

## I. INTRODUCTION<sup>1</sup>

On September 23, 2016, Subject 1 met with Detective (“Det.”) 1 to discuss a complaint she made against her then husband Civilian 1.<sup>2</sup> While Subject 1 spoke with Detective A and his partner Detective B, Detective C recognized her from two issued investigative alerts. Detective C arrested Subject 1 relative to these alerts. Subject 1 alleged several aspects of her encounter with Department personnel that day violated her rights and Department Rules and Regulations.

## II. ALLEGATIONS

It is alleged that between 2015 and 2016 accused **Detective A, star #XXXX, employee #XXXXX, unit XX**:

- 1) Failed to conduct a thorough investigation of Subject 1’s complaint that Civilian 1 was fraudulently selling her property online, referenced in RD #XXXXXXXXXX.

It is alleged that on September 23, 2016, at approximately 7:20 p.m., at the 002 District of the Chicago Police Department (“CPD”) located at 5101 S. Wentworth Avenue, Chicago, IL 60609, while on duty, **accused Detective B, star #XXXXX, employee #XXXXX, unit XXX**:

- 1) Pushed Subject 1 from behind while walking her down a staircase on the way to the 002 District female lock-up causing her to fall down the stairs; and
- 2) After Subject 1 fell down the stairs, [accused Detective] grabbed her by her ankles and together with Detective C dragged her down the rest of the staircase.

It is alleged that on September 23, 2016, at approximately 7:20 p.m., at the 002 District of the CPD located at 5101 S. Wentworth Avenue, Chicago, IL, 60609, while on duty, **accused Detective C, star #XXXXX, employee #XXXXX, unit XXX**:

- 1) Attempted to coerce Subject 1 into admitting to criminal allegations in exchange for transporting her keys to a companion; and
- 2) Grabbed Subject 1 by the wrists and together with Detective B dragged her down a staircase on the way to the 002 District female lock-up.

## III. APPLICABLE RULES AND LAWS

### CPD Rules and Regulations – Article V: Rules of Conduct

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

<sup>2</sup> COPA’s understanding is that on September 23, 2016, Subject 1 and Civilian 1 were in the process of divorce. (See Attachments 11, 21 and 49).

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 11:** Incompetency or inefficiency in the performance of duty.

**General Order, G04-01: Preliminary Investigations<sup>3</sup>**

**IV. INVESTIGATION**

IRPA and COPA gathered relevant physical and documentary evidence associated with this incident. Additionally, IPRA and COPA obtained statements from Subject 1 and accused Dets. 1, 3 and 2. Material evidence is summarized here:

**A. Interview of Subject 1<sup>4</sup>**

On August 29, 2017, IPRA interviewed Subject 1 via telephone. Throughout her statement, Subject 1 referenced additional incidents separate from her primary allegations. For purposes of this investigation, the following summary is limited to her primary allegations detailed above.

In summary, Subject 1 stated that on September 23, 2016 she arrived at 5101 S. Wentworth Avenue, the 002<sup>nd</sup> District, with Civilian 2 and Doctor 1<sup>5</sup> to discuss with Detective A her complaint against Civilian 1. Subject 1 made a complaint in August that when she was in the hospital, Civilian 1 and his brother Civilian 3 had stolen her property out of her home. A year later, Subject 1 stated that "for some reason, [she] did three Google searches in one day, and [her] stuff is so rare that it's pretty easy to find if you just search for it." She specified that he had taken personal and sentimental items, and that he was attempting to sell her expensive clothing and items. Subject 1 alleged that "he was fencing it online." Particularly, she alleged that she caught him stealing her "high-end" Gucci and Tom Ford items. She stated that she provided detectives<sup>6</sup> with receipts for the Gucci items; however, she indicated that Civilian 1 had stolen all her other receipts. Subject 1 asserted that on September 23, 2016, she brought the receipts, including a receipt for a Gucci purse, to her meeting with Detective A. At the end of her interview, she states, "I gave them the receipts, and the white detective<sup>7</sup> he made photocopies of them, and he would say that the ones that had my friend, Civilian 4's name on it, those items didn't belong to me. And I said, 'Look at the date, it was my birthday, it was a birthday present.' And he said, 'well, it has his name on it, so, there.'"

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<sup>3</sup> General Order Effective Date of October 13, 2015. Latest version became effective October 15, 2017. (Attachment 62).

<sup>4</sup> On the incident date, the staircase where the incident took place did not have cameras. (Attachment 25).

<sup>5</sup> Subject 1 did not provide contact information for Doctor 1. (Attachments 11 and 21).

<sup>6</sup> Subject 1 did not provide the name of the detectives to whom she is referring. (Attachments 11 and 21). Based on COPA's investigation, Subject 1 most likely is referring to Dets. 1 and 2. (Attachment 57).

<sup>7</sup> As she refers to Detective A by name, COPA's presumption is that she is referring to Detective C here. (Attachments 11 and 21).

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY  
LOG #1086020

She continued to elaborate that it was a birthday present and it was in her possession. Further, she again confirmed that the only receipt that did not have her friend's name on it was the purse that she alleged that Civilian 1 was selling online.

Prior to her meeting with Detective A, Subject 1 stated that she had emailed him screen shots when she found the website on which Civilian 1 allegedly was selling her items. She asserted that Detective A "would never answer [her] emails," and that she also sent him the link to the Poshmark<sup>8</sup> account where Civilian 1 was selling her items.<sup>9</sup> However, Subject 1 stated that when she arrived to speak with Detective A on September 23, 2016, Civilian 1 had removed the items from his account.

Before she sat down with Detective A, Detective C walked up to her and said to her something to the effect of "Civilian 1 comes in every day to make a complaint about her, that they're sick of it, and that one of them is going to jail." Subsequently, Dets. 1, 3 and 2<sup>10</sup> took her to a white room around the corner, told her they wanted to ask her more questions and Mirandized her. Subject 1 stated that Detective C told her they needed her to log into her Poshmark account to see Civilian 1's Poshmark page. Subject 1 stated that during this Detective A told her, "we know he's fencing your property online." Once Subject 1 logged in and showed the detectives Civilian 1's page, she told the detectives that the items were no longer up on the site, including the Gucci purse, but that his page revealed that the last item sold was from Tom Ford. Detective C then began going through her Poshmark account and printing documents. Afterwards, Detective C took her to another room and began showing her documents printed from Facebook. During this interaction, she asked Detective C to give her car keys to Doctor 1. In response, she stated that he said to her, "if you admit to all of these things, then I'll give him the keys." Subject 1 told him, "that's entrapment, I'm not going to admit to anything that I didn't do, just to give him the keys. That's crazy." Subject 1 indicated that she was then moved to a cell.

Later, Dets. 3 and 2 returned for her and led her to a staircase. She indicated that Detective C walked first down the stairs, then her, and finally, Detective B. When she was about three steps down the staircase, characterized by Subject 1 as steep and either granite or terrazzo, Detective B pushed her from behind causing her to fall forward. She stated that her head went down and hit the wall, she tumbled down the stairs and landed on her back in the middle of the staircase. She said she was screaming in pain, her head was pointing down, her arms were at her side and her feet were up. Subject 1 stated that she hit the left side of her head into the corner of the staircase. After she fell down the stairs, Detective C grabbed her wrists while Detective B grabbed her ankles, and together began dragging her down the staircase. At this point, Subject 1's back was to the staircase. She stated that she screamed the entire time. She next remembered the fire department arriving and taking her to the hospital. Subject 1 stated that her injuries were bruising on her head, her back, her arms, her legs and "everywhere."<sup>11</sup> (Attachments 11 and 21).

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<sup>8</sup> Poshmark is "the largest social commerce marketplace for fashion where anyone can buy, sell and share their personal style." (Source: Poshmark, <https://poshmark.com/about>).

<sup>9</sup> Subject 1 forwarded to COPA emails that she had sent to Detective A. The emails are discussed herewith. (Attachment 61).

<sup>10</sup> In her statement, Subject 1 identified her as a big black woman and very tall. COPA identified Detective B from pertinent CPD reports. (Attachments 11, 14, 15 and 21).

<sup>11</sup> In Subject 1's booking photograph, as observed more largely in the CPD Prisoner Transportation Transmittal no obvious bruising or injury is perceptible. (Attachment 39).

## **B. Interview of Accused Detective A**

On December 20, 2017, COPA interviewed Detective A, the assigned Det. to RD# XXXXXXXX. In summary, Detective A stated that upon being assigned the case he would have pulled available case files. He believes he next spoke to Subject 1 on the phone at which point she discussed that Civilian 1 was selling her items on a website. Detective A communicated to Subject 1 that they would need to meet in person, and she would need to bring all her evidence, and prove that she owned the items. Ultimately, they met on September 23, 2016.

On September 23, 2016, to the best of Detective A's recollection, he interviewed Subject 1, but she did not provide receipts or evidence that she owned the items.<sup>12</sup> Subject 1 showed Detective A a website in which she indicated he was selling the items, but the website had been closed or the items had been taken down. During Detective A's interview with Subject 1, Detective C recognized Subject 1 from an investigative alert that he had issued for her, resulting in two investigations and pulled Detective A aside to inform him of such. Detective A believes that at that point, Subject 1 was going to attempt to determine if she had registered the items, as they were "high-end" items, as well as generally obtain more evidence. Detective A stated that more evidence was needed to pursue the investigation, specifically to show that she owned the items or she ever had the items to demonstrate that he wasn't just selling random items on the internet. Detective A indicated this was how their investigation ended.

Detective A stated that the investigation was closed because the only evidence he had or was given in furtherance of Subject 1's complaint was her story. He summarized that 1) he had no corroborating evidence, 2) no documentation that she owned the items that she alleged Civilian 1 had taken and was selling, 3) he had an initial report that Civilian 1 had thrown out non-related items, and 4) no witnesses. (Attachments 13, 23, 36).

## **C. Interview of Accused Detective C**

On January 4, 2018, COPA interviewed Detective C. In summary, Detective C stated that as part of his investigation into RD# XXXXXXXX, he reviewed Subject 1's background, including prior arrests and convictions. In doing so, he reviewed RD# XXXXXXXX leading him to discover an active investigative alert for Subject 1 issued by Detective D.

On September 23, 2016, Detective C personally interacted with Subject 1 for the first time. On that date, he observed Subject 1 in the Area Central office at the 002 District station speaking with Detective B. Recognizing Subject 1 from his investigative alert, issued the previous month, Detective C pulled Detective A aside and informed him of such. Through their conversation, he discovered that Subject 1 had made a report against Civilian 1, the victim in his case RD# XXXXXXXX. He informed Detective A that Civilian 1 had an order of protection against Subject 1, which she had been served. At some point, Dets. 3, 1 and 2 went into a room where Detective C mirandized Subject 1 and discussed the incident respective to his investigation.

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<sup>12</sup> In Detective B's interviews, she recalled Subject 1 providing receipts on September 23, 2016. Attorney A provided those receipts via email on January 10, 2018.

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY  
LOG #1086020

Ultimately, the decision was made to arrest Subject 1. After placing Subject 1 in a secured room, Detective C informed her he would be right back, and that he needed to get a female to search her. Referring to his Detective Supplementary Report, Attachment 44, Dets. 3 and 2 conducted an interview of Subject 1 regarding RD# XXXXXXXXX. Detective C recalled Subject 1 “seeming fine” during the interview. Detective 3 denied Subject 1’s allegation that he attempted to coerce her into admitting to criminal allegations in exchange for transporting her keys to a companion.

Detective 3 eventually relocated Subject 1 to lock-up and sought Detective B to walk Subject 1 with him to lock-up. Expressly, based on everything that had transpired, which included some erratic behavior not discussed in this report to respect Subject 1’s privacy interests, Detective 3 stated that he wanted a female witness. To get to the lock-up, Detective C stated that one must walk down a staircase from the second floor to the first floor. The door to lock-up is immediately adjacent to the left of the staircase. Detective C stated they walked down single file with Detective B first, Subject 1 second and him third. Detective C described the staircase as having a break or landing in the middle prior to it reaching the floor. Detective C did not recall if Subject 1 was handcuffed when walking down the stairs.

As they neared the landing area, Detective C observed Subject 1 bend her knees and throw her weight or body forward into Detective B, and proceed to continue going down to the ground. Detective C stated that Subject 1’s actions looked intentional and not that she had tripped. As Subject 1 went down to the ground, she was turning her body such that her back was to the ground, her head was towards Detective B and her feet were towards Detective C. In addition, as Subject 1 was going down, she struck Detective B who then turned her body back towards Subject 1 to attempt to cradle her or perform a “slow motion controlled fall.” Subject 1 ended up laying down on her back on the stairs just above the landing area in the middle of the staircase. Subsequently, Detective C observed her yell loudly, “ow, ow, ow,” and push with her feet her body further down the steps, while continuing to yell “ow, ow, ow.” Detective C believed, but was not certain, that at this point he grabbed a part of her leg to stop her from falling further. Detective C described Detective B’s actions on the staircase as preventing Subject 1 from hurting herself. He described Subject 1 as on top of Detective B and it appearing as if Subject 1 was or was going to attempt to push past her. Detective C believed Subject 1 fell into Detective B before yelling “ow, ow, ow.” Ultimately, she came to rest on the staircase’s middle landing area.

Detective C denied grabbing Subject 1 by her wrists or dragging her down the stairs. If he had grabbed Subject 1, it would have been her lower body as her feet were by him. He also denied Detective B dragging Subject 1 down the stairs. Regarding Subject 1’s allegation that Detective B grabbed her ankles, Detective C stated again that Subject 1’s head was by Detective B. Prior to Subject 1 coming to a stop on the landing, Subject 1’s upper body made contact with Detective B’s upper body, and her buttocks and her back then made contact with the stairs as she pushed herself down the stairs.

Detective C made the decision to leave Subject 1 be, and not touch or move her further, and for Detective B to call an ambulance. He remembered Subject 1 did not get back to her feet after coming to rest on the landing. At that time, he did not see any visible injuries on Subject 1. Detective C iterated that his main goal at the time was to prevent Subject 1 from pushing herself

down the stairs again or hurting herself further. Detective C recalls the Chicago Fire Department (“CFD”) retrieved Subject 1 from the steps. His interaction with Subject 1 concluded here. (Attachment 47).

#### **D. Interview of Accused Detective B**

On January 8, 2018, COPA interviewed Detective B. Detective B gave substantially the same account of the incident as Detective C. Referring to the fall on the stairs, Detective C stated that she walked in front of Subject 1 while Detective C walked behind Subject 1. As they walked down the staircase, Detective B felt Subject 1 fall into her causing her to stumble down the stairs. Simultaneously, Detective B turned her body around to see what was occurring. When she turned around, she observed Subject 1 twist her body such that Subject 1’s back was in front of her. She stated that all she could do was “break her [Subject 1] from falling.” As this occurred, she attempted to balance both herself and Subject 1. Detective B indicated that at most her knee hit the staircase, but she did not fall entirely down. She stated that she braced Subject 1’s head as Subject 1 reached the floor. At this point, Detective B stated her body was underneath Subject 1’s body. After extricating herself from underneath Subject 1’s body, she told Detective C, paraphrasing, to grab Subject 1’s ankles and stop her from coming down. Detective C responded that he couldn’t because Subject 1 was “pushing.” She remembered seeing Subject 1’s hands and described Subject 1 as not attempting to stop herself. Additionally, it seemed to Detective B that Subject 1 was pushing herself down the stairs, such that she felt Subject 1’s weight being pushed against her.

Once Subject 1 reached the landing in the middle of the staircase, she came to a stop. At first, Detective B thought Subject 1 had fainted, but her eyes were open. After securing Subject 1, she stated that neither her nor Detective C let her move from the staircase. The incident concluded with Subject 1 going to the hospital. Detective B did not have further contact with Subject 1. Detective 2 denied all of the allegations against her. (Attachment 55).

#### **E. CPD Reports**

COPA received and reviewed many Reports relative to this incident. These reports provided documentation of the involved Department members’ narrative of events. All reports are available on CLEAR.

#### **F. CFD Emergency Management Services (“EMS”) Report**

CFD’s EMS report indicate that they found Subject 1 alert and oriented, and complaining of left leg pain. It continues to state, “per patient she injured herself falling down,” and she “denies loss of consciousness.” Under physical impression, it states “no trauma” and “leg pain.” (Attachment 9).

#### **G. Subject 1’s Medical Records**

On the incident date, the Chicago Fire Department (“CFD”) transported Subject 1 to St. Bernard Hospital with CPD escort. The notes indicate that per the escorting PO, as two detectives

escorted Subject 1 in the police station, “she pushed one detective out of the way and threw herself down the stairs.” The listed stated complaint is “I fell and hit my head with a marble staircase.” The report states, “fell while resisting arrest” and “hit her head on the ground.” Subject 1’s primary pain complaint was headache, as well as “pain all over.” Additional complaints listed are left ankle, left knee, pain to back of head, and spine. The comments for the physical exam of Subject 1’s head lists normal, and “despite her complaint, there is no sign of any trauma to her head.” Regarding the physical exam of her extremities, it states normal and “no sign of any significant trauma.” Further comments include “red bruise to right forearm.” Per the medical report, Subject 1’s clothing were “shirt, pants/skirt.” Ultimately, the hospital discharged Subject 1 as “satisfactory for discharge,” with secondary impressions of “history of reflex sympathetic dystrophy” and “fall with no significant injury.” (Attachment 8).

#### **H. IOD Report for Detective B**

In summary, Detective B’s IOD report details that on September 23, 2016 she and Detective C were escorting Subject 1 to the 002 District’s lock up on the lower level when she “appeared to lose her footing falling into Detective B’s right shoulder.” (Attachment 56).

#### **I. Emails from Subject 1 to Detective A**

Upon COPA’s request, Subject 1 forwarded emails to COPA that she sent to Detective A. In addition, she forwarded screenshots to COPA that she asserted she also sent to Detective A. In the forwarded emails provided by email, no response is shown from Detective A. Additionally, Subject 1 provided no emails received from Detective A. In his statement, Detective A did not recall if email correspondence had been exchanged between him and Subject 1. (Attachments 41 and 61).

#### **J. Receipts forwarded by Detective B and Subject 1**

In Detective B’s statement to COPA, she recalled that Subject 1 had provided receipts on September 23, 2016. Copies of three receipts from Gucci, one in New York and one in Chicago, were forwarded to COPA by Attorney A on Detective B’s behalf. Two of the receipts are faded and difficult to read. Regarding the items sold, only “handbags,” “shoe,” and “sunglasses” are legible. (Attachment 56).

Subject 1 also provided via email receipts from Gucci. The receipts are identical to those provided by Detective B. Like those the emails, they are not entirely legible. (Attachment 65).

### **V. ANALYSIS AND CONCLUSION**

#### **Accused Detective A<sup>13</sup>**

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<sup>13</sup> Near the conclusion of COPA’s investigation into Subject 1’s allegation against Detective A, it was discovered that on October 30, 2017, Subject 1 had for a second time made a complaint against Detective A for failure to conduct a thorough investigation into her complaint that “her stolen property is being sold on the internet.” Independent of the instant investigation, Subject 1’s complaint was forwarded by COPA to CPD’s Bureau of Internal Affairs (“BIA”), Unit 121, under Log #1087315. On December 19, 2017, BIA administratively closed the case. Regarding the administratively closed status, comments on CLEAR by Sgt. 1, Unit XXX, state that “the accused Detective reported on case supp report under XXXXXXXX that the complainant had no serial numbers or

The prevailing General Order: G04-01, titled “Preliminary Investigations” dictates that “members conducting a preliminary investigation will conduct a thorough and accurate investigation.” It does not discuss what “thorough and accurate” entails. In the instant case, it is notable that Subject 1’s complaint is not closed, but rather classified as suspended pending any new investigative leads.<sup>14</sup> Thus, one may view it premature to assign a final determination as to whether Detective A’s investigation was “thorough and accurate.”

When Detective A last requested a suspended case status on October 24, 2016, the evidence he had been provided were screenshots of Civilian 1 selling items that Subject 1 claimed were hers, nondescript Gucci receipts, and a witness with no firsthand knowledge of the alleged theft. Despite Subject 1’s efforts, and outside of her own statements, she had not provided sufficient evidence of ownership of the items that she alleged Civilian 1 had taken and was fraudulently selling, e.g., photographs of her wearing the items or witnesses affirming personal knowledge of her owning the items. Reviewing the evidence in Detective A’s possession in its entirety, and considering the lack of direction or insight by the prevailing General Order as to what constitutes a “thorough and accurate investigation,” the preponderance of the evidence does not support Subject 1’s allegation that Detective A failed to conduct a thorough investigation into her complaint against Civilian 1. Therefore, COPA recommends a finding of **UNFOUNDED** on the allegation against Detective A.

#### **Allegations Against Detective B and Detective C Relative to the Staircase**

Applying COPA’s preponderance of the evidence standard, it is more likely than not that Subject 1’s interaction with Detective B and Detective C on the staircase did not occur in the manner Subject 1 alleged. Both Detective B’s and Detective C’s statements to COPA combined with Detective C’s authored CPD reports documenting the interaction are determined to be more credible than Subject 1’s recitation of the incident. Additionally, Subject 1 herself stated herself in the EMS and medical reports that she fell, and does not assert malfeasance on the part of the detectives. It is striking that initial notes from the Emergency Room Attending described Subject 1 as “uncooperative and demonstrating very manipulative behavior.” In addition, the medical records notated no trauma to her head and no significant trauma to her extremities, which “run counter” to what might be expected if one were dragged down a hard, marble staircase.

Accordingly, COPA recommends a finding of **UNFOUNDED** on the allegation that **Detective B** pushed Subject 1 from behind while walking her down a staircase on the way to the 002 District female lock-up causing her to fall down the stairs.

Likewise, COPA recommends a finding of **UNFOUNDED** on the allegation that after Subject 1 fell down the stairs, **Detective B** grabbed her by her ankles and together with Detective C dragged her down the rest of the staircase for the reasons delineated under the prior allegation.

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website picture of the property, that was not listed on original case. Case is suspended pending new leads.” COPA’s recommendation is made independent of CPD’s investigation and findings. (Attachment 59).

<sup>14</sup> Per the Detective Training Section/Investigative Development Group of CPD’s Education and Training Division, a request to suspend a case requires approval by a supervisor. All of Detective A’s supplementary reports received approval from a supervisor.



Finally, COPA recommends a finding of **UNFOUNDED** on the allegation that **Detective C** grabbed Subject 1 by the wrists and together with Detective B dragged her down a staircase on the way to the 002 District female lock-up.

**Remaining Allegation Against Accused Detective C**

COPA recommends a finding of **UNFOUNDED** on the allegation that Detective C attempted to coerce Subject 1 into admitting to criminal allegations in exchange for transporting her keys to a companion. COPA finds Detective C credible, and based on the credibility determination discussed above, it is more likely than not that Detective C did not engage in this alleged conduct.

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Deputy Chief Administrator