to get arrested. I’m a cop myself, the cops all know me. Nothing is going to happen to me.” COPA further finds that Officer Rialmo’s statement violated Rule 2, engaging in action or conduct that impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department; and Rule 4, engaging in any conduct or action taken to use the official position for personal gain or influence.

Allegation 12

¹⁷⁶ Attachment 181, page 35-36.

COPA finds that Allegation 12, that at approximately 3:00 a.m., Officer Rialmo returned to Moretti's and against the instructions of on-duty officers, fled the scene of a crime by leaving Moretti's, is **Sustained**.¹⁷⁷

As previously explained, Moretti's was the scene of a crime. Further, by Officer Rialmo's own admission, he left the inside of Moretti's following the incident before circling back around and returning to the front door. Officer Rialmo claimed that after speaking to Officers Ballazhi and Rasso, the officers instructed him to wait outside. Officer Rialmo said he did not do so because a crowd had gathered and he felt scared. Officer Rialmo said that he tried to knock on the door to get Officer Ballazhi's and/or Officer Rasso's attention before leaving Moretti's, but he was unable to do so.

Officer Rialmo's proffered justification is implausible and disingenuous. First, neither Officer Ballazhi nor Rasso detailed a crowd having gathered outside of Moretti's at the point they interacted with Officer Rialmo. In fact, neither officer could remember anyone else being present when they were talking to Officer Rialmo. Officer Ballazhi's BWC footage shows several individuals standing outside the bar when Officers Ballazhi and Rasso first arrive on scene. However, the footage shows that the bar had closed at this point and the interior of the bar is largely empty of patrons; this suggests any individuals who were initially outside would have dispersed by the time Officers Ballazhi and Rasso spoke to Officer Rialmo. Further, the *SnugEP Hostess* footage does not show a crowd outside when Officers Ballazhi and Rasso exit at around 3:04 a.m. in the video. Moreover, contrary to Officer Rialmo's statement, Officer Rasso said that he instructed Officer Rialmo to stay in his squad car and wait for a supervisor to arrive. COPA finds it more probable that Officer Rialmo would have been directed to stay in a squad car, as Officer Rasso stated, rather than being instructed to wait outside on a cold December night.

Further, Officer Rialmo did not try to reach Officers Ballazhi or Rasso by any means other than knocking on the door. Officer Rialmo could have called Moretti's, the station, or any of his supervisors while he was waiting outside of Moretti's. Officer Rialmo also could have called Moretti's, the station, or any of his supervisors during his walk to [REDACTED] home or when he reached [REDACTED] home. That Officer Rialmo did not take any of these actions demonstrates that he was unconcerned with leaving the scene while an investigation was still pending. The evidence demonstrates that Officer Rialmo's failure to remain on scene constituted a violation of CPD Rule 2, taking any action or conduct that impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department; and Rule 3, failing to promote the Department's efforts to implement its policy or accomplish its goals.

Accordingly, Allegation 12 is **Sustained**.

Allegation 13

Finally, COPA finds that Allegation 13, that Officer Rialmo was arrested and charged with two counts of misdemeanor battery and one count of misdemeanor theft, is **Exonerated**. Although Officer Rialmo was charged with two counts of battery and one count of theft, the CCSAO

¹⁷⁷ To be clear, Allegation 9 concerned Officer Rialmo's initial act of leaving Moretti's. Allegation 12 concerns his subsequent act of returning to Moretti's and then leaving again.

ultimately elected to enter a *nolle prosequi* on the theft charge, and a judge found Officer Rialmo not guilty of battery. Accordingly, Officer Rialmo's arrest did not constitute a rule violation.

b. Allegations Against Officer LaPalermo and Officer Schlect

Allegation 1

COPA finds that Allegation 1 against Officer LaPalermo and Officer Schlect that they failed to conduct a thorough and accurate investigation into the alleged battery of [REDACTED] and [REDACTED] is **Exonerated**.

Officer LaPalermo told COPA investigators that he and his partner, Officer Richard Schlecht, were initially assigned to assist unit 1612R in responding to the situation at Moretti's; however, while they were on their way to Moretti's, Officers LaPalermo and Schlecht received a call over the radio to "disregard." Officer Schlect likewise testified that he and Officer LaPalermo received a "wave off" from Beat 1612R while they were on the way to Moretti's. CPD radio transmissions also document that Beat 1612R issued a "disregard" and that the dispatcher instructed other units to disregard the battery at 6727 Olmstead. Likewise, Officer Ballazhi's BWC depicts Officer Rasso telling the dispatcher to "slow it down" and the dispatcher is heard giving directions for a "total disregard."

Accordingly, although Officer LaPalermo and Officer Schlect did not conduct a thorough investigation into the alleged battery of [REDACTED] or [REDACTED] Officer LaPalermo's and Officer Schlect's failure to do so did not constitute a rule violation as they were instructed to disregard assisting unit 1612R in its response to Moretti's. Accordingly, Allegation 1 against Officer LaPalermo and Officer Schlect is **Exonerated**.

Allegation 2

COPA finds that Allegation 2 against Officer LaPalermo and Officer Schlect, that they failed to convey a general sense of care and concern to [REDACTED] is **Not Sustained**.

[REDACTED] told COPA investigators that as he was turning out of the alley after talking to Officer Rialmo, he approached one of several squad cars and told a Caucasian male officer that Officer Rialmo was in the alley and the officer ignored [REDACTED]. However, COPA's investigation did not reveal the identity of this officer who allegedly ignored [REDACTED]. Both Officers LaPalermo and Schlect testified that they drove by the bar and drove away without stopping, and that no one approached their vehicle while they were near Moretti's. On the other hand, the GPS from Officers LaPalermo's and Schlecht's vehicle shows they were in the area of Moretti's for a little less than a minute, during which time [REDACTED] could have interacted with them. Accordingly, COPA cannot determine by a preponderance of the evidence whether Officer LaPalermo and Officer Schlect interacted with [REDACTED] and thus, Allegation 2 is **Not Sustained**.

Allegation 3

COPA finds that Allegation 3 against Officer LaPalermo and Officer Schlect, that they allowed an alleged assailant to leave the scene, is **Unfounded**.

Officers LaPalermo and Schlecht were issued a “disregard” while they were on their way to Moretti’s. Officers LaPalermo and Schlect also indicated they did not see Officer Rialmo on the night of the incident. Officer LaPalermo said he did not learn until 30 or 45 minutes after receiving the call to disregard that Officer Rialmo was involved in the incident at Moretti’s. A preponderance of the evidence thus establishes Officer LaPalermo and Officer Schlect did not allow Officer Rialmo to leave Moretti’s. Accordingly, Allegation 3 is **Unfounded**.

Allegation 4

COPA finds that Allegation 4 against Officer LaPalermo and Officer Schlect, that they failed to arrest an alleged assailant, is **Exonerated**.

Officers LaPalermo and Schlecht were issued a “disregard” while they were on their way to Moretti’s. Accordingly, while Officer LaPalermo did not arrest Officer Rialmo on the night of the Moretti’s incident, his failure to do so was not a rule violation, as they were instructed not to respond to the Moretti’s incident. Accordingly, Allegation 4 is **Exonerated**.

Allegation 5

COPA finds that Allegation 5 against Officer LaPalermo and Officer Schlecht, that they failed to report the alleged misconduct of another CPD member, is **Unfounded**.

Officer LaPalermo and Officer Schlect did not investigate the incident because he was instructed to “disregard” his initial assignment to assist unit 1612R. Officer LaPalermo stated that it was not until Sergeant Jack Axium called him, approximately 30 or 45 minutes after receiving the call to disregard, that he learned Officer Rialmo was involved in the alleged battery at Moretti’s. Officer LaPalermo’s statement in this regard is corroborated by Officer Schlecht. Accordingly, the evidence does not suggest Officer LaPalermo or Officer Schlect knew Officer Rialmo was involved in the Moretti’s incident but failed to report Officer Rialmo’s involvement. Further, Officer LaPalermo also said that he told Lieutenant Haynes about the text messages he had received from Officer Rialmo, and his statement in this regard is corroborated by Lieutenant Haynes.

Accordingly, a preponderance of the evidence establishes that Officer LaPalermo and Officer Schlect did not fail to report Officer Rialmo’s alleged misconduct and, accordingly, Allegation 5 is **Unfounded**.

c. Allegations Against Officer Rasso and Ballazhi

Allegation 1

COPA finds that Allegation 1 against Officer Rasso and Officer Ballazhi, that they failed to conduct a thorough and accurate investigation into the alleged battery of [REDACTED] and [REDACTED] is **Unfounded**.

Officer Rasso and Officer Ballazhi investigated the incident together. Although Officers Rasso's and Ballazhi's investigation was not perfect, it was sufficient to comply with their obligations under CPD rules and directives. Officer Rasso and Officer Ballazhi spoke to available witnesses such as [REDACTED] and [REDACTED]. Officer Rasso can also be seen on BWC questioning [REDACTED] and [REDACTED] when he enters the bar. After learning that a CPD officer was involved in the incident with Patel and [REDACTED], Officer Rasso alerted a supervisor. Officer Rasso later asked [REDACTED] and Stassen to sign formal complaints, which they eventually did. While other investigative steps needed to be taken, Officer Rasso and Ballazhi took the appropriate preliminary steps. A preponderance of the evidence thus establishes Officer Rasso and Officer Ballazhi conducted a thorough and accurate investigation into the alleged battery of [REDACTED] and [REDACTED] and Allegation 1 is therefore **Unfounded**.

Allegation 2

COPA finds that Allegation 2 against Officer Rasso and Officer Ballazhi, that they failed to convey a general sense of care and concern to [REDACTED] is **Unfounded**.

[REDACTED] told COPA investigators that he told the officers from Beat 1612R, Officers Rasso and Ballazhi, that the person who had committed the battery was a CPD member who was in the alley. [REDACTED] can be heard on Officer Ballazhi's BWC relaying this information. Officer Rasso claimed that he did not recall speaking to [REDACTED] or hearing him mention that the offender was in the alley.

We question whether Officer Rasso was, in fact, unable to recall speaking to [REDACTED] or hearing [REDACTED] mention that Officer Rialmo was in the alley. Nonetheless, a preponderance of the evidence does show Officer Rasso conveyed a general sense of care and concern about the investigation. Officer Rasso questioned [REDACTED] and [REDACTED] and eventually obtained complaints from them. Officer Rasso also reported to a supervisor that a CPD member was involved in the incident. As detailed, Officer Rasso's investigation ultimately led to Officer Rialmo being charged with two counts of misdemeanor battery and one count of theft.

Officer Ballazhi reviewed his BWC footage during his interview with COPA. Officer Ballazhi stated that he did not remember [REDACTED] informing him that one of the people involved in the incident was a police officer, though he did remember one of the involved parties informing him that the alleged assailant was a police officer. Officer Ballazhi stated, "I heard it was a District cop, but as far as 'in the alley' I didn't really get that on scene."¹⁷⁸ However, the BWC footage shows Officer Ballazhi standing directly in front of, and near, [REDACTED] as [REDACTED]

¹⁷⁸ Att. 154, page 6, lines 7-8

██████ tells him that the person who struck ██████ and ██████ was an officer and he was in the alley. ██████ then repeats, as Officer Ballazhi is continuing to stand near ██████ that the officer was a CPD officer in the 11th District and was “down the block.” Immediately afterward, Officer Ballazhi turns off his BWC.

In light of the BWC footage, COPA finds it more probable than not that Officer Ballazhi did hear ██████ at the time of the incident informing Officer Ballazhi that one of the people involved in the incident was a police officer. Nonetheless, while Officer Ballazhi did not immediately leave Moretti’s to look for Officer Rialmo, he continued listening to ██████ and discussing what ██████ said with Officer Rasso. Officers Rasso and Ballazhi said they were later went outside and spoke to Officer Rialmo, and they called a supervisor to report that a CPD member had been involved in a battery.

Accordingly, a preponderance of the evidence does show Officer Rasso and Officer Ballazhi conveyed a general sense of care and concern to ██████. Accordingly, Allegation 2 against Officer Rasso and Officer Ballazhi is **Unfounded**.

Allegation 3

COPA finds that Allegation 3 against Officer Rasso and Officer Ballazhi, that they allowed an alleged assailant to leave the scene, is **Sustained**.

Officer Rasso told COPA investigators that he instructed Officer Rialmo to remain in his squad car, but Officer Rialmo refused to do so. Officer Rasso stated that he was concerned about Officer Rialmo entering Moretti’s and engaging further with ██████ and ██████. After speaking to Officer Rialmo, Officer Rasso went back into Moretti’s because “too many things” were occurring. Officer Rasso said that when he went back outside, he noticed Officer Rialmo had left.

Officer Ballazhi told COPA investigators that after speaking to Officer Rialmo, he had additional steps to take and that at some point he returned to Moretti’s. Officer Ballazhi said he was not especially concerned about Officer Rialmo leaving the scene because Officer Ballazhi knew his identity and would easily be able to contact him. However, it is highly unlikely that Officer Ballazhi would have allowed a civilian suspect to be left outside, unaccompanied by any officers, while the investigation was still ongoing.

Even if Officers Rasso and Ballazhi wanted to ensure Officer Rialmo did not engage further with ██████ and ██████ either Officer Rasso or Officer Ballazhi should have remained with Officer Rialmo outside or in another area of Moretti’s—a large establishment—while one of the officers called for backup. This is especially true given Officer Rasso’s statement to COPA investigators that Officer Rialmo refused to get into Officer Rasso’s car. Officers Rasso and Ballazhi were on notice that Officer Rialmo could easily leave the scene and that Officer Rialmo had, in fact, expressed some unwillingness to fully cooperate with the officers. Nonetheless, Officers Rasso and Ballazhi elected to back into Moretti’s, leaving Officer Rialmo alone outside the bar. In doing so, the officers gave Officer Rialmo ample opportunity to leave Moretti’s and did absolutely nothing to prevent his departure; therefore, the officers allowed an alleged assailant to leave the scene and violated CPD Rules 2, 3, 10, and 11. Allegation 3 is **Sustained**.

Allegation 4

COPA finds that Allegation 4 against Officer Rasso and Officer Ballazhi, that they failed to arrest an alleged assailant, is **Sustained**. As detailed above, either Officer Rasso or Ballazhi should have remained with Officer Rialmo. Instead, Officers Rasso and Ballazhi left Officer Rialmo unattended, even though Officer Rialmo expressly refused to get into Officer Rasso's squad car.

At the time Officers Rasso and Ballazhi spoke to Officer Rialmo, they had probable cause to believe that he had committed a battery and possibly a theft. "Probable cause to arrest exists when the totality of the facts and circumstances known to a police officer would lead a person of reasonable caution to believe that the person apprehended has committed a crime." *People v. Johnson*, 408 Ill. App. 3d 107, 119 (1st Dist. 2010). [REDACTED] had reported to Officer Rasso that both he and [REDACTED] were punched by an individual in the bar, and they gave a physical description and name of the person involved. Officer Rasso further stated that when he initially spoke to Officer Rialmo, Officer Rialmo said he was involved in the incident and that he punched [REDACTED] and [REDACTED]. Though Officers Rasso and Ballazhi were still investigating the incident, they certainly had probable cause at the point they spoke to Officer Rialmo to arrest him for battery and this was the appropriate option when Officer Rialmo refused to voluntarily get in the squad car. Doing so would have ensured Officer Rialmo remained on scene, allowing the officers to continue moving forward with their investigation. Thus, COPA finds that by failing to arrest Officer Rialmo, the officers violated CPD Rule 2, 3, 10, and 11. Accordingly, Allegation 4 is **Sustained**.

Allegation 5

COPA finds that Allegation 5 against Officer Ballazhi¹⁸⁰ deactivated his body worn camera prior to completing a law enforcement related activity in violation of Special Order 03-14. Special Order 03-14 requires that officers generally only permits the officers to deactivate his or her body worn camera once he or she is no longer engaged in law-enforcement activity. Officer Ballazhi was clearly still actively investigating the incident and therefore was required to keep recording. No exception applied. Even assuming *arguendo*, an exception did it apply (it did not), Special Order 03-14 requires that the officer verbally justify the reason for deactivation prior to stopping the recording and that did not occur in this case. Accordingly, Allegation 5 against Officer Ballazhi is **Sustained**.

d. Allegations Against Officer Honda and Aponte

Allegation 1

COPA finds that Allegation 1 against Officer Honda and Aponte, that they failed to conduct a thorough and accurate investigation into the alleged battery of [REDACTED] and [REDACTED] is **Exonerated**.

¹⁸⁰ Officer Rasso did not have a body worn camera on the date of the incident.

Officer Honda and Officer Aponte told COPA that he initially went as an “assist” car to the incident at Moretti’s, although he was not assigned to the call. However, a “disregard” was then given. Officer Honda’s and Officer Aponte’s statements that a disregard was given is corroborated by ample evidence, including Officers LaPalermo’s and Schlecht’s statements, CPD radio transmissions, and Officer Ballazhi’s BWC.

Accordingly, while Officer Honda and Officer Aponte did not conduct a thorough investigation into the alleged battery of [REDACTED] or [REDACTED] Officer Honda’s and Aponte’s failure to do so did not constitute a rule violation as he was instructed to disregard assisting [REDACTED] in its response to Moretti’s. Accordingly, Allegation 1 against Officer Honda and Officer Aponte is **Exonerated**.

Allegation 2

COPA finds that Allegation 2 against Officer Honda and Officer Aponte, that they failed to convey a general sense of care and concern to [REDACTED] is **Not Sustained**.

[REDACTED] told COPA that as he was turning out of the alley after talking to Officer Rialmo, he approached one of several squad cars and told a Caucasian male officer that Officer Rialmo was in the alley and the officer ignored [REDACTED]. However, COPA’s investigation did not reveal which, if any, officer this was. Officer Honda said he parked his car at the front of the bar. He did not recall anyone approaching the vehicle. Like Officer Honda, Officer Aponte did not remember anyone approaching the vehicle. However, Officer Aponte also said he and Officer Honda parked their car and remained in the vicinity of Moretti’s for approximately two minutes, which would have been enough time to interact with [REDACTED]. In sum, we cannot determine by a preponderance of the evidence whether either Officer Honda or Officer Aponte was the officer who allegedly spoke to [REDACTED]. Accordingly, Allegation 2 is **Not Sustained**.

Allegation 3

COPA finds that Allegation 3 against Officer Honda and Officer Aponte, that they allowed an alleged assailant to leave the scene, is **Unfounded**.

The evidence establishes that Officers Honda and Aponte went to Moretti’s as an assist car. According to the officers, they were not assigned to the call. Officer Honda and Officer Aponte recalled that as they arrived, a disregard was given. As detailed above, the giving of this disregard was corroborated by other evidence. Both officers said they learned afterward that the person involved in the battery was an off-duty police officer. There is no evidence that Officer Honda or Officer Aponte saw Officer Rialmo on the night of the incident or allowed him to leave Moretti’s. Accordingly, Allegation 3 is **Unfounded**.

Allegation 4

COPA finds that Allegation 4 against Officer Honda and Officer Aponte, that they failed to arrest an alleged assailant, is **Exonerated**.

A “disregard” was issued while Officers Honda and Aponte were on their way to Moretti’s. Accordingly, while Officer Honda and Officer Aponte did not arrest Officer Rialmo on the night of the Moretti’s incident, his failure to do so was not a rule violation, as they were not expected to investigate or assist in the response to the incident. Accordingly, Allegation 4 is **Exonerated**.

Allegation 5

COPA finds that Allegation 5 against Officer Honda and Officer Aponte, that they failed to report the alleged misconduct of another CPD member, is **Unfounded**. Officer Honda and Aponte did not have any information regarding who was involved in the battery. Officer Honda told COPA that he did not recall obtaining any information that would indicate anyone involved in the battery at Moretti’s was a police officer. Officer Honda further said he did not learn an off-duty officer was involved until afterwards, suggesting he learned that Officer Rialmo was involved after Officers Rasso and Ballazhi investigated the incident. Similarly, Officer Aponte stated he eventually learned an officer as involved either later that night or a few days later at roll call.

In sum, a preponderance of the evidence shows Officer Honda and Officer Aponte did not know Officer Rialmo committed a battery or that he failed to communicate this to the CPD. Accordingly, Allegation 5 is **Unfounded**.

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer Rialmo	1. While off-duty Officer Rialmo struck [REDACTED] about the body.	Sustained
	2. While off-duty Officer Rialmo struck [REDACTED] about the body.	Sustained
	3. Officer Rialmo, while off duty, committed a theft by leaving Moretti’s bar with [REDACTED] coat.	Unfounded
	4. On December 17, 2017 Officer Rialmo was intoxicated while off duty.	Not Sustained
	5. Officer Rialmo, while off duty, engaged in an unjustified verbal altercation with [REDACTED]	Unfounded
	6. Officer Rialmo, while off duty, engaged in an unjustified verbal altercation with [REDACTED]	Exonerated

	<ol style="list-style-type: none"> 7. Officer, Rialmo, while off duty, failed to secure medical attention for [REDACTED] 8. Officer Rialmo, while off duty, failed to secure medical attention for [REDACTED] 9. Officer Rialmo, while off duty, fled the scene of a crime by leaving Moretti’s Bar. 10. Officer Rialmo failed to report a crime and/or criminal conduct to the Chicago Police Department. 11. Officer Rialmo used his office for personal gain by making a statement to the effect of, “I’m not going to get arrested. I’m a cop myself, the cops all know me. Nothing is going to happen to me,” to [REDACTED] 12. On December 17, 2017, at approximately 3:00 a.m., Officer Rialmo returned to Moretti’s Bar and against the instructions of on duty officers, fled the scene of a crime by leaving Moretti’s Bar. 13. On January 22, 2018 Officer Rialmo was arrested and charged with two counts of misdemeanor battery and one count of misdemeanor theft. 	<p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Exonerated</p>
<p>Officer LaPalermo</p>	<ol style="list-style-type: none"> 1. Officer LaPalermo failed to conduct a thorough and accurate investigation into the alleged battery of [REDACTED] and [REDACTED] 2. Officer LaPalermo failed to convey a general sense of care and concern to [REDACTED] 3. Officer LaPalermo allowed an alleged assailant to leave the scene. 4. Officer LaPalermo failed to arrest an alleged assailant. 	<p>Exonerated</p> <p>Not Sustained</p> <p>Unfounded</p> <p>Exonerated</p>

	<p>5. Officer LaPalermo failed to report the alleged misconduct of another member of the Chicago Police Department.</p>	<p>Unfounded</p>
<p>Officer Schlecht</p>	<p>1. Officer Schlect failed to conduct a thorough and accurate investigation into the alleged battery of [REDACTED] and [REDACTED]</p> <p>2. Officer LaPalermo failed to convey a general sense of care and concern to [REDACTED]</p> <p>3. Officer Schlect allowed an alleged assailant to leave the scene.</p> <p>4. Officer Schlect failed to arrest an alleged assailant.</p> <p>5. Officer LuPalermo failed to report the alleged misconduct of another member of the Chicago Police Department.</p>	<p>Exonerated</p> <p>Not Sustained</p> <p>Unfounded</p> <p>Exonerated</p> <p>Unfounded</p>
<p>Officer Rasso</p>	<p>1. Officer Rasso failed to conduct a thorough and accurate investigation into the alleged battery of [REDACTED] and [REDACTED]</p> <p>2. Officer Rasso failed to convey a sense of care and concern to [REDACTED] regarding the alleged battery of [REDACTED] and [REDACTED]</p> <p>3. Officer Rasso allowed an alleged assailant to leave the scene.</p> <p>4. Officer Rasso failed to arrest an alleged assailant.</p>	<p>Unfounded</p> <p>Unfounded</p> <p>Sustained</p> <p>Sustained</p>
<p>Officer Ballazhi</p>	<p>1. Officer Ballazhi failed to conduct a thorough and accurate investigation into the alleged battery of [REDACTED] and [REDACTED]</p> <p>2. Officer Ballazhi failed to convey a sense of care and concern to [REDACTED] regarding the alleged battery of [REDACTED] and [REDACTED]</p>	<p>Unfounded</p> <p>Unfounded</p>

	<ol style="list-style-type: none"> 3. Officer Ballazhi allowed an alleged assailant to leave the scene. 4. Officer Ballazhi failed to arrest an alleged assailant. 5. Officer Ballazhi deactivated his body worn camera prior to completing a law enforcement related activity in violation of Special Order 03-14. 	<p>Sustained</p> <p>Sustained</p> <p>Sustained</p>
<p>Officer Honda</p>	<ol style="list-style-type: none"> 1. Officer Honda failed to conduct a thorough and accurate investigation into the alleged battery of ██████████ and ██████████ ██████████ 2. Officer Honda failed to convey a sense of care and concern to ██████████ regarding the alleged battery of ██████████ and ██████████ 3. Officer Honda allowed an alleged assailant to leave the scene. 4. Officer Honda failed to arrest an alleged assailant. 5. Officer Honda failed to report the alleged misconduct of another member of the Chicago Police Department. 	<p>Exonerated</p> <p>Not Sustained</p> <p>Unfounded</p> <p>Exonerated</p> <p>Unfounded</p>
<p>Officer Aponte</p>	<ol style="list-style-type: none"> 1. Officer Aponte failed to conduct a thorough and accurate investigation into the alleged battery of ██████████ and ██████████ ██████████ 2. Officer Aponte failed to convey a sense of care and concern to ██████████ regarding the alleged battery of ██████████ and ██████████ 3. Officer Aponte allowed an alleged assailant to leave the scene. 	<p>Exonerated</p> <p>Not Sustained</p> <p>Unfounded</p>

	4. Officer Aponte failed to arrest an alleged assailant.	Exonerated
	5. Officer Aponte failed to report the alleged misconduct of another member of the Chicago Police Department.	Unfounded

I. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Robert Rialmo

i. Complimentary and Disciplinary History

Officer Rialmo has no recorded disciplinary history with the Department. However, he is currently facing separation from the Department for his actions in an officer-involved shooting (Log 1076313). That matter is pending with the Chicago Police Board. A review of Officer Rialmo’s complimentary history shows he has received the following awards: Emblem of Recognition-Physical Fitness (3); Honorable Mentions (5); and Unit Meritorious Performance Award (1).

There are several aggravating factors which must be considered in determining the appropriate disciplinary recommendation for Officer Rialmo. First, in punching both [REDACTED] and [REDACTED] Officer Rialmo used an amount of force that was disproportionate to the circumstances he was faced with. Furthermore, his actions in the aftermath of the altercation brought significant discredit to the Department. Specifically, Officer Rialmo is captured on video “high-fiving” and celebrating with his friends after punching two civilians and rendering one unconscious. Officer Rialmo also made no attempts to render aid or call for emergency services for the injured parties. Lastly, Officer Rialmo left the scene while the police officers were still conducting a criminal investigation into his conduct, which sends a clear message to the public that police officers are not held to the same standards as civilians. Furthermore, when this incident occurred on December 17, 2017, Officer Rialmo was still under investigation for an on-duty shooting which claimed the lives of two individuals. While the facts of that case are not at issue in this instance, it is particularly troubling that Officer Rialmo would display such a tremendous lack of judgment at such a critical moment in his career.

In totality, it is clear that Officer Rialmo has failed to meet the high standards of conduct that both the Department and the public expect for Chicago police officers.

ii. Recommended Penalty: 90 day suspension

b. Officer Joseph Rasso

i. Complimentary and Disciplinary History

Officer Rasso’s disciplinary history consists of one prior sustained allegation from a 2015 incident in which he failed to provide service (Category Code 10U) under Log# 1078056 and received a 3

day suspension. A review of Officer Rasso’s complimentary history shows he has received the following awards: Attendance Recognition Awards (3); Presidential Election Deployment Award 2008 (1); Department Commendations (2); Honorable Mentions (24); Complimentary Letters (6); Nato Service Award (1); and 2009 Crime Reduction Award (1).

ii. Recommended Penalty: 5 day suspension

c. Officer Liridon Ballazhi

i. Complimentary and Disciplinary History

Officer Ballazhi has no disciplinary history with the Department. A review of Officer Ballazhi’s complimentary history shows he has received the following awards: Honorable Mentions (2); Emblem of Recognition – Physical Fitness (1); and Complimentary Letter (6).

ii. Recommended Penalty: 5 day suspension

Approved:



Sydney R. Roberts
Chief Administrator

10/25/18
Date

Appendix A

Assigned Investigative Staff

Squad#:	Squad 1
Major Case Specialist:	Jacqueline Hennard
Supervising Investigator:	Chantal Morley
Deputy Chief Administrator:	Andrea Kersten
