

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	April 24, 2017
Time of Incident:	5:15 pm
Location of Incident:	XXXXX S. Sangamon
Date of COPA Notification:	April 24, 2017
Time of COPA Notification:	7:12 pm

On April 24, 2017, CPD Officer A was arrested for Domestic Battery after his wife, Subject 1, signed a misdemeanor complaint alleging that he pushed her down on the ground. For the following reasons, COPA finds that the resulting allegation of misconduct is unfounded.

II. INVOLVED PARTIES

Involved Officer #1:	Officer A, Star# XXXXX, Employee# XXXXXX, DOA XX/XX, 2008, Police Officer, Unit XXX/XXX, 38 Years of Age, Male, Black
Subject #1:	Subject 1, 39 Years of Age, Female, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer A	1. Pushed Subject 1 down on the ground in violation of Rule 8	Unfounded

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, 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.

IV. APPLICABLE RULES AND LAWS

Rules

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

V. INVESTIGATION²

a. Interviews

In a statement to IPRA on July 18, 2017, **Subject 1** related that on the date and time in question, she had a verbal altercation with Officer A, which prompted him to leave the residence. She explained that, during the altercation, they were both reaching for “something” and Officer A accidentally pulled on her shirt and ripped it. Subject 1 stated that at no time did Officer A push her on the ground. Subject 1 also stated that she believed that she pushed Officer A out of anger.

Shortly after Officer A left, police officers responded to her home. Subject 1 stated that she was shocked when the police responded to her home and she did not know who alerted the police. Subject 1 admitted that both she and Officer A were loud and swearing and suggested a neighbor could have called the police. She told the responding officers and sergeant that they just had a disagreement like most couples do and there was no problem. She stated that the responding sergeant instructed her to sign papers, to which she complied, not knowing that her signature would initiate an arrest against her husband. Subject 1 related that if the officers would have explained the paperwork to her, she never would have signed it. Subject 1 vehemently denied being battered by Officer A and stated that she was not injured during the incident.³

In his statement to COPA on January 22, 2018, the accused, **Officer A**, related that on the date in question, he and his wife had been arguing continuously throughout the day via text and phone. When Subject 1 came home that evening, she instructed the children to go outside to play. Subject 1 began grabbing Officer A’s clothes and personal belongings and placing them in bags. Subject 1 told Officer A that he had to “get the fuck out.” As the couple started to argue, Subject 1 yanked Officer A’s cell phone out of the front pocket of his jogging pants, ripping his pocket about four inches from the waist and causing the phone to fall on the floor. Officer A asked Subject 1 why she did that. Subject 1 replied, “Fuck you and those pants.” Officer A then pulled the button off the back of Subject 1’s shirt and stated, “Now we are even.” Subject 1 proceeded down the stairs with Officer A’s bag of clothes that she had packed.

Officer A started recording Subject 1 with his phone, to which she exclaimed, “I don’t give a fuck about you recording me.” She then slapped his hand and knocked his phone to the floor. As they both attempted to grab the phone, Officer A reached it first and, as he was picking the phone up with one hand, he extended his arm out to prevent Subject 1 from getting closer to him. Officer A explained that, as he tried to block her and create distance between them, Subject 1 continued

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ Att. 28

to advance toward him and it is possible that her body contacted his hand or arm. Officer A stated that at no time did Subject 1 fall to the ground.

Officer A stated that he decided to leave the house until the tension subsided. Shortly after he left, one of Officer A's neighbors called and told him that the police were at his home. Officer A returned to his house and was subsequently arrested for Domestic Battery. Officer A denied pushing Subject 1 and provided an account of the incident identifying Subject 1 as the aggressor. He reported that neither he nor Subject 1 was injured during the incident. Officer A recorded a portion of the incident and submitted it to COPA.⁴

b. Digital Evidence

Although Officer A provided COPA a copy of the video that he captured of the incident, the file was deemed corrupted by COPA's evidence technician. The R/I contacted Officer A to download the video again; it was learned that he had purchased a new phone and was no longer in possession of the video.⁵

c. Physical Evidence

Evidence Technician photos were taken of Subject 1's ripped shirt. Photos of Subject 1 do not show any signs of visible injury.⁶

d. Documentary Evidence

According to **Sergeant A's Initiation Report**, on April 24, 2017, Sergeant A responded to the location of XXXXX S. Sangamon, the home of Officer A and Subject 1. Subject 1 reported that a verbal argument about Officer A's infidelity became physical when Officer A grabbed her by the face with an open palm and pushed her down on the ground. While on the ground, Officer A then ripped the back of her shirt and then left the home. Officer A returned to the scene while responding officers were still present. Subject 1 signed a Domestic Battery complaint against Officer A and he was subsequently arrested and transported to the XXXnd District Station. Although Subject 1 refused medical treatment, an evidence technician was requested for photos.⁷

Department Reports related essentially the same information as contained in the Sergeant A's Initiation Report.⁸

According to the **OEMC Recordings**, on Apr 24, 2017, at approximately 5:11 pm, a woman, who identified herself as Civilian 1, contacted 911 and requested a sergeant at XXXXX S. Sangamon. Civilian 1 reported that her daughter, Subject 1, called her in a panic and told her that her husband, Officer A, who is a Chicago Police Officer, locked her out of the house and took

⁴ Att. 36

⁵ Att. 35

⁶ Att. 38

⁷ Att. 4

⁸ Att. 6, 8

her car keys and “everything.” Civilian 1 explained that Subject 1 couldn’t call the police herself because her husband took her phone. She told the 911 call-taker that Subject 1 called from XXX-XXX-XXXX. The 911 call-taker informed Civilian 1 that she would attempt to call Subject 1 at the number provided and would send a sergeant to the location.

Approximately four minutes later, 911 call-taker XXXX telephoned Subject 1, who requested a sergeant to come to her home. Subject 1 explained that she is restricted from calling 911 on her phone which is why she had to call her mother. Subject 1 reported that her husband left the scene and her car keys and cell phone. During the call, Subject 1 stated, “I’m taking this to Internal Affairs. This is one of you alls. This is a Chicago policer officer that has just snapped. He has to get out of my house.”⁹

On May 9, 2017, Officer A’s **criminal case** was concluded with a disposition of Nolle Prosequi.¹⁰

VI. ANALYSIS

COPA recommends a finding of **Unfounded** that Officer A pushed Subject 1 down to the ground. Subject 1’s accounts of the incident to this Agency and to the responding CPD officers are inconsistent. During her phone call with 911, Subject 1 only reported that Officer A left the house with her property and failed to mention any physical contact. However, she signed a misdemeanor complaint alleging that Officer A pushed her to the ground. In her statement to IPRA, Subject 1 vehemently recanted the account that she provided to the responding officers and stated that Officer A did not push her. In fact, she admitted that she pushed him.

Subject 1’s claims that she did not know why the police responded to her home and did not know who called the police is also inconsistent with the evidence. Subject 1’s mother called 911 and told the call-taker that her daughter instructed her to call. The call-taker then contacted and spoke to Subject 1 in a recorded phone call in which Subject 1 requested that a sergeant come to her residence.

Officer A denied pushing Subject 1 but admitted that he did rip her shirt in response to her ripping his pants. Officer A provided COPA with video footage of the incident that he stated would prove that Subject 1 was the aggressor. Even though COPA was unable to view the corrupted video file, it is highly unlikely that Officer A would attempt to provide video footage that would corroborate Subject 1’s account and incriminate himself. Further, Officer A’s account of the incident, in comparison to Subject 1’s account, is more reliable because of its consistency. Based on the preponderance of the evidence, this investigation has concluded that the incident did not occur as Subject 1 alleged to the responding officers.

VII. CONCLUSION

⁹ Att. 9-11,15-18

¹⁰ Att. 19,20

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

Officer	Allegation	Finding
Officer A	1.Pushed Subject 1 onto the ground	Unfounded

Approved:

Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	XX
Investigator:	Investigator A
Supervising Investigator:	Supervising Investigator A
Deputy Chief Administrator:	Deputy Chief Administrator A