

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	May 27, 2017
Time of Incident:	Approximately 2:30 p.m.
Location of Incident:	XXXX S. Richmond Street, Chicago, Illinois 60652
Date of COPA Notification:	May 27, 2017
Time of COPA Notification:	8:40 p.m.

On May 27, 2017, at approximately 2:30 p.m., Officer A engaged in a verbal and physical altercation with his college-aged daughter, Subject 1. On that afternoon, following a verbal exchange with her father, Subject 1 exited her home while wearing only a t-shirt and underwear. After a few minutes passed, Subject 1 attempted to re-enter the residence but was locked out. Finally, after Subject 1 knocked on the door for two to three minutes, Officer A asked his younger daughter, Civilian 1, to let Subject 1 back inside.

Once Subject 1 was back inside the house, Officer A tried to speak with her again, but she refused to engage in conversation with her father. Officer A then followed Subject 1 to her bedroom and he blocked the doorway with his body. In response, Subject 1 pushed past him and exited the bedroom. She proceeded down the stairs to the first floor of the home with Officer A following behind her. Subject 1 alleged that Officer A either pushed or kicked her from behind when she was approximately halfway down the stairs, which caused her to strike her head against an on overhang located above the stairs. COPA investigated this incident and ultimately reached a Sustained finding.

INVOLVED PARTIES

Involved Officer #1:	Officer A; Star #XXXXXX; Employee ID: #XXXXXX; DOA: XX/XX/1997; DOB: XX/XX/1961; Male; Black
Subject #1:	Subject 1; DOB: XX XX, 1998; Female; Black

II. ALLEGATIONS

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.

Officer	Allegation	Finding
Officer A	<p>1. It is alleged that on May 27, 2017, at approximately 02:30 p.m., at the residence at XXXX S. Richmond, the accused denied Subject 1 re-entry to the residence after she was locked out and only wearing a t-shirt and underwear.</p> <p>2. It is alleged that on May 27, 2017, at approximately 02:30 p.m., inside the residence at XXXX S. Richmond, the accused blocked the exit of Subject 1 bedroom with his body; and</p> <p>3. Either pushed or kicked Subject 1 from behind as she walked down the stairs, causing her to strike her head.</p> <p>4. It is alleged that on May 27, 2017, at approximately 02:30 p.m., inside the residence at XXXX S. Richmond, the accused engaged in an unjustified physical altercation with Subject 1.</p>	<p>Unfounded</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p>

III. APPLICABLE RULES AND LAWS

Rules

1. Rule 2 – Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 8 – Disrespect or maltreatment of any person, while on or off duty.
3. Rule 9 – Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

IV. INVESTIGATION

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

a. Interviews

Subject 1

COPA interviewed **Subject 1** on May 27, 2017. During the interview, Subject 1 stated that she attended Ball State University in Indiana, and at the time of the incident, was living at home with her parents and younger sister while she was away from school on summer break. Subject 1 described her relationship with Officer A, her father, as very tense due to a lack of communication between them and his authoritative manner.

During the afternoon on the date of the incident, Subject 1 had just finished showering when Officer A knocked on her bedroom door and asked to speak with her. Subject 1 put on a t-shirt and underwear and answered the door. The two engaged in conversation. Officer A discussed with her why he had taken her car privileges away, and continued to explain why he would not be restoring her driving privileges.² The conversation became heated and Subject 1 went outside to get away from Officer A.

Now outside, and only wearing a t-shirt and underwear, Subject 1 started to cry. After a few minutes passed, she tried to re-enter the residence but found the door locked. Subject 1 believed that Officer A locked her out of the house. Subject 1 began to knock on the door and continued knocking for approximately two to three minutes. Finally, Civilian 1 opened the door and let Subject 1 in. Back inside the house Officer A attempted to engage Subject 1 in conversation again, but she declined to speak with him any further. Instead, Subject 1 walked away and went upstairs to her bedroom to dress and gather her things.

Officer A followed Subject 1 to her room where he told her, among other things, that she was disrespectful and needed to move out. Subject 1 tried to exit her bedroom, but Officer A stood in the doorway, blocking her from leaving. A 5'5" tall, one-hundred and twenty-five pound, Subject 1 pushed her way past a much larger, 6'4" tall, Officer A and exited the room.³

After pushing her way out of the room, Subject 1 proceeded downstairs to the first floor. When she was approximately halfway down the stairs, she felt a push or a kick to her lower back, which caused her to lose control and strike her forehead on the protruding overhang above the stairs. Subject 1 stated that no one else was on the stairs with her other than Officer A, who was a few steps behind her at the top of the steps. She believed that he must have kicked her because his height afforded him a long reach. After striking her forehead, Subject 1 ran down the stairs, exited the residence, and ran to her Cousin's home, Civilian 2, approximately two blocks away.

² On a date prior to this conversation, Officer A had revoked Subject 1's driving privileges and took back the keys and car that he had purchased for her to drive.

³ During the interview, Subject 1 stated that she was 5'5" tall and weighed one-hundred and twenty-five pounds, while Officer A was 6'4" tall with a slender build.

Subject 1 was hysterical and Civilian 2 comforted her as Subject 1 called her mother, Civilian 3. Civilian 3 come and took Subject 1 to the emergency room at Hospital 1 where Subject 1 was treated for a contusion and released. After the hospital visit, Subject 1 returned to Civilian 2's residence, where she stayed for the next few days before returning to the [family name deleted] family home. Subject 1 described her injury as a "big bump" on her forehead that she had Civilian 2 photograph. When detectives contacted Subject 1 on June 5, 2017, she told them that she did not wish to pursue criminal charges against Officer A.⁴

Civilian 2

COPA attempted to interview witness **Civilian 2** but was unsuccessful. Although Civilian 2 initially agreed to be interviewed, she subsequently refused and further refused to provide COPA with written statement. However, during a telephone conversation on September 21, 2017, Civilian 2 told a COPA investigator that she and Subject 1 had plans to go shopping on May 27, 2017, and that Subject 1 arrived at her residence that day crying and very upset. Subject 1 told Civilian 2 that she had run away from Officer A after he kicked her down the stairs, which caused her to strike her head on the stairway overhang. Civilian 2 further stated that she observed a knot on the upper right side of Subject 1's forehead. Civilian 2 also told the investigator that she took photographs of Subject 1's face and forehead on either the evening of May 27, 2017, or the early morning of May 28, 2017.⁵

Civilian 3 / Civilian 1

Although witness **Civilian 3** initially agreed to provide a statement to COPA, she ultimately declined to cooperate and provide a statement, or allow minor witness **Civilian 1** to provide a statement to COPA. Additionally, **Officer A** also declined to allow minor **Civilian 1** to provide COPA with a statement.⁶

Officer A

COPA interviewed **Officer A** on November 14, 2017. During his interview, Officer A stated that he picked up his daughter, Subject 1, from school in Indiana on May 5, 2017 and brought her back to the family residence. Within a week of returning home from school, the relationship between Officer A and his daughter became strained when he revoked her driving privileges because she was disrespectful towards him.

Officer A stated that on the date of the incident, May 27, 2017, Subject 1 ignored his verbal request that she turn down the music that she was listening to upstairs in her bedroom. When Subject 1 continued to listen to the loud music in her bedroom, Officer A went upstairs his daughter's bedroom to request that she turn the music down. According to Officer A, Subject 1 opened the door to her bedroom and turned the music down, but she did so in a disrespectful way by staring at him with dirty looks. Officer A told his daughter that she could be not be

⁴ Attachment 28.

⁵ Attachments 35 and 35.

⁶ Attachments 36 and 37.

disrespectful towards him, and that she needed to turn the music down when first asked. Subject 1 then pushed Officer A's arm as she ran from the bedroom. When asked, Officer A denied that he blocked the bedroom door so Subject 1 could not exit, adding that his body was turned sideways as to not block the doorway. Officer A admitted that he kicked Subject 1 with his left foot; he described his kick to Subject 1 as a "soft kick" which lacked power, and one where only his left toe⁷ struck her buttocks. Officer A did not remember the kick causing his daughter to strike her head in any fashion. Later during the interview, he characterized his kick as a reaction to her pushing him and being disrespectful towards him.

Following the kick, Subject 1 ran out the of the house and through a security gate that closed behind her automatically without locking. Officer A then closed the front door without attempting to locking it. Shortly thereafter, Officer A directed Civilian 1 to open the door and let Subject 1 back inside. When asked why he had to instruct Civilian1 to open a locked door for Subject 1, he stated that she was banging on the door, which could have been locked even if he did not lock it. Subject 1 briefly re-entered the residence, but then left again. Meanwhile, Officer A was on the phone with Civilian 3, telling her what just had happened.

When asked why Subject 1 would need medical treatment following the incident, Officer A stated that he did not know. When asked how she sustained an injury, Officer A speculated that the security gate was on a spring and may have struck her when she ran outside. Officer A denied the allegations made against him and Subject 1's account of the incident.⁸

b. Digital Evidence

CPD Evidence Technician(s) took **photographs** of Subject 1 on May 27, 2017. These photographs depicted an area of redness and swelling to Subject 1's upper forehead.⁹

The **photographs** of Subject 1 taken by Civilian 2, on either the evening of May 27, 2017 or the morning of May 28, 2017, depicted an area of redness and swelling to Subject 1's upper forehead. Subject 1 also submitted to COPA a photograph of the Stairwell/hallway that showed the overhang where she struck her forehead following the alleged kick/push by Officer A.¹⁰

c. Physical Evidence

The **Medical Records** for Subject 1 documented that she sought treatment at the emergency room of Hospital 1 on May 27, 2017, at 4:24 p.m., for a closed head wound without loss of consciousness. At the hospital, Subject 1 told hospital staff that she had been pushed down the stairs by her father during an argument earlier that afternoon. Subject 1 further explained that she did not fall after being pushed; instead, she hit her head while remaining upright. She was diagnosed with a forehead contusion as the result of blunt head trauma during an alleged assault/domestic violence incident. Hospital staff further documented that Subject 1

⁷ Officer A indicated that he was most likely wearing shoes when he kicked Subject 1.

⁸ Attachments 44 and 46.

⁹ Attachment 9.

¹⁰ Attachment 23.

was presently living at home with her parents, who were going through a divorce, and that she found the living situation very difficult since returning home from college for the summer.¹¹

d. Documentary Evidence

A **Case Report** for a Simple Domestic Battery (RD #XXXX) documented that police responded to the emergency room of Hospital 1 to document a reported battery. The victim, Subject 1, reported that she had a verbal altercation with her father, Officer A. The argument started when she exited the shower. Her father wanted to talk to her about their earlier verbal altercation, but she became upset because she felt any further conversation was futile. Subject 1 told the police officer(s) that instead of speaking with her father, she ran out of the house, which was when her father locked her out of the house. She responded by beating on the door for two to three minutes before her father allowed her younger sister, Civilian 1, to let her in. Subject 1 then returned to her bedroom where her father, wanting to continue the conversation, approached her again and stood in the doorway. Subject 1 exited the bedroom by forcing her way past her father. While attempting to go down the stairs, her father pushed her from behind, which caused her to strike her head on the upper partition of the stairs. Subject 1 sustained a lump and abrasion to her forehead.¹²

The **Case Supplementary Report** was classified as “Exceptionally Cleared Closed (Complainant Refused to Prosecute).” This report noted that that the Domestic Violence Court denied Subject 1 an Order of Protection against Officer A on May 30, 2017. It was also noted that Subject 1 was later informed by her mother, Civilian 3, that Officer A may have kicked her instead of pushing her on the stairs.¹³

The **Petition for Order of Protection**, 2017OPXXXXX, essentially stated the same information that Subject 1 provided during her interview with COPA and as documented in the CPD case report. Subject 1 wrote that Officer A kicked her on the stairs, causing her to stumble and hit her head on the wall overhead. Court records documented that this order of protection was denied on June 28, 2017.¹⁴

V. ANALYSIS

COPA recommends a finding of unfounded for allegation 1 against Officer A, in that he denied Subject 1 re-entry to the residence after she was locked out of the house wearing only a t-shirt and underwear. Subject 1 stated that she banged on the door for re-entry after finding the door locked. Additionally, not a single person interviewed during the course of this investigation ever denied or refuted that the door was locked, and that Subject 1 was indeed locked out. In fact, Officer A agreed that the door may have been locked. Despite shutting the door behind her when she left the home, Officer A categorically denied intentionally locking the door after Subject 1 exited the residence. While COPA finds that Officer A admittedly put himself in an opportunistic position to lock the door, COPA also finds that it is more likely than not that

¹¹ Attachment 22.

¹² Attachment 5.

¹³ Attachment 11.

¹⁴ Attachments 24 and 29.

Officer A did not intentionally lock the door. This finding was predicated upon the following facts: (1) Officer A's account of the incident was similarly parallel to the account of Subject 1 – meaning that both accounts corroborated each other and were received as truthful by COPA; (2) all interviewed parties agreed that it was at the direction of Officer A that Subject 1 gained entry to the residence; and finally, COPA takes notice that it is generally accepted common knowledge that an open door may have its locking mechanism in the lock position, and therefore, “automatically” lock upon being shut without any intention by the individual shutting the door to do so. Based on these facts, COPA finds that while Subject 1 was locked out, it was ultimately Officer A who, indirectly by asking Civilian 1 to open the door, let Subject 1 back into the house within minutes. For these reasons, COPA recommends a finding of unfounded for Allegation #1.

COPA recommends a finding of sustained for allegation 2 against Officer A, in that he blocked the exit of Subject 1's bedroom with his body. Although Officer A stated that he did not block the doorway as he stood sideways in the doorframe, the evidence indicates otherwise. It is clear from the interviews of Subject 1 and Officer A that Subject 1 pushed her way past Officer A as she exited her bedroom. COPA finds that Subject 1's push against Officer A was indicative of her moving past her father who positioned in the doorway as an obstacle to egress and not as an aggressive/combatative strike against her father; at no point during both of their interviews did either Officer A or Subject 1 suggest that she had become physically aggressive towards her father in any way. In fact, Subject 1 did just the opposite: she consistently tried to get away from her father and the verbal argument she was having with him. Therefore, based on the fact that Subject 1's actions and statements were consistent with her claim that Officer A blocked the doorway, coupled with the fact the Officer A did not deny occupying the doorway, COPA finds it is more likely than not that Officer A blocked the doorway. Accordingly, COPA recommends a finding of sustained for allegation 2.

COPA recommends a finding of sustained for allegations 3 and 4 against Officer A, in that he either kicked or pushed Subject 1 as she walked down the stairs, causing her to strike her head; and engaged in an unjustified physical altercation with Subject 1. Foremost, Officer A admitted during his interview that he kicked Subject 1 after she pushed him. He described this intentional kick as a “soft kick” in which only his toe touched Subject 1. Despite any dispute as to the severity of the kick, or Officer A's denial of any resulting injury, the photographs and hospital records taken and documented shortly after the incident showed that Subject 1 struck her head and suffered a contusion to the forehead. When considering these factors, COPA finds that it is more likely than not that Officer A kicked Subject 1, which resulted in an injury to her forehead. Accordingly, COPA recommends a finding of sustained for allegation 3.

Finally, while Officer A described his kick to Subject 1 as a reaction to her pushing him, and also her disrespectful demeanor towards him, this rationale by Officer A is not accepted by COPA as an excuse for kicking his daughter. Conversely, COPA finds that this justification only further illustrated that Officer A was unjustified in any physical altercation with Subject 1. As discussed above, Subject 1 never became physically aggressive towards her father; instead, she continuously moved away from her father, attempting to escape further confrontation. COPA finds that in truth, it is more likely than not that Officer A became frustrated with his daughter and kicked her; therefore, COPA recommends a sustained finding for allegation 4.

CONCLUSION

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

Officer	Allegation	Finding
Officer A, #XXXXXX	1. Denied Subject 1 re-entry to the residence after she was locked out and only wearing a t-shirt and underwear.	Unfounded
	2. Blocked the exit of Subject 1’s bedroom with his body, in violation of Rules 2, 8, and 9.	Sustained
	3. Either kicked or pushed Subject 1 from behind as she walked down the stairs, causing her to strike her head, in violation of rules 2, 8, and 9.	Sustained
	4. Engaged in an unjustified physical altercation with Subject 1, in violation of Rules 2, 8, and 9.	Sustained

Approved:

 COPA Chief Investigator A
 Deputy Chief Administrator – Chief Investigator

 Date

Appendix A

Assigned Investigative Staff

Squad#:	X
Investigator:	COPA Investigator A
Supervising Investigator:	COPA Supervising Investigator A
Deputy Chief Administrator:	COPA Chief Investigator A