

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	Nov. 23, 2013
Time of Incident:	9:59 pm
Location of Incident:	Officer A and Subject 1's residence
Date of COPA Notification:	Nov. 23, 2013
Time of COPA Notification:	9:59 pm

Officer A and Subject 1 were married for twenty years prior to separating on Jan 4, 2013. They have two daughters in common. Although Officer A had moved from the marital residence and filed for divorce, he would still go there to assist with household tasks when needed. On Nov. 23, 2013, Officer A was at the marital residence when he and Subject 1 became involved in a heated argument about the pending divorce. Subject 1 called the police, reporting that her husband had assaulted her and requesting a sergeant to respond.

II. INVOLVED PARTIES

Involved Officer #1:	Officer A Star # XXXXXXX/Employee ID # XXXXX DOA: XXXXXXXX, 1997 PO / Unit XXX DOB: XXXXXXXX, 1972 Male/White
Subject #1:	Subject 1, DOB: XXXXXXXXXX, 1983 Female/White

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Weber	1. Subject 1 alleged that on Nov. 23, 2013, at the location of Officer A and Subject 1's residence, Officer A pushed open the front door, grabbed Subject 1 by her head and violently shook Subject 1 from side to side.	Not Sustained

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.

<p>2. Subject 1 alleged that on Nov. 23, 2013, at the location of Officer A and Subject 1’s residence, Officer A pushed Subject 1 onto the floor.</p>	<p>Not Sustained</p>
<p>3. Subject 1 alleged that on Nov. 23, 2013, at the location of Officer A and Subject 1’s residence, Officer A struck Subject 1 in front of their minor daughter, Minor Child 1.</p>	<p>Not Sustained</p>
<p>4. Subject 1 alleged that on Nov. 23, 2013, at the location of Officer A and Subject 1’s residence, Officer A slammed their minor daughter, Minor Child 1’s bedroom door on Subject 1.</p>	<p>Not Sustained</p>
<p>5. Subject 1 alleged that on Nov. 23, 2013, at the location of Officer A and Subject 1’s residence, Officer A stepped on Subject 1’s chest.</p>	<p>Not Sustained</p>
<p>6. Subject 1 alleged that on Nov. 23, 2013, at the location of Officer A and Subject 1’s residence, Officer A told her to, “Get the fuck out!”</p>	<p>Not Sustained</p>
<p>7. Subject 1 alleged that on Nov. 23, 2013, at the location of Officer A and Subject 1’s residence, Officer A called Subject 1 a “Fucking bitch.”</p>	<p>Not Sustained</p>
<p>8. Subject 1 also alleged on an unspecified date and time in 2008, at the location of Officer A and Subject 1’s residence Avenue that Officer A engaged in an unjustified altercation with her.</p>	<p>Not Sustained</p>
<p>9. It is alleged that Officer A used his official position for personal gain or influence, in that, he requested a copy of the CPD/ET photographs regarding a domestic incident involving him and Subject 1</p>	<p>Not Sustained</p>

IV. APPLICABLE RULES AND LAWS

Rules

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

V. INVESTIGATION

a. Interviews

In her statement to IPRA on Nov. 27, 2013, the Reporting Party **Victim Subject 1** stated that on Nov. 23, 2013, her husband returned to their marital residence to do some handiwork around the house.² Officer A arrived around noon and, shortly thereafter, Subject 1 and the couple's daughters went to a birthday party. When they returned, Officer A and Subject 1 began to discuss their pending divorce. The conversation became heated and Subject 1 left and went to the kitchen. Officer A went upstairs to say goodbye to his daughters, Minor Child 1 and Minor Child 2. Subject 1 followed him because she knew their children did not wish to see him because he had committed violent acts against them in the past. Next, Officer A slammed Minor Child 1's bedroom door on Subject 1. As they went downstairs, they continued to argue. Subject 1 stated that Officer A chastised her for the manner in which she was speaking to him and then called her a "fucking bitch." Subject 1 responded, telling him to "get the fuck out."

Subject 1 stated that, once they were downstairs, Officer A proceeded to exit the residence. As she was attempting to shut the front door and lock it, Officer A suddenly turned around and attacked her. Subject 1 said that he grabbed her by the sides of her head with both hands and was "thrashing" her around as hard as he could. Subject 1 stated that she screamed for Officer A to stop but he did not comply. She attempted to grab his face to get him off her and possibly scratched him, but Officer A still did not release her. Officer A then slammed her down on the ground and stepped on her chest.

Subject 1 called the police as soon as Officer A left the house. She related that she had to terminate the call because her daughters were screaming too loudly and the call-taker could not hear her. Subject 1 called back and reported that her husband had attacked her. Subject 1 stated that in the past she had threatened to call the police on Officer A but this was the first time that she called 911.

Minor Child 1 told her mother that she had seen the altercation where Officer A pulled her hair and saw her mother lying on the ground. Minor Child 2 told her mother that she was too afraid to come downstairs but could hear Subject 1 screaming.

Subject 1 reported that the police responded and photographed her injuries. Subject 1 said that when the Sergeant arrived, her skin was red but she later realized that she had sustained bruises on her chest and arms. She did not seek medical treatment.

Subject 1 also said that Officer A had never attacked her or struck her in front of their children. However, moments later, in the same interview, Subject 1 stated that this current incident was not the first time that Officer A had struck her but that it was her first time filing a complaint. Subject 1 recalled two previous physical attacks, one in 2008, and another incident which she believed occurred prior to Officer A joining the police department [in 1997]. Subject 1 stated that she had called the police but did not file a report against her husband.

² Att. 25

Subject 1 stated that once their daughters were born, Officer A directed the abuse towards the eldest daughter, Minor Child 1. Subject 1 recalled an incident when Officer A grabbed Minor Child 1 by the hair, flipped her on the ground, struck her, and slammed her head on the ground while stating, "I'll fuck you up." Subject 1 also stated that Officer A grabbed Minor Child 1 by the hair on multiple occasions. Subject 1 did not report the abuse to authorities, but the children reported it to a counselor at the school, who in turn, reported the incident to DCFS.

Subject 1 initially agreed to let IPRA interview her daughters. However, she later changed her mind because she did not want them to relive the incident.³

In his statement to IPRA on Aug. 23, 2016, **Accused Officer A** related that he and his ex-wife, Subject 1, were married for twenty years prior to their divorce in October 2015 due to irreconcilable differences.⁴ Officer A stated that on Nov. 23, 2013, he went to their marital residence to do some chores. Subject 1 and their daughters had been to a birthday party and were not home. When they returned, he and Subject 1 had a discussion regarding their marital property. Subject 1 told him that they did not have the money to keep the marital residence and, when Officer A stated that he could get a roommate, Subject 1 became angry because she assumed that he was going to allow his girlfriend to move in with him. Subject 1 told him to "get the fuck out" but Officer A went upstairs to say goodbye to his daughters. While he was inside Minor Child 1's bedroom with the door closed, Subject 1 "slammed" the door open.

Next, Officer A and Subject 1 went down the stairs. When he opened the door to leave, she grabbed him by the throat and the face. He pulled away, telling her to get off of him and that "she had a fucking problem". Officer A then went to his partner's house a few blocks away and told him what happened. At this time, his partner told him to go to the bathroom because he was bleeding. Officer A then called his Sergeant to report the incident. He was informed that the police were at his home and Subject 1 was accusing him of throwing her down, shaking her, and jumping on her chest. Later that evening, an Evidence Technician ("ET") took photos of Officer A's injuries.

Officer A denied the allegations against him. In fact, he identified Subject 1 as the aggressor and said that the only thing he could've done in response to her violent attack was to put his hands up and pull away from her. However, he did state that he probably called her a "fucking bitch."

Officer A also added that his daughters did not witness the incident because they were in their bedrooms. Officer A stated that this was not the first time where Subject 1 had physically attacked him. He described an incident, after they had separated, where she punched the back of his head as he was walking out of the house. Officer A stated that he did not file a case report because he did not want her to go to jail.

When asked if he had ever seen ET photos of Subject 1, Officer A responded that his attorney showed him the pictures in court. Later in the statement, Officer A stated that his attorney ordered the photos but he (Officer A) was the one who picked them up from the Crime Lab and

³ Att. 127, p. 12

⁴ Att. 137

took them to court for his attorney. Officer A stated that he did not observe any injuries to Subject 1, who was wearing a long-sleeved shirt and a pair of pants after the incident.

Officer A denied abusing his children and stated that, although he knew that DCFS had investigated him after the 2013 event, he had no idea what was going on with the case. He said that the 2013 investigation was the only time he had been investigated by DCFS.

a. Digital Evidence

According to **OEMC records**, on Nov. 23, 2013, Subject 1 called the police and reported that her husband had attacked her at her home. She also requested a sergeant to respond. Subject 1 is heard stating that her husband left the house when he heard her reporting the incident to 911. Subject 1 stated that she was not injured and did not need medical attention.⁵

b. Physical Evidence

Evidence Technician Photographs of Subject 1 taken on Nov. 23, 2013, depict what appears to be redness about her chest area and bruises on her lower left inner thigh, right wrist, and bicep.⁶

Evidence Technician Photographs of Officer A taken on Nov. 23, 2013, depict what appears to be bruising redness about his neck and two scratches on the right side of his face.⁷

Digital Photographs were taken of Subject 1 on Nov. 25, 2013, two days after the incident at the request of the State's Attorney's Office. The photos depict what appear to be the same injuries documented in the ET photos. However, the bruises were darker and more noticeable in this set.⁸

c. Documentary Evidence

According to **Domestic Battery Case Report RD# XXXXXXXX**, officers responded to Officer A and Subject 1's residence, where Subject 1 informed them that Officer A had attacked her. She related that, following a verbal altercation, Officer A grabbed her by her hair and ears and shook her from side to side and then pushed her on the floor and stepped on her chest.⁹

Additionally, the **Supplemental Report** disclosed that on Nov. 27, 2013, an allegation of child neglect had been lodged against Officer A with the Department of Children and Family Services regarding his striking Subject 1 in the presence of their daughter, Minor Child 1, on Nov. 23, 2013.¹⁰ The criminal investigation was incorporated into XXXXXXXX.¹¹

⁵ Att. 13, 48-53

⁶ Att. 23

⁷ Att. 24

⁸ Att. 124

⁹ Att. 14

¹⁰ The State Central Register number for the DCFS allegation is XXXXXXXXXX.

¹¹ Att. 15 at 7

Subject 1's **Petition for Order of Protection**, filed on Dec 2, 2013, recounts the narrative of the events of November 23, 2013, in a manner substantially similar to the account she provided in her statement to IPRA.¹² The Petition also asserted that Officer A had been physically and verbally abusive to Subject 1 their daughters throughout their entire relationship.¹³

An **Emergency Order of Protection** issued against Officer A on December 2, 2013, which prohibited him from having any contact with Subject 1 and their daughters. The order expired on December 23, 2013.¹⁴ On December 23, 2013, the parties entered an **Agreed Order**, which noted that Subject 1 had dismissed her Petition.¹⁵

d. Additional Evidence

According to DCFS, the allegations of child abuse against Officer A were unfounded and the records were properly expunged.¹⁶

VI. ANALYSIS

COPA recommends a finding of **Not Sustained** for the domestic violence allegations set forth in **Allegations 1 through 5**.

Subject 1 called 911 immediately after the physical confrontation with her husband and reported that he had attacked her. CPD responded and an ET took photos of her, which depict what appear to be redness about her chest, a bruise on her lower left inner thigh, and a bruise on her right wrist and bicep. Photos taken two days later at the direction of the State's Attorney Office depict the same injuries, but it appears that they had become darker and more noticeable. Officer A admitted that he did not observe any bruises to Subject 1.¹⁷

According to Officer A, Subject 1 was the aggressor and she physically attacked him from behind by grabbing him by the throat and the face. He stated that all he did, in response, was pull away from her. Photographs of Officer A taken shortly after the incident depict what appears to be bruising redness about the neck and two scratches on the right side of his face. While there is no doubt that a physical confrontation took place between the two, their stories conflict with each other, making an accurate identification of the aggressor unlikely. Without the interviews of the couple's daughters, there is insufficient evidence to prove or disprove the allegations as they were alleged.

COPA also recommends a finding of **Not Sustained** for the allegations of verbal abuse described in **Allegations 6 through 8**. Although COPA finds it likely that Officer A used foul

¹² Att. 113

¹³ Att. 26

¹⁴ Att. 26, 33

¹⁵ Att. 96

¹⁶ Att. 127 at p. 17 (where the IPRA investigator memorialized a May 23, 2016 phone conversation with DCFS Employee A of DCFS, who informed her that the allegations of abuse against Officer A were unfounded and that the records of the investigation had been expunged).

¹⁷ He did suggest in his interview that she bruises easily due to her chemotherapy treatments (no other details were given to substantiate or elaborate on this statement).

language, the argument with his wife was heated and she recounted cursing at him during her interview. Accordingly, COPA finds that this complained of conduct does not rise to the level of a rule violation.

COPA recommends a finding of **Not Sustained** for **Allegation 8** -- that Officer A engaged in an unjustified altercation with Subject 1 at their home at an unspecified date and time. Subject 1 stated that she reported the incident to the police but records could not be located to support her claim. No additional witnesses were mentioned and she provided few details regarding this incident. Officer A denied the allegation. Thus, there is insufficient evidence to prove or disprove the allegation.

COPA recommends a finding of **Not Sustained** for **Allegation 9** that Officer A improperly requested and received ET photographs related to the domestic incident involving Subject 1 because he was a subject of the incident’s investigation. Officer A stated that his civil attorney ordered the photos but that he picked up the photos, on behalf of his attorney, when the photographs were available. The Crime Lab does not retain the “Request for Evidence Technician” photos which prevents COPA from determining if, in fact, Officer A requested the photos himself. Currently, there is insufficient evidence to prove or disprove the allegation.

VII. CONCLUSION

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

Officer	Allegation	Finding
Detective Weber	1. Subject 1 alleged that on Nov. 23, 2013, at the location of Officer A and Subject 1’s residence, Officer A pushed open the front door, grabbed Subject 1 by her head and violently shook Subject 1 from side to side.	Not Sustained
	2. Subject 1 alleged that on Nov. 23, 2013, at the location of Officer A and Subject 1’s residence, Officer A pushed Subject 1 onto the floor.	Not Sustained
	3. Subject 1 alleged that on Nov. 23, 2013, at the location of Officer A and Subject 1’s residence, Officer A struck Subject 1 in front of their minor daughter, Minor Child 1.	Not Sustained
	4. Subject 1 alleged that on Nov. 23, 2013, at the location of Officer A and Subject 1’s residence, Officer A slammed their minor daughter, Minor Child 1’s bedroom door on Subject 1.	Not Sustained

	<p>5. Subject 1 alleged that on Nov. 23, 2013, at the location of Officer A and Subject 1’s residence, Officer A stepped on Subject 1’s chest.</p> <p>6. Subject 1 alleged that on Nov. 23, 2013, at the location of Officer A and Subject 1’s residence, Officer A told her to, “Get the fuck out!”</p> <p>7. Subject 1 alleged that on Nov. 23, 2013, at the location of Officer A and Subject 1’s residence, Officer A called Subject 1 a “Fucking bitch.”</p> <p>8. Subject 1 also alleged on an unspecified date and time in 2008, at the location of Officer A and Subject 1’s residence Avenue that Officer A engaged in an unjustified altercation with her.</p> <p>9. It is alleged that Officer A used his official position for personal gain or influence, in that, he requested a copy of the CPD/ET photographs regarding a domestic incident involving him and Subject 1.</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>
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Approved:

Deputy Chief Administrator – Chief Investigator

 Date

Appendix A

Assigned Investigative Staff

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