

SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

## I. EXECUTIVE SUMMARY

Date of Incident:	November 12, 2015
Time of Incident:	11:30 pm
Location of Incident:	XXXX S. Archer Avenue, Chicago, IL 60608
Date of COPA Notification:	November 13, 2015
Time of COPA Notification:	10:02 am

The complainant, Subject 1 alleges that while he was waiting for Civilian 1 to finish work, Detective A<sup>2</sup> approached him, struck him in the face multiple times, and pointed a firearm at his face. Both Subject 1 and Detective A contacted CPD and Officers A and B (“the Officers”) responded. The Officers learned that Civilian 1 was simultaneously dating both Subject 1 and Detective A. Subject 1 informed the Officers he was injured, however he had no visible injuries. The Officers offered to contact a sergeant to register Subject 1’s complaint. Subject 1 declined the Officers’ offer and informed them he would consider filing a complaint later. The next day Subject 1 encountered Detective A at Business 1 (XXXX W. 33rd St.) and contacted CPD. Sergeant A arrived and spoke to Subject 1 about his interactions with Detective A. Sergeant A completed an Initiation Report notifying IPRA of Subject 1’s allegations.

## II. INVOLVED PARTIES

Involved Detective #1:	Detective A, Star #XXXXXX, Employee #XXXXXX, DOA: XX/XX/2005, Unit XXX, Male, Hispanic, DOB: XX/XX/1980.
Subject #1:	Subject 1, Male, Hispanic, DOB: December XX, 1983.

## III. ALLEGATIONS

Officer	Allegation	Finding
Detective A	1. Struck Subject 1 on the face, in violation of Rule 9. 2. Put a Gun in Subject 1’s face, in violation of Rule 38.	Not Sustained Not Sustained

<sup>1</sup> 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.

<sup>2</sup> At the time of this incident Detective A was the rank of Police Officer, he has since been promoted and will be referred to by his current rank.

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#### IV. APPLICABLE RULES AND LAWS

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##### Rules

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1. Rule 4: Any conduct or action taken to use the official position for personal gain or influence.
2. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
3. Rule 38: Unlawful or unnecessary use or display of a weapon.

#### V. INVESTIGATION<sup>3</sup>

##### a. Interviews<sup>4</sup>

In a **statement to IPRA**,<sup>5</sup> on November 13, 2015, **Subject 1** stated he was parked in front of Business 1, waiting for Civilian 1 to finish work so he could speak with her. As he waited, Civilian 1's boyfriend (Detective A) arrived, parked next to Subject 1, and approached him. Subject 1 rolled the driver's window down to speak with Detective A, who asked about the nature of Subject 1's relationship with Civilian 1. Subject 1 informed Detective A that he should ask Civilian 1 about their relationship. Detective A then punched Subject 1 in the face two to five times and pointed a black semi-automatic firearm at him. After striking Subject 1, Detective A put his firearm away and returned to his vehicle. Subject 1 called 911 to report Detective A's actions. Subject 1 suffered an injury to his upper lip but did not seek any medical attention.

In a **Witness Report dated March 30, 2016**,<sup>6</sup> **Officer A** detailed that she and her partner, Officer B, were dispatched to a suspicious person. Upon arrival, Officer A encountered Detective A, who was off-duty. Detective A informed Officer A that Subject 1 was stalking his girlfriend, Civilian 1, who worked nearby. Upon speaking to Subject 1, Officer A learned Subject 1 was in an active relationship with Civilian 1 and was not stalking her. Subject 1 alleged that Detective A struck him in the face with a firearm. Officer A informed Subject 1 that his allegation was serious and that she did not observe any visual evidence to support it. Subject 1 informed Officer A that he wanted to file a complaint against Detective A. Officer A offered to request a supervisor so

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<sup>3</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>4</sup> Civilian 1 provided a statement to IPRA, however she did not provide an independent account of the interaction between Subject 1 and Detective A. Atts. 8, and 31.

<sup>5</sup> Atts. 14-17, and 35.

<sup>6</sup> Att. 44.

Subject 1's complaint could be registered.<sup>7</sup> Subject 1 informed Officer A that "he would consider filing a complaint at a later date." Officer A confirmed with Civilian 1 that she was in a relationship with both Subject 1 and Detective A. Additionally, Officer A learned that Detective A was not aware of Civilian 1's relationship with Subject 1. While speaking to Detective A, a second time, Officer A informed him that Civilian 1 confirmed her relationship with Subject 1. Additionally, Detective A admitted to a verbal altercation with Subject 1 but denied displaying a weapon.

In a **Witness Report dated April 18, 2016**,<sup>8</sup> **Officer B** detailed substantially the same information as Officer A.

In a **statement to COPA** on March 15, 2018,<sup>9</sup> **Detective A** stated while at his residence, he accessed a live image of surveillance footage at Civilian 1's work place (Business 2).<sup>10</sup> While he was watching the footage, he observed Subject 1 in the store and believed he was harassing Civilian 1. Detective A did not call the police to report the incident but rather decided to go to Business 2, which was approximately fifteen to twenty minutes away from his home, to assist Civilian 1. Detective A believed that Subject 1 had left the area by this point.

As Detective A approached Business 2, he observed a black Lexus parked across the street in front of a closed business (Business 1). Detective A believed that the occupant of the vehicle was waiting to harm Civilian 1 or rob Business 2. Without calling the police, Detective A parked his vehicle directly in front of the black Lexus, approached the driver (Subject 1), and identified himself as a Chicago Police Officer. As Detective A was speaking to Subject 1, Subject 1 reached his right hand into a jacket pocket. Believing that Subject 1 was reaching for a weapon, Detective A reached into the vehicle, across Subject 1's body, and grabbed Subject 1's right hand. Simultaneously, Detective A drew his weapon but kept it pointed towards the ground. After a few moments Detective A believed that Subject 1 was becoming a bigger threat, released Subject 1's hand, retreated to his vehicle, holstered his weapon, and called 911. Upon the arrival of uniformed officers (A and B), Detective A informed them of his interaction with Subject 1. Additionally, Detective A learned that Civilian 1 was simultaneously dating Subject 1 and himself. After the Officers completed their investigation everyone was released.

The next day, Detective A went to Business 1, spoke to a manger, and requested to view possible surveillance footage. While the manager was checking the footage, Subject 1 entered the store. Detective A informed the manager that Subject 1 was the occupant of the vehicle. The manager informed Detective A that Subject 1 was an employee. Additionally, Subject 1 informed Detective A that he was calling 911.<sup>11</sup> Detective A exited the store and waited for the arrival of

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<sup>7</sup> OEMC records reveal that a sergeant had already been dispatched to this incident. Subject 1 apparently was no longer on scene when the sergeant arrived.

<sup>8</sup> Att. 47.

<sup>9</sup> Atts. 56 and 57. Detective A also completed a written report about this incident dated March 23, 2016. (Att. 42.) It contained essentially the same account of the incident with less detail than in his interview on March 15, 2018.

<sup>10</sup> Civilian 1 provided Detective A remote access to the business' surveillance system more than a year prior to this incident.

<sup>11</sup> On April 12, 2018, COPA spoke to Civilian 2, the owner of Business 1. Civilian 2 recalled Detective A requesting to view surveillance footage on November 13, 2015. Civilian 2 was clear that no time did Detective A identify himself

the CPD Officers. Sergeant A arrived and spoke to Subject 1 and Detective A. Sergeant A informed Detective A that he would be completing an Initiation Report.

Detective A admitted to having an interaction with Subject 1 approximately one-week prior to this incident, during which he observed Subject 1's vehicle. Detective A denies striking Subject 1 or putting a firearm in Subject 1's face.

#### **b. Digital Evidence**

**ET Photographs**,<sup>12</sup> of Subject 1, detail a small laceration on the right inside of his upper lip. Additionally, the photographs details Subject 1's left cheek, however there does not appear to be a visible injury.

Subject 1 provided a **video recording**<sup>13</sup> of a surveillance video monitor.<sup>14</sup> Depicted on the monitor were Subject 1's and Detective A's parked vehicles. Detective A is seen standing at the driver's window of Subject 1's vehicle. Detective A reaches into Subject 1's vehicle and there appears to be physical interaction. However; due to the position of the surveillance camera it is unclear what is occurring within Subject 1's vehicle. Detective A later returns to his own vehicle and enters it.

#### **c. Documentary Evidence**

Sergeant A's **Initiation Report**,<sup>15</sup> details essentially the same information Subject 1 provided in his statement to IPRA. Additionally, the report details that Civilian 1 admitted she was in relationships with Subject 1 and Detective A.

**Office of Emergency Management and Communication (OEMC) records**<sup>16</sup> reveal that Subject 1 and Detective A both called 911 during this incident. Subject 1 reported that a police officer punched him three times and pointed a gun at him. A sergeant (Beat XXXX) was sent to that call but could not find Subject 1. In his calls, Detective A identified himself as an off-duty police officer and reported that a male on the scene was either stalking someone or planning to commit robbery. Beat XXXX (Officers A and B) responded to that call.

**Contact Card XXXXXXXXXXXXX**,<sup>17</sup> details that on November 12, 2015 at approximately 11:53 pm, Officers A and B spoke to Subject 1, who was in black Lexus sedan, after receiving a report of a person parked outside a gas station in a dark vehicle. Subject 1

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as a Chicago Police Officer, nor did he observe a weapon, star, or any other indications that Detective A was a Chicago Police Officer. Att. 58.

<sup>12</sup> Att. 34.

<sup>13</sup> Att. 28.

<sup>14</sup> IRPA attempted to obtain a copy of the surveillance footage, however Civilian 2 did not know how to operate or record from the system. Additionally, Civilian 2 stated that after seven days the footage is automatically deleted. Att. 26.

<sup>15</sup> Att. 4.

<sup>16</sup> Atts. 6, 37.

<sup>17</sup> Att. 48.

informed Officers A and B that he was at the location waiting for an employee (Civilian 1) to finish work.

**VI. ANALYSIS**

COPA recommends a finding of **NOT SUSTAINED** for all allegations against Detective A. Despite Detective A admitting to interacting with Subject 1, COPA was unable to locate any evidence to support or refute Subject 1’s allegations. The video recording of the incident was not clear and Civilian 1 did not witness the interaction between the two men. Therefore, COPA is unable to determine what occurred between Subject 1 and Detective A.

**VII. CONCLUSION**

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

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Detective A	1. Struck Subject 1 on the face, in violation of Rule 9.	Not Sustained
	2. Put a Gun in Subject 1’s face, in violation of Rule 38.	Not Sustained

Approved:

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*Deputy Chief Administrator – Chief Investigator*

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 Date

**Appendix A**

Assigned Investigative Staff

<b>Squads#:</b>	X
<b>Investigators:</b>	COPA Investigator A
<b>Supervising Investigators:</b>	COPA Supervising Investigator A
<b>Deputy Chief Administrator:</b>	COPA Deputy Chief Administrator A