

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	October 25, 2014
Time of Incident:	8:56 p.m.
Location of Incident:	XXX N. Ridge Avenue
Date of COPA Notification:	October 29, 2014
Time of COPA Notification:	3:53 p.m.

The complainant, Civilian 1, became involved in a traffic dispute with an off-duty police officer. The dispute escalated and resulted in Civilian 1's arrest. Civilian 1 subsequently filed a complaint against the involved officer. COPA finds that the allegations against the involved officer are Not Sustained and Unfounded.

II. INVOLVED PARTIES

Involved Officer #1:	A, star# XXX, Employee ID#XXX, Date of Appointment: XXXX, 2001, Rank: Detective, Unit of Assignment: XXX, DOB: XXX, 1969, gender: male, race: white
Involved Individual #1:	Civilian 1, DOB:XXX, 1990, gender: female, race: black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Detective A	1. It is alleged that the accused engaged in an unnecessary verbal and physical altercation with Civilian 1.	Not Sustained
	2. It is alleged that the accused brought discredit upon the Chicago Police Department by engaging in a road rage incident with Civilian 1.	Unfounded
	3. It is alleged that the accused failed to identify himself as a Chicago Police Officer during the incident.	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 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 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
 3. Rule 37: Failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank and star number when so requested by other members of the Department or by a private citizen.
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V. INVESTIGATION²

a. Interviews

In a statement to IPRA on October 30, 2014, **Civilian 1** stated that she was driving north on Ridge Avenue in the right lane when she observed a blue Honda in the left lane coming toward her car. The Honda nearly hit the side of Civilian 1's car. Civilian 1 honked her horn, but the Honda continued driving closely and came within an inch of her vehicle. Civilian 1 swerved and sped up to prevent the Honda from hitting her vehicle. When the vehicles came to a red light, Civilian 1 exited her vehicle and asked the driver of the Honda, now identified as Detective A, what he was doing. Detective A opened his door and said, "very smart words... he was just cursing me out."³ Civilian 1 did not recall specifically what Detective A said. Civilian 1 said something in return⁴ and Detective A punched her in her left eye and struck her on the cheek. Detective A tried to hit Civilian 1 a third time and Civilian 1 defended herself by hitting Detective A. According to Civilian 1, she did not know Detective A was a police officer. Civilian 1 stated that Detective A had her on the ground and her mother, Civilian 2, tried to break them apart. A male bystander tried to pull Detective A off Civilian 1, at which time Detective A stated that he was a police officer. Responding officers arrived and transported Civilian 1 to the police station. At the station, Detective A laughed at Civilian 1 and told her she would be charged with a felony. In response, Civilian 1 told Detective A that she would have his badge and pension. Civilian 1 stated that she sustained redness and swelling to her left eye, scratches and bruising to her arm, a knot and bruising to her left thigh, and soreness to her knee. She was taken to the hospital in police custody.⁵

In a statement to IPRA on October 30, 2014, **Civilian 2** stated that she was riding with her daughter, Civilian 1, and eight-year-old granddaughter, Civilian 3, when a male motorist drove closely to their vehicle as if he was going to sideswipe them. Civilian 1 exited the vehicle and asked the driver, now identified as Detective A, what was the problem. Detective A exited his

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 Transcribed statement of Civilian 1, attachment 7, page 7, lines 12-16.

⁴ Civilian 1 did not elaborate on what she said to Detective A.

⁵ Attachments 7-8

vehicle and he and Civilian 1 tussled and punched each other. Civilian 2 exited the vehicle and tried to separate Civilian 1 and Detective A. Detective A grabbed Civilian 1 in the chest area and pushed her against the hood of the car. Detective A then tripped Civilian 1 to the ground and announced that he was a police officer. Detective A kneeled on Civilian 1 and grabbed the clothing around her neck area trying to choke her. Civilian 2 stated that citizens tried to pull Detective A away from Civilian 1. Civilian 3 called 911 and the police arrived shortly afterward.⁶

[Statement of Minor Civilian 3 Redacted Pursuant to the Juvenile Court Act]

In a statement to IPRA on May 3, 2016, **Detective A** stated that he was driving north on Ridge Avenue in the left lane when a vehicle in the right lane started veering toward his vehicle.⁷ Detective A honked twice at Civilian 1 to prevent her vehicle from colliding with his vehicle. Civilian 1 sped up, pulled in front of Detective A and stopped in front of his vehicle—blocking him in. Civilian 1 approached Detective A’s driver side window and stated words to the effect of, “You can’t fuckin’ do that. Who the fuck do you think you are?”⁸ In response, Detective A removed his CPD star from his belt and held it up to the window with his right hand and announced that he was the police. Civilian 1 replied, “I don’t give a fuck who you are.”⁹ Detective A stated that he exited his car and again told Civilian 1 that he was a police officer and to get back in her car.¹⁰ Civilian 1 replied that she did not care and told Detective A that “she was gonna fuck [him] up.”¹¹ According to Detective A, he reached out his left hand to place Civilian 1 in custody and Civilian 1 knocked away his hand and struck¹² him about the face and neck. Detective A then struck Civilian 1 twice about the head with his right hand, which contained his CPD star, and used an emergency takedown to place Civilian 1 on the ground. Detective A held Civilian 1’s clothing with his left hand and placed his left knee on her torso; Detective A’s right foot was on the ground and his right knee up. Detective A stated that Civilian 1 tried to strike him in his genital area. Civilian 1’s mother, Civilian 2, tried to pull Detective A away from Civilian 1. Cars in the street stopped and honked. Detective A repeated that he was a police officer and requested that someone call 911 and say there’s a 10-1. Officers arrived and placed Civilian 1 in custody. Detective A stated that he sustained scratches to his face and neck and abrasions to his knees. An ambulance treated Detective A on scene.¹³

b. Digital Evidence

Evidence Technician photographs taken October 25, 2014 depicts what appears to be redness to Civilian 1’s neck and left shoulder, redness to the left side of her face, and scratches on her left arm. The photographs also depict what appears to be scratches to Detective A’s neck and both sides of

⁶ Attachments 13, 32

⁷ According to Detective A, he was in a turning lane to go left onto Peterson; Civilian 1 was in the lane designed to continue straight on Ridge Avenue.

⁸ Transcribed statement of Detective A, attachment 43, page 7, lines 8-9

⁹ Transcribed statement of Detective A, attachment 43, page 7, line 17

¹⁰ Detective A stated that he exited his vehicle because he was blocked in traffic and Civilian 1 should have been arrested for Disorderly Conduct.

¹¹ Transcribed statement of Detective A, attachment 43, page 8, line 16

¹² Detective A stated that he initially thought Civilian 1 punched him about his face and neck; however, upon seeing the injuries he sustained, Detective A realized that Civilian 1 scratched him about his face and neck.

¹³ Attachments 41, 43

his face. In addition, Evidence Technician photographs taken October 29, 2014 depict what appears to be redness to Civilian 1's left eye.¹⁴

The **Office of Emergency Management and Communications (OEMC)** transmissions document that a 911 caller reported that someone was beating an officer; they were beating each other. The caller further stated that the officer was holding a woman on the ground who assaulted and tried to rob him. The caller related that the woman was fighting and trying to get up from the ground. The caller further related that the woman almost threw the officer, and the officer's face was bleeding because the woman scratched him.¹⁵

In-Car video footage depicts Detective A restraining Civilian 1 on the ground when responding officers arrive on scene.¹⁶

c. Physical Evidence

Medical records document that Civilian 1 was involved in an altercation which resulted in her being tackled to the ground. Civilian 1 sustained multiple injuries during the fall, including abrasions to her neck and face. Civilian 1 was diagnosed with a subconjunctival hemorrhage of her left eye and contusions to her rib, left hip, knee and elbow, and abrasions to her back.¹⁷

The **Chicago Fire Department Ambulance Record** documents that Detective A was returning home when he was accosted by an individual who struck and scratched him in the face. Detective A subdued his attacker and called for aid. Detective A complained of facial pain at injury sites and was treated on scene; he refused transport to the hospital.¹⁸

d. Documentary Evidence

The **Chicago Police Department Event Queries** document that on October 25, 2014 at 8:54 p.m., a child dialed 911 and reported that a man was choking her aunt. At 8:55 p.m., a man dialed 911 and reported that there were three vehicles stopped in the street and it appeared that someone was fighting. The caller related that he had moved past the incident by the time he dialed 911. Around the same time, a third 911 caller¹⁹ reported that a male was hit by a car and laying in the intersection.²⁰

The **Arrest Report** documents that Civilian 1 was arrested and charged with Aggravated Battery to a Peace Officer. It is reported that Civilian 1 cut off Detective A in traffic, stopped her car in front of his vehicle, and then exited her vehicle and screamed at him. Detective A displayed his star and announced his office, to which Civilian 1 purportedly stated, "Motherfucker, I don't care who the fuck you are!" Detective A exited his vehicle and again announced his office to dissuade Civilian 1. Civilian 1 advanced on Detective A, at which time Detective A reached for Civilian 1.

¹⁴ Attachments 25-26

¹⁵ Attachments 27-28

¹⁶ Attachments 31, 39

¹⁷ Attachment 30

¹⁸ Attachment 44

¹⁹ Attempts to obtain statements from the second and third 911 callers met with negative results.

²⁰ Attachments 15-17

Civilian 1 batted away Detective A's hand and punched him about the face. Detective A gained control of Civilian 1 until responding officers arrived and placed her into custody. The Arrest Report further documents that Civilian 1 admitted that she cut off Detective A and stopped in front of him. Additionally, Civilian 1 stated that she approached Detective A's vehicle, and he displayed his badge and told her he was a police officer. The report further documents that Civilian 1 stated that she struck Detective A prior to him forcing her to the ground.²¹

The **Case Report** documents that Beat XXX²² responded to a traffic dispute involving off-duty Detective A. Upon arrival, the officers observed Detective A holding Civilian 1 on the ground. Detective A was holding his CPD star in his hand and was bleeding from his face and neck. The officers placed Civilian 1 into custody and transported her to the 020th District station. Detective A purportedly told detectives that he was driving northbound on Ridge Avenue, in the center lane, when a car in the left lane slowly merged toward his car. Traffic stopped and Detective A blew his horn. Detective A then observed the driver of the other car, now known as Civilian 1, exit her vehicle. Civilian 1 approached Detective A's driver's side window and stated, "What the fuck you doing? You don't do that to me." Detective A related that he showed Civilian 1 his CPD badge and identified himself as a police officer. Civilian 1 responded, "I don't give a fuck who you are." Detective A then exited his vehicle and a verbal confrontation ensued. Detective A said that he again told Civilian 1 that he was the police and that she should go back to her vehicle. According to Detective A, Civilian 1 swatted at his hand and punched him in the face. Detective A attempted to gain control of Civilian 1 and used open and closed hand strikes to defend himself. Detective A performed an emergency takedown technique to bring Civilian 1 to the ground. Civilian 1 kicked at Detective A's groin and scratched him about the face and neck. Detective A further told detectives that Civilian 2 tried to pull him off Civilian 1. Detective A yelled out to bystanders that he was the police and to dial 911 and report that there is a "10-1."²³ The police arrived and placed Civilian 1 into custody. Detective A sustained contusions to his face, multiple deep scratches to his face and neck, abrasions to both knees, and soreness to his right shoulder. Detective A was treated on scene by Chicago Fire Department Ambulance #XXX.

The Case Report documents that Civilian 2²⁴ told detectives that she and her eight-year-old granddaughter, Civilian 3, were riding in the car with Civilian 2' Daughter, Civilian 1. The trio were at Paulina Street and Ridge Avenue when Civilian 1 became frustrated by traffic. Civilian 2 stated that at one point, Civilian 1 became angry about a car that came to close to her car. Civilian 2 told Civilian 1 to calm down, but Civilian 1 became so angry that she put her car in park in the middle of traffic and exited her vehicle. Civilian 1 approached the driver's side of the other vehicle and screamed and swore at the driver, now known as Detective A. Civilian 2 related that Detective A exited his vehicle and stood in front of Civilian 1. When Civilian 2 exited the vehicle to grab Civilian 1, Civilian 1 and Detective A started "tussling." Civilian 2 said that Detective A announced that he was a police officer and yelled for someone to dial 911. Detective A also yelled a code number but Civilian 2 did not remember the code. Civilian 2 stated that Civilian 3 dialed 911 and the police arrived shortly after. Civilian 2 stated that when the police arrived, Civilian 1 was still agitated and flailing her arms. Civilian 1 was then placed into custody.

²¹ Attachment 22

²² Officer B, #XXX, and Officer C, #XXX

²³ A Chicago Police code used when an officer needs assistance.

²⁴ Referred to in the Case Report as Civilian 2.

Civilian 1 told detectives that she was driving north on Ridge Avenue, in the right lane, when a car in the left lane came too close to her car. Civilian 1 honked her horn but the other car did not respond. Civilian 1 stated that she became upset, put her car into park and exited the vehicle. Civilian 1 approached the driver's side window of the other car and yelled, "What the fuck you doing?" Civilian 1 related that the driver of the other car, now identified as Detective A, showed her a badge; however, Civilian 1 kept yelling because she has seen fake badges before. Detective A then exited his vehicle, announced that he was a police officer and told Civilian 1 to go back to her car. Civilian 1 stated that she and Detective A shouted at each other and Detective A reached for her. Civilian 1 slapped Detective A's hand away and they began "tussling." Civilian 1 related that her mother got out of the car and yelled for them to stop. Civilian 1 punched Detective A on the face. In response, Detective A struck Civilian 1 and brought her to the ground. Detective A held Civilian 1 down, yelled that he was the police and requested that someone dial 911. Civilian 1 told the detectives that she kicked and scratched Detective A. The police arrived and placed Civilian 1 into custody. Civilian 1 told detectives that she had soreness to her left shoulder and knee. The Case Report further notes that Civilian 1 was transported to Swedish Covenant Hospital for a medical evaluation.²⁵

The **Tactical Response Report** documents that Civilian 1 did not follow verbal direction, pulled away, posed an imminent threat of battery, and attacked without a weapon. Detective A responded with verbal commands, a takedown/ emergency handcuffing, and a closed hand strike/ punch.²⁶

The **Officer's Battery Report** documents that Civilian 1 made verbal threats and struck Detective A with her hands/fists. Detective A sustained minor injury.²⁷

The **Handwritten Statement of Civilian 2** documents that on October 26, 2014 at 1:18 am Assistant State's Attorney Anna Weber took the statement of Civilian 2. The statement was substantially the same as what the detective documented in the case report.²⁸

e. Additional Evidence

Court records document that Civilian 1 plead and was found guilty of Battery to Detective A. The Aggravated Battery charges against Civilian 1 were dismissed.²⁹

VI. ANALYSIS

COPA recommends a finding of **Not Sustained** for **Allegation #1** against **Detective A**, that he engaged in an unnecessary verbal and physical altercation with Civilian 1. Civilian 1 acknowledged that she incited this incident when she stopped her vehicle in traffic and confronted Detective A about his driving. According to Civilian 1, she and Detective A exchanged words and Detective A initiated physical contact and struck her twice on the face. Civilian 2 and Civilian 3

²⁵ Attachment 18

²⁶ Attachment 19

²⁷ Attachment 20

²⁸ Attachment 54

²⁹ Attachment 46

both related in their statements that Civilian 1 and Detective A fought, but they don't specify who initiated the physical contact. According to Detective A, Civilian 1 threatened him with physical harm and then struck him when he reached for her arm to place her in custody. The accounts that Civilian 1 purportedly provided the detectives was consistent with Detective A's version of events and directly contradict to the accounts she provided IPRA. Without any independent information or additional evidence, there is insufficient evidence to prove or disprove the allegation.

COPA recommends a finding of **Unfounded** for **Allegation #2** against **Detective A**, that he brought discredit upon the Chicago Police Department by engaging in a road rage incident with Civilian 1. The available evidence suggests that Civilian 1 initiated this incident when she stopped her vehicle in traffic and approached Detective A's vehicle to confront him about his driving.

COPA recommends a finding of **Unfounded** for **Allegation #3** against **Detective A**, that he failed to identify himself as a Chicago Police Officer during the incident. The applicable CPD rule dictates that Chicago Police Department members are to correctly identify themselves by giving their name, rank and star number when so requested by other members of the Department or by a private citizen. In the present case, the rule does not apply. In this instance, the available evidence suggests that Detective A produced his CPD star and identified himself as a police officer prior to responding officers arriving. While there is conflicting information regarding when Detective A identified himself, Civilian 1 and Civilian 2 both stated that Detective A announced his office. Additionally, Detective A told the 911 callers on scene to request a 10-1, which is a police code for an officer in need of assistance.

VII. CONCLUSION

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

Officer	Allegation	Finding
Detective A	1. It is alleged that the accused engaged in an unnecessary verbal and physical altercation with Civilian 1.	Not Sustained
	2. It is alleged that the accused brought discredit upon the Chicago Police Department by engaging in a road rage incident with Civilian 1.	Unfounded
	3. It is alleged that the accused failed to identify himself as a Chicago Police Officer during the incident.	Unfounded

Approved:

Appendix A

Assigned Investigative Staff

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