

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	July 23, 2017
Time of Incident:	Approximately 10:00 P.M.
Location of Incident:	Officer A’s Residence
Date of COPA Notification:	July 24, 2017
Time of COPA Notification:	Approximately 10:00 A.M.

On July 23, 2017, at approximately 10:00 PM, Subject 2 and his girlfriend, Subject 1, traveled to the home of Probationary Police Officer A, located at Officer A’s Residence Avenue. The purpose of this trip was to pick up Subject 1’s daughter, Minor Child 1, who had been staying at Officer A’s Residence with her father, Officer A. While Subject 1 and Subject 2 were at Officer A’s residence, a physical altercation broke out between Officer A and Subject 2. During the course of this altercation, both individuals collided with the northern porch railing. At this time, Subject 2’s back collided with the porch railing, which cracked under the force. As the two grappled for seconds, the railing broke loose and Subject 2 fell to the ground. While Subject 2 fell, Subject 1 attempted to grab hold of him, causing her to fall from the porch as well. In consideration of the fact that this incident involved a probationary police officer, CPIC was notified and a log number was created. The Civilian Office of Police Accountability began its investigation into this matter on July 24, 2017. The results of this investigation are as follows.

I. INVOLVED PARTIES

Involved Officer #1:	Officer A; Star #XXXX; Employee #XXXXX; Date of Appointment: XXXXXX, 2017; Probationary Police Officer; Unit of Assignment: XXX; Unit of Detail: XXX; DOB: XXXXXXXXXXX, 1987; Male Black
Subject #1:	Subject 1; DOB: XXXXXXXXXXX, 1987; Female Hispanic
Subject #2:	Subject 2; DOB: XXXXXXXXXXX, 1991; Male Black

II. ALLEGATIONS

Officer	Allegation	Finding
Officer A	1. It is alleged that on July 23, 2017, at approximately 10:05 PM, in the vicinity of Officer A's Residence, Officer A engaged in a verbal argument with Subject 1 regarding child care duties, in violation of Rules 1, 2, 6, 8, and 9;	1. Not Sustained
	2. It is alleged that on July 23, 2017, at approximately 10:05 PM, in the vicinity of Officer A's Residence, Officer A told Subject 1 that he would fuck up her and Subject 2, in violation of Rules 2, 3, 8, and 9;	2. Unfounded
	3. It is alleged that on July 23, 2017, at approximately 10:05 PM, in the vicinity of Officer A's Residence, Officer A asked Subject 2 what the fuck he was doing at Officer A's Residence, in violation of Rules 2, 3, 8, and 9;	3. Unfounded
	4. It is alleged that on July 23, 2017, at approximately 10:05 PM, in the vicinity of Officer A's Residence, Officer A punched Subject 2 in the left cheekbone, in violation of Rules 1, 2, 3, 6, 8, 9, and 10;	4. Unfounded
	5. It is alleged that on July 23, 2017, at approximately 10:05 PM, in the vicinity of Officer A's Residence, Officer A used his forearms to shove Subject 2 several times in the chest, in violation of Rules 1, 2, 3, 6, 8, 9, and 10;	5. Not Sustained
	6. It is alleged that on July 23, 2017, at approximately 10:05 PM, in the vicinity of Officer A's Residence, Officer A caused Subject 2 to fall 15 feet from a second floor balcony, in violation of Rules 1, 2, 3, 6, 8, 9, and 10; and,	6. Exonerated
	7. It is alleged that on July 23, 2017, at approximately 10:05 PM, in the vicinity of Officer A's Residence, Officer A caused Subject 1 to fall 15 feet from a second floor balcony, in violation of Rules 1, 2, 6, 8, and 9.	7. Not Sustained

III. APPLICABLE RULES AND LAWS

Rules

- Rule 1:** Violation of any law or ordinance
- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
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General Orders

General Order G03-02: Use of Force Guidelines¹

III. Department Policy

- B. Department members will use an amount of force reasonably necessary based on the totality of the circumstances to perform a lawful task, effect an arrest, overcome resistance, control a subject, or protect themselves or others from injury.
- C. As set forth by the United States Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989), the central inquiry in every use of force is whether the amount of force used by the officer was objectively reasonable in light of the particular circumstances faced by the officer.

General Order G03-02-01: The Use of Force Model²

II. Department Policy: The Department utilizes a Use of Force Model to provide guidance on the appropriate amount of force to be used to effect a lawful purpose. The Use of Force Model employs the progressive and reasonable escalation and de-escalation of member-applied force in

¹ Effective October 1, 2002 through October 15, 2017

² Effective May 16, 2012 through October 14, 2017

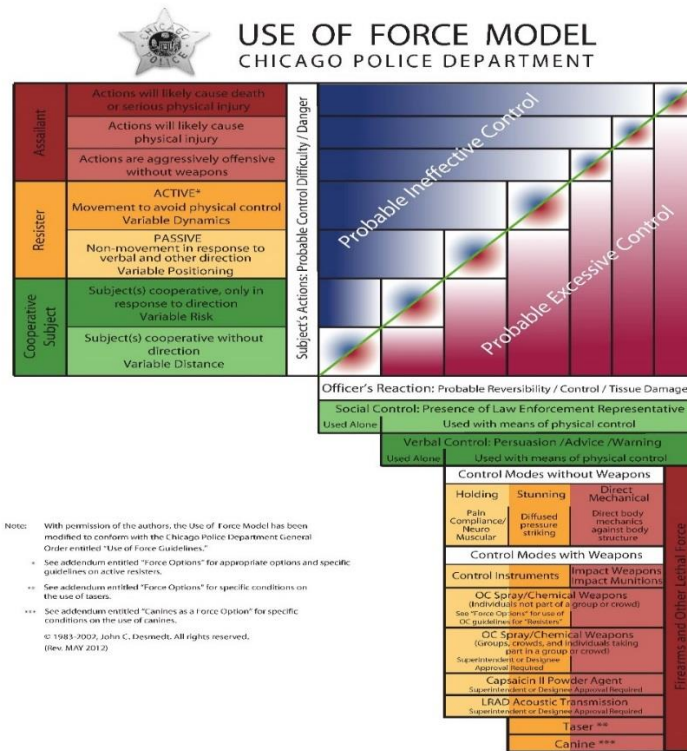
proportional response to the actions and level of resistance offered by a subject. Such response may progress from the member's actual presence at the scene to the application of deadly force.

- A. The primary objective of the use of force is to ensure control of a subject with the reasonable force necessary based on the totality of the circumstances.
- B. Whenever reasonable, members will exercise persuasion, advice, and warning prior to the use of physical force.
- C. When force is applied, a member will escalate or de-escalate to the amount of force which is reasonably necessary to overcome the subject's resistance and to gain control.
 1. Members are not required to start at the lowest levels of the Use of Force Model; they will select the appropriate level of force based on the subject's actions.
 2. Members will modify their level of force in relation to the amount of resistance offered by the subject.
 - a. As the subject offers less resistance, the member will lower the amount or type of force used.
 - b. As the subject increases resistance, the member may increase the amount or type of force used.

III. Use of Force Model

- A. The Use of Force Model is a graphic representation of the guidelines for the appropriate use of force in relation to the actions of a subject.
- B. The Use of Force Model utilized by the Chicago Police Department is pictured in Illustration No. 1.
- C. The Use of Force Model is a guideline that cannot account for all factors constituting the "totality of circumstances" by which a specific use of force is evaluated. The Model is to be used in conjunction with the Department directives and training regarding the use of force.

Illustration No. 1



Special Orders

Employee Resource E06-05: Behavioral Intervention System

II. POLICY

It is the policy of the Department to support members experiencing personal problems which may be affecting their work performance and offer them the counselling resources currently available through the Department.

[...]

V. RESPONSIBILITIES

[...]

B. Bureau of Internal Affairs/Civilian Office of Police Accountability (COPA)
The Bureau of Internal Affairs and Civilian Office of Police Accountability (COPA) will:

[...]

2. notify the Director, Human Resources Division, only when their review of sustained, not sustained, or pending investigations identifies a member that has exhibited behavior that warrants placement in the Behavioral Intervention System

IV. INVESTIGATION

In order to fully investigate the allegations which form the basis of this log number, a series of evidentiary steps were taken by COPA investigators.³ Interviews of the victims, the accused CPD member, and the witness officers were conducted at COPA headquarters. To provide context and clarity to these interviews, documents relevant to this log were identified and, if available, produced by the keepers of record. These evidentiary steps are detailed as follows.

A. CPIC Initiation

On July 24, 2017, Sergeant A of the XXth District drafted a To/From memorandum regarding the initiation of Log 1086018. According to Sergeant A, this incident took place at the residence of Officer A, Officer A's Residence, on July 23, 2017 and at approximately 10 PM. Upon arrival at Officer A's residence, Sergeant A learned that Officer A's ex-girlfriend, Subject 1, had stopped at Officer A's Residence that evening. While the purpose of this trip was to pick up her three year old daughter, Subject 1 also brought along her boyfriend, one "[Subject 2]" [*sic*].

While Subject 1 and Subject 2 were at Officer A's residence, a physical altercation arose between Subject 2 and Officer A. Subject 1 attempted to intervene in the altercation, at which point she fell to the ground and hit her head. When officers attempted to talk to Subject 1, she proved to be experiencing symptoms of memory loss. Due to the injury, responding officers had Subject 1 taken to the hospital via ambulance. Reporting officers arrested Subject 2 on charges of battery and property damage.⁴

B. COPA In-Person Interviews

1. Interview of Victim Subject 1

The hospitalized woman, Subject 1, was contacted by COPA on July 24, 2017, at which point Subject 1 agreed to an interview at COPA headquarters on July 26. During this interview, Subject 1 indicated that she had dated Officer A between 2014 and 2015, at which time they lived together in Stone Park, Illinois. While living together, Subject 1 and Officer A had a daughter, Minor Child 1. Given that Subject 1 and Officer A terminated their relationship in early 2015, the parents shared custody of Minor Child 1, necessitating that Minor Child 1 be transported between the residences of Subject 1 and Officer A. While this system of custody continued into early 2017, the format was upended approximately three months prior to the July 23 incident. At that time, Subject 1 began dating Subject 2, who was Subject 1's first long-term relationship since breaking up with Officer A.

Although prior child exchanges had just involved Subject 1 and Officer A, Subject 1 decided to take Subject 2 to Officer A's Residence on July 23. In explaining her basis for doing

³ 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.

⁴ Attachment 3

so, Subject 1 indicated that she had been feeling increasingly unsafe in dealing with Officer A alone. When asked to provide her recollection of the evening, Subject 1 noted that she was experiencing memory loss due to a concussion she suffered the evening of the incident. Specifically, Subject 1 indicated that she was unable to recall traveling to Officer A's house the evening of July 23, and that her first memory subsequent to the incident was waking up in a hospital bed. Consequently, Subject 1's knowledge of the incident came from details provided by Subject 2, who had visited her while she was treated at Hospital A.

From Subject 2, Subject 1 had learned that she went to Officer A's Residence on the evening of the incident, with the purpose of picking up her daughter. Once Subject 1 arrived at the scene, Officer A became aware that Subject 1 had brought along Subject 2; in reaction to this development, Officer A refused to hand over the child. In order to get the child, Subject 1 decided to go up to Officer A's apartment, while Subject 2 remained seated inside Subject 1's car. From this position, Subject 2 was able to see Subject 1 escalate the rear stairs to Officer A's apartment, then stand on the apartment balcony in order to talk to Officer A. During this time, Officer A and Subject 1 became involved in a verbal altercation, motivating Subject 2 to exit the vehicle, escalate the stairs, and intervene in the argument. However, once Subject 2 reached the top of the stairs, Officer A punched Subject 2 and the two men became engaged in a scuffle. Subject 1 attempted to split up the fight, but once she became involved, Officer A pushed Subject 1 and Subject 2 over the balcony railing. Subject 1 and Subject 2 fell approximately 15 feet to the ground, at which point Subject 1 hit her head and suffered a concussion.

During her interview, Subject 1 was asked whether she had any prior incidents with Officer A. Subject 1 indicated that during her cohabitation with Officer A, there was one instance when Officer A placed his hands on her. Based on her recollection, this happened on November 7, 2014, when Subject 1 wanted to move out of their Stone Park residence. In order to prevent this, Officer A grabbed Subject 1 by her arm and threw her, nearly causing Subject 1 to fall down a flight of stairs. As a result of this physical interaction, Subject 1 suffered bruising on her arms, which she photographed the same day. These photographs were provided to COPA upon request. Subject 1 also noted that she called the police to her residence some time after the November 2014 incident. Based on her recollection, Subject 1 called the police when Officer A again attempted to prevent her from moving out.⁵

2. Interview of Victim Subject 2

The other victim of the July 23 incident, Subject 2, was contacted by COPA on July 27, at which point he agreed to come in for an interview on July 28, 2017. During this interview, Subject 2 indicated that he was currently dating Subject 1, and that their relationship had begun three or four months earlier. On the day of the incident, Subject 2 accompanied Subject 1 to the home of Officer A, where Subject 1 was scheduled to pick up her daughter. This was the first time that Subject 2 had accompanied Subject 1 on such an errand. Subject 2 went on to note that prior to his relationship with Subject 1, Officer A and Subject 1 would exchange the child without a third party. However, in the time since Subject 2 and Subject 1 had been dating, Officer A had become increasingly hostile toward Subject 1.

⁵ Attachment 43

Considering the deterioration in the relationship between Subject 1 and Officer A, Subject 2 decided to accompany Subject 1 on the day of the incident, out of concern for the safety of Subject 1. When Subject 1 and Subject 2 arrived at the residence of Officer A, Officer A saw that Subject 2 was with Subject 1. In response to this observation, Officer A sent a text indicating that he would not turn over custody of his daughter with Subject 2 present. Subject 1 then went up to the stairs to Officer A's apartment balcony, where Officer A was standing with his arms crossed. From his position inside Subject 1's vehicle, Subject 2 was able to hear Subject 1 and Officer A engaged in an argument, during which time Officer A threatened to "fuck up" Subject 1 and Subject 2. Concerned that Officer A might hit Subject 1 and cause her to fall, Subject 2 exited the vehicle and escalated the stairs to Officer A's apartment.

Once Subject 2 was at the top of the staircase, Officer A asked Subject 2 "what the fuck" he was doing. In response, Subject 2 told Officer A, "just give the girl her kid." Officer A then punched Subject 2 in Subject 2's left cheekbone. Immediately thereafter, the two men became engaged in a sort of grappling maneuver, which lasted 15-20 seconds. While the two men were grappling, they moved in the direction of the balcony's north railing. Once the two men were at the railing, Subject 2 felt Officer A attempt to lift him up, which Subject 2 inferred was an attempt to throw him from the balcony. To prevent this from happening, Subject 2 placed Officer A in a headlock, causing Officer A to switch tactics. Officer A let go of Subject 2, locked his forearms, and proceeded to use his locked forearms to slam Subject 2 in the chest five or six times. This slamming caused Subject 2's back to hit the balcony railing, at which point the balcony railing cracked and gave way.

When the railing snapped, an entire segment of the balcony bannister fell 90 degrees, so that it was cantilevered over the backyard. This caused Subject 2 to lean backward, so that his weight was upon the broken bannister segment. In order to keep from falling from the porch, Subject 2 let go of Officer A, and instead grabbed onto one of the slats of the bannister. Once Subject 2 took this action, the bannister segment fully split from the balcony and fell to the ground, causing Subject 2 to fall to the ground as well. Based on Subject 2's memory of the incident, Subject 1 was standing beside Subject 2 as he fought off Officer A. However, Subject 2 recalls Subject 1 falling from the balcony after him, rather than at the same time. Once Subject 2 and Subject 1 were on the ground in the backyard, Subject 2 picked up broken slats from the bannister, then threw the wood at the door to Officer A's apartment. Subject 2 then grabbed a chair from the backyard patio, ran up the stairs to Officer A's apartment, and threw the chair at the apartment door. Once this happened, Subject 2 heard the door window shatter.

At the time Subject 2 threw the chair, Officer A had already reentered his apartment. Subject 2 and Subject 1 then walked over to their parked car and departed from the scene, heading in the direction of Subject 1's Forest Park residence. After traveling for approximately five minutes, Subject 1 indicated that she wanted to return to Officer A's residence, in order to get her daughter from Officer A. Subject 2 recommended that they call the police before returning, so he parked the vehicle, called 911, and requested police assistance. A unit did respond to Subject 2's location, but informed him that he was no longer in the police district of occurrence, and that they were unable to respond to the scene of the incident. Subject 2 was advised to return to the scene of the incident, then redial 911 for police assistance.

Subject 2 followed this instruction and returned to Officer A's Residence with Subject 1, at which point he redialed 911. Dispatch advised Subject 2 that officers were already at the scene, then suggested that he speak to these officers. Before Subject 2 had a chance to speak with anyone, an officer approached Subject 2's vehicle, instructed Subject 2 to exit the vehicle and placed him under arrest. After describing the July 23 incident, Subject 2 was asked whether he was aware of any prior issues between Subject 1 and Officer A. Subject 2 was aware of a previous physical incident between Subject 1 and Officer A, during a time when Subject 1 and Officer A were still living together. According to Subject 2, Subject 1 showed him pictures of her bruised arms, which she said happened after Officer A tried to throw her down a flight of stairs.⁶

3. Interview of Accused Probationary Police Officer A

After conducting interviews with the victims in this incident, an interview with Officer A was set for August 9, 2017. During his interview, Officer A indicated that he had been living in the upstairs unit of Officer A's Residence for approximately two years. Officer A also noted that he has one child, Minor Child 1, whose mother is Subject 1. Based on his recollection, Subject 1 and Officer A terminated their relationship in 2015, but they had been in an on-and-off sexual relationship up until April 2017. When asked to explain how the relationship changed from 2015 to the spring of 2017, Officer A indicated that he and Subject 1 moved to separate residences, during which time they would switch off supervision duties of Minor Child 1.

By May 2017, Subject 1 had started dating Subject 2, which brought about a change in childcare. According to Officer A, child exchanges went from every day of the week to once a week. Subject 1 also changed the location of custody transfers, requesting that Officer A pick up Minor Child 1 at her Forest Park residence, rather than dropping off Minor Child 1 at daycare. The first time Officer A saw Subject 2 was in early July, when he was picking up Minor Child 1 at Subject 1's Forest Park residence. According to Officer A, he and Subject 1 conducted the child exchange on street level, while Subject 2 watched from Subject 1's apartment balcony. The first time Officer A ever interacted with Subject 2, however, was on the evening of July 23.

That evening, Subject 1 had been scheduled to pick up Minor Child 1 at 7 PM, but she failed to appear at the designated time. By 9 PM, Subject 1 sent Officer A a message, informing him that she was running late and was on her way. Once Subject 1 arrived, Officer A realized that she had not come alone, as Subject 2 was sitting in the front passenger seat. In reaction to this observation, Officer A crossed his backyard, ascended the stairs to his attic apartment, and entered the unit. Subject 1 then followed Officer A up the stairs and knocked on the apartment door. Officer A exited the apartment and inquired as to what Subject 1 wanted, to which Subject 1 indicated she was there to pick up her daughter. In response, Officer A informed Subject 1 that he was unwilling to turn over Minor Child 1 while Subject 2 was present. Officer A then advised Subject 1 to return to her residence. With regard to the nature of this discussion, Officer A denied having yelled at Subject 1; Officer A also denied having engaged in a verbal argument with Subject 1 on the date of the incident.

While on the balcony with Subject 1, Subject 2 emerged from Subject 1's vehicle, ran across the backyard, and ascended the stairs to Officer A's apartment. Once Subject 2 was at the

⁶ Attachment 45

top of the staircase, Officer A asked Subject 2 what he was doing. Subject 2 suggested that he was there to help Subject 1 pick up her daughter. According to Officer A, Subject 2 then approached Officer A and bumped his chest against the chest of Officer A. Once this happened, Officer A used his left hand to grab Subject 2 by the collar of his shirt, with the intention of moving Subject 2 away from his person. When asked why he took this action, Officer A explained that he was trained in the Air Force and CPD Academy to create distance between oneself and an aggressor. In light of the action that Subject 2 had just taken, Officer A considered Subject 2 to be an assailant. The decision to move Subject 2 to the right, Officer A explained, was governed primarily by the fact that the most space could be created between himself and Subject 2 in this direction.

Specifically, Officer A noted that pushing Subject 2 backward, or to the west, would cause Subject 2 to fall down the stairs. Moving Subject 2 to the left, or to the south, would cause Subject 2 to hit the brick wall of Officer A's residence. With such options at hand, Officer A decided that moving Subject 2 to the right, or to the north, would successfully create distance between himself and Subject 2. However, at the time that Officer A grabbed Subject 2's collar, Subject 2 threw his arms around Officer A's neck. Considering this development, Officer A found himself unable to create distance between himself and Subject 2, yet momentum from the force that had been intended to move Subject 2 was still in play. As such, the two men, holding onto one another, both moved in a northerly direction, across the 10 foot width of the balcony. Officer A described the movement across the balcony as one motion, pivoting from a westward direction to a northward direction in a matter of seconds. The men stopped moving when they collided with the northern bannister of the balcony, at which point the railing made a cracking noise.

Once the railing cracked, a segment of the bannister immediately gave way and fell from the balcony. As Subject 2 had his back against the railing at the time of impact, he was thrown off balance when the bannister segment fell. At this time, the two men let go of one another and Subject 2, unable to take hold of a support, fell from the balcony. From Officer A's memory, Subject 1 attempted to grab hold of Subject 2's leg in order to prevent him from falling. Instead, she was dragged off the balcony as Subject 2 fell to the ground. Officer A did not fall from the balcony, and instead remained standing at the gap in the railing. Officer A saw that Subject 1 was moving, but she appeared to have experienced a head injury, so he returned to his apartment to call 911. With the damage to the property, Officer A sent a text message to the property landlord, Civilian 1, advising Civilian 1 to head to Officer A's Residence.⁷

As Officer A was inside his apartment, Subject 2 returned to the balcony with a chair, then proceeded to smash the windows to Officer A's apartment door. Despite this action, the glass did not shatter, as Officer A had previously taped up door windowpane. Officer A explained that he took this action after talking to one of Subject 2's former girlfriends, who informed Officer A that Subject 2 had a history of breaking car windows. In light of the ongoing co-parenting relationship between Officer A and Subject 1, Officer A became concerned that Subject 2 might take such actions against his own property. After approximately ten minutes the police arrived and Officer A reemerged from his apartment, but by that point Subject 2 and Subject 1 had already departed. At this time, Officer A identified himself as a member of the Chicago Police Department, then described the situation to the responding officers. Civilian 1, who had also arrived on scene, served

⁷ Despite repeated attempts to interview the landlord, Civilian 1 proved unwilling to provide a statement to COPA (See Attachment 78)

as complainant with regard to the property damage. As Officer A talked with the responding officers, Subject 2 and Subject 1 returned to the scene in Subject 1's vehicle. Upon their arrival, Officer A identified Subject 2 as the criminal suspect. Subject 2 was escorted away by Chicago Police officers, while Subject 1 was taken for treatment by paramedics from the Chicago Fire Department. After approximately 15 or 20 minutes the responding officers departed with Subject 2 in their custody; the CFD ambulance departed with Subject 1 at the same time.

Subsequent to the evening of the incident, a complaint was filed with the Department of Children and Family Services (DCFS), naming Officer A as the respondent.⁸ According to Officer A, the complaint alleged that Officer A beat Minor Child 1, refused to turn over custody of Minor Child 1, and threw Subject 1 from his balcony. Upon learning of this investigation, Officer A decided to consult HRI Officer B for advice. HRI Officer B brought the matter to the attention of Sergeant B, who then called DCFS Investigator A on speakerphone. Based on Officer A's recollection, Officer C, HRI Officer B, and Sergeant B were all present for this teleconference. DCFS Investigator A indicated that Officer A was accused of kidnapping Minor Child 1, but was unwilling to go into further detail via telephone. As such, an agreement was reached whereby Officer A would leave the academy early to pick up his daughter, then meet with DCFS Investigator A at Officer A's Residence by 3 PM.

Once Officer A and DCFS Investigator A were at Officer A's residence, DCFS Investigator A conducted an interview with Minor Child 1. According to Officer A, DCFS Investigator A's line of questioning focused primarily on the identity of Minor Child 1's care provider, as well as questions concerning who Minor Child 1 spends most of her time with. As the DCFS complaint involved allegations that Officer A hit Minor Child 1, DCFS Investigator A also took pictures of Minor Child 1's chest, stomach, arms and back. Officer A was unsure of the status of the investigation, noting that he had not spoken with DCFS Investigator A since the meeting.

During the interview of Subject 1, COPA obtained photographs of bruises that Subject 1 suffered after Officer A grabbed her arms.⁹ These photographs were shown to Officer A during his interview, who conceded that the bruises were likely caused by him. Based on Officer A's memory of the incident, Subject 1 had come home drunk one evening and attempted to leave with Minor Child 1. Concerned for the safety of Minor Child 1, Officer A held his daughter in one arm, using his free hand to grab Subject 1's arms and stop her from punching. After the situation became more stable, Officer A called the Stone Park Police Department, which responded to XXXX North XXXXXXXX Avenue, the Stone Park address of Subject 1 and Officer A. When asked, Officer A indicated that the police had only been called to the residence one time.¹⁰

4. Interview of Witness Officer B

During his statement, Officer A indicated that he discussed the incident with his Home Room Instructor (HRI) at the Chicago Police Academy. Officer A provided the name of the HRI as Officer B. HRI Officer B explained that he is a Chicago Police officer assigned to the Education and Training Division of the Chicago Police Department, commonly known as the CPD Academy.

⁸ See Attachment 75

⁹ See Attachment 19

¹⁰ Attachment 57

In this role, HRI Officer B spends part of his time as an officer on the gun training range; HRI Officer B divides this time with his duties as a home room instructor. According to HRI Officer B, Officer A is one of the students in HRI Officer B's home room.

HRI Officer B explained that it is the responsibility of the recruit to keep his HRI updated on personal issues that might conflict with the Academy; HRI Officer B indicated that the July 23 incident would qualify as such an incident. HRI Officer B noted that he first learned of the incident the evening of July 23, when Officer A called HRI Officer B on his cellphone. According to HRI Officer B, Officer A explained that Subject 1 and Subject 2 had arrived at Officer A's Residence, with the purpose of picking up the child of Officer A and Subject 1. Officer A then explained that he was "bum rushed" by Subject 2, after which point a physical altercation between the two men broke out. During the course of the altercation, Subject 2 fell from the balcony of Officer A's apartment. HRI Officer B was unable to recall if Subject 1 also fell from the balcony.

In response to this information, HRI Officer B advised Officer A to call 911 and report the incident. Based on HRI Officer B's knowledge, Officer A did call 911 and report the incident, as HRI Officer B and Officer A reviewed the police report at the Academy the next day. With regard to incidents involving Officer A beyond July 23, HRI Officer B was aware of a complaint filed against Officer A at the Department of Children and Family Services (DCFS). The matter was brought to the attention of Sergeant B, who decided to call the DCFS investigator with HRI Officer B and Officer A present. During the course of the telephone conversation, it was established that the matter was being handled by an DCFS Investigator A, who would meet with Officer A at Officer A's Residence.

Beyond the July 23 incident and DCFS investigation, HRI Officer B was also aware of matters that Officer A was handling with Subject 1 in circuit court.¹¹ Based on HRI Officer B's understanding, Subject 1 had tried to secure an order of protection against Officer A, which the court did not grant. Officer A had also attempted to secure an order of protection against Subject 2, which the court denied. Throughout his time at the Academy, Officer A has also had to leave class early in order to attend child custody hearings at the Daley Center. HRI Officer B indicated that there have been weeks when Officer A has left class early multiple days, with the purpose of going to court hearings.¹²

5. Interview of Witness Sergeant B

During his statement, Officer A indicated that his supervising sergeant, Sergeant B, had been apprised of the July 23 incident, as well as the subsequent DCFS investigation. When asked what he recalled about the July 23 incident, Sergeant B indicated that he learned about the incident from HRI Officer B, who apprised Sergeant B of the details at the Academy the day after the incident. At that time, Sergeant B learned that a domestic disturbance occurred at Officer A's residence, with the primary actors being Officer A and Subject 2. Later on that day, Sergeant B spoke with Officer A with regard to the incident, at which time Sergeant B instructed Officer A to draft a To/From memo concerning what happened on July 23. Subsequent to the incident, Officer

¹¹ Attachment 77

¹² Attachment 64

A was required to submit a To/From memo each time he had to leave the Academy early for court appearances; Sergeant B would then review these submissions.¹³

6. Interview of Witness Officer C

During his statement, Officer A indicated that an Officer C had been present during a telephone conversation with DCFS Investigator A. Based on Officer C's recollection, Officer A had contacted HRI Officer B via telephone immediately after the July 23 incident, at which point Officer A disclosed the nature of the incident. These details were then conveyed to Officer C on July 24, the day after the incident, when HRI Officer B discussed the situation with Officer C.

During the meeting between HRI Officer B and Officer C, HRI Officer B indicated that Officer A had been involved in a domestic incident the night before, which had taken place at the apartment of Officer A. According to Officer C, the incident happened when Officer A's ex-girlfriend and her new boyfriend showed up at Officer A's residence, during which time a physical confrontation broke out between Officer A and the boyfriend. From Officer C's memory, this confrontation transpired on a staircase, from which a railing broke loose during the struggle. Once the railing broke free, Officer A attempted to prevent the ex-girlfriend and boyfriend from falling through, but was unable to prevent them from falling to the ground. According to Officer C, Officer A did not fall to the ground.

The matter was subsequently brought to the attention of Sergeant B, who is the supervising sergeant for HRI Officer B and Officer C. According to Officer C, himself, HRI Officer B, and Officer A were present for this meeting with Sergeant B. Once HRI Officer B gave Sergeant B a synopsis of the incident, Sergeant B asked Officer A to provide an account of what happened. From Officer C's memory, an investigation by DCFS into the matter was brought up during this session. Officer C had no additional information regarding the incident or the DCFS investigation.¹⁴

7. Interview of Witness Sergeant A

Within the Original Case Incident Report for RD #XXXXXXXXXX, one Sergeant A is recorded as responding to the scene in Beat XXXX. Sergeant A drove to the scene of the incident, where he encountered two or three other responding Chicago Police beats. Once at the scene, Sergeant A discussed the matter with Officer A, who indicated that his ex-girlfriend, Subject 1, had been at the apartment in order to pick up their daughter, and that she had been accompanied by her new boyfriend. Officer A went on to note that the new boyfriend, Subject 2, began to argue with Officer A, at which point a fight broke out between the two men. According to Officer A, this fight took place on the apartment balcony, where Subject 1 was also present. Based on Sergeant A's understanding, Subject 1 attempted to intervene in the altercation, at which point she fell and became injured. In recognition of the fact that a PPO had become involved in a domestic incident with his ex-girlfriend, Sergeant A contacted CPIC and initiated the log number relevant to this case.¹⁵

¹³ Attachment 65

¹⁴ Attachment 66

¹⁵ Attachment 67

8. Interview of Witness Officer D

In his statement, Officer D indicated that on the night of the incident, he was assigned to work first watch alone on Beat XXXX. While on routine patrol, a call came over the radio of a battery in progress at Officer A's Residence; based on preliminary information provided over the radio, Officer D was aware that the incident involved the caller and his ex-girlfriend. Upon arrival at the scene, Officer D headed to the rear of the residence and met up with the 911 caller, who informed Officer D as to why he called for police assistance. According to Officer D, the caller indicated that his ex-girlfriend, Subject 1, had arrived at the apartment in order to pick up her daughter, during which time an argument broke out between the two individuals. This argument took place on the back porch of Officer A's residence, which is also the access point to Officer A's apartment. While Subject 1 was on the balcony with Officer A, her new boyfriend, Subject 2, watched the argument unfold from the rear alleyway. Officer A then indicated that Subject 2 ran up to the apartment balcony, bumped into Officer A, then proceeded to push Officer A into the apartment wall. At this point, a physical altercation broke out between Officer A and Subject 2, whereby the two men began wrestling on the balcony.

While the altercation progressed, Officer A and Subject 2 bumped into the balcony railing, which then broke free from the balcony. Once the railing broke free, Subject 2 fell backward from the balcony; in reaction to this development, Subject 1 attempted to grab onto Subject 2. In so doing, both Subject 2 and Subject 1 ended up falling from the balcony, but Officer A did not fall. Officer A then entered his apartment and dialed 911, during which time Subject 2 returned to the balcony with the chair, using it to smash the window of Officer A's apartment door. While at the scene of the incident, Officer D also discussed the incident with one Civilian 1, who identified himself as the landlord of the property. Approximately 10-15 minutes after Officer D was on scene, Subject 2 and Subject 1 returned to the scene; at this time, Civilian 1 and Officer A identified Subject 2 as the offender in question.

Officer D then conducted a field interview of Subject 2, so as to determine Subject 2's memory of the incident. From Officer D's memory, Subject 2 indicated that he had originally arrived on the scene with Subject 1, with the purpose of picking up Subject 1's daughter from Officer A. While Subject 1 went up to Officer A's apartment, Subject 2 waited for her in the back alleyway, from where he could see her interacting with Officer A. During the time that Subject 1 was on Officer A's balcony, Subject 2 witnesses an argument break out between the two parents, motivating him to run up to the balcony and intervene. Officer D then asked Subject 2 why he became physical with Officer A, to which Subject 2 indicated that Officer A was "yelling at his girlfriend." According to Officer D, Subject 2 did not deny having attacked Officer A, nor did he indicate that he had been injured during the altercation.

As Officer A and Civilian 1 were willing to serve as complainants against Subject 2, Officer D placed Subject 2 into custody. Specifically, Officer A signed a complaint regarding battery, while Civilian 1 signed a complaint concerning physical damage to property. Subject 2 was placed into the rear of Officer D's squad car, after which point Officer D proceeded to speak with Subject 1. According to Subject 1, she had been at Officer A's apartment in order to pick up her daughter, during which time she and Officer A began arguing on the apartment balcony. Once this argument

broke out, her new boyfriend ran up to the balcony and began pushing Officer A into the apartment wall. At this point, a physical altercation broke out between Officer A and Subject 2. While the two men were struggling, Subject 1 observed them run into the balcony railing, which then gave way. In order to prevent Subject 2 from falling through the broken bannister, Subject 1 grabbed onto Subject 2, which resulted in both individuals falling from the balcony.¹⁶

9. Interview of Witness Officer E

In his statement, Officer E indicated that on the night of the incident, he was working routine patrol in Beat XXXXX. While on patrol, Officer E heard an assignment come over the OEMC radio for backup support at Officer A's Residence. Based on Officer E's recollection, OEMC dispatch conveyed that a battery was in progress at Officer A's Residence, but it was not reported that the incident involved a probationary police officer. In response to this assignment, Officer E headed to the scene of the incident, whereupon he parked and exited his vehicle. Officer E then headed to the rear of the apartment, where he met with Officer D. From this point, the statements of Officer E and Officer D are virtually identical.¹⁷

¹⁶ Attachment 68

¹⁷ Attachment 69

C. Documentary Evidence

1. Original Case Incident Report for RD #XXXXXXXXXX

Once Chicago Police officers arrived on scene at Officer A's Residence on July 23, 2017, Officer A acted as complainant in the relevant criminal investigation, which was reported under RD #XXXXXXXXXX. The Original Case Incident Report, which was authored by Officer D, lists Civilian 1 and Officer A are listed as victims, while Subject 1 is listed as a witness. Once at the scene, Officer D spoke with the caller, Officer A, who indicated that Subject 1 was at his residence to pick up her daughter. While Subject 1 was present, the boyfriend, Subject 2, rushed up to Officer A's second floor balcony. Officer A asked Subject 2 what he was doing, then instructed Subject 2 to leave the scene. Once on the balcony, Subject 2 pushed Officer A against a wall, at which time Officer A grabbed Subject 2. According to Officer A, a struggle broke out, during which time Subject 2 fell from the balcony; Subject 1 attempted to prevent Subject 2 from falling, but she fell from the balcony in the process.

Once the two individuals fell from his balcony, Officer A went inside his apartment and telephoned 911. According to Officer A, while he was inside his apartment, Subject 2 grabbed a chair on the rear patio, then returned to the balcony with the chair. Subject 2 proceeded to use the chair in order to beat on the back door, smashing out the door window in the process. Although Subject 2 and Subject 1 departed the scene, they returned to Officer A's apartment while Officer D was still on scene. Officer A identified Subject 2 as the suspect, at which point Subject 2 was placed in custody. Officer D spoke with Subject 1, who indicated that "she attempted to grab [*sic*] her boyfriend before he fell and fell off the second floor porch with him."¹⁸

2. Arrest Report for CB #XXXXXXXXXX, RD #XXXXXXXXXX

One Arrest Report was compiled with regard to RD #XXXXXXXXXX, that of Subject 2, CB #XXXXXXXXXX. According to this arrest report, Subject 2 was arrested on charges of battery and criminal damage to property, which occurred on July 23, 2017 at Officer A's Residence. Civilian 1 and Officer A are listed as victims and complainants in the Arrest Report, while Subject 1 is listed as a witness. The incident narrative indicates that Subject 2 was arrested at the scene "after victim positively identified above offender as the person that struck him and damaged his back door."¹⁹

3. OEMC Event Query Reports and Relevant Audio of 911 Calls

i. Event XXXXXXXXX

Record of a call to 911 that took place on July 23, 2017 at 10:01 PM. Caller listed as Officer A, phone number XXXXXXXXX, regarding a domestic battery that took place at Officer A's Residence. The Remarks section of this report notes "girlfriends child father attacked him." Unit XXXXX is recorded as being dispatched to the scene, with Units XXXXX and XXXX as

¹⁸ Attachment 4

¹⁹ Attachment 6

assisting. An RD number, XXXXXXXXXX, was created for the incident, while the offender was listed by Beat XXXXX as Subject 2.²⁰

Audio relevant to this event number was also obtained from OEMC. Within this one minute and seven second clip, Officer A can be heard calling about a “disturbance at Officer A’s Residence.” Officer A notes that he was attacked at his home by “the mother of my child’s boyfriend.” The call concludes with Officer A expressing uncertainty as to whether the suspect is still on scene.²¹

ii. Event XXXXXXXX

Record of a call to 911 that took place on July 23, 2017 at 10:02 PM. Caller not listed, phone number of XXXXXXXXX now known to be that of Subject 1. Location of incident and location of service recorded as XXXX-XXXX West XXXXXXXX. Remarks indicate that caller hung up.²²

iii. Event XXXXXXXXX

Record of a call to 911 that took place on July 23, 2017 at 10:18 PM. Caller listed as Mr Subject 2, phone number XXXXXXXX, regarding a battery that just occurred. The Remarks section of this report notes “[caller] and his girlfriend was battered and pushed from a balcony by the girlfriends childs dad [...] his gf and her childs father got into a fight the male then pushed him and her off a balcony.” Unit XXXXX is recorded as being dispatched to the scene, cross-referencing Event XXXXXXXXX.²³

Audio relevant to this event number was also obtained from OEMC. Within this two minute and 24 second clip, Subject 2 can be heard stating that “[he and his girlfriend] were just thrown off a balcony from her baby’s father.” Subject 2 denies needing an ambulance, indicating that he was currently taking Subject 1 to the hospital. However, Subject 2 requests that CPD units report to the scene, “because this child is in the middle of this.”

When asked to provide detail of the incident, Subject 2 elaborates that “[Subject 1] went up the stairs to go get her daughter, [Subject 2] saw [Subject 1 and Officer A] arguing and him threatening her from the car, I had the window down.” In response to this observation, Subject 2 “proceeded to go up and make sure that everything was fine and make sure that she did not get hurt.” At that point, Officer A proceeded to “stiff-arm [Subject 2 and Subject 1] over the balcony.” An operator inquires as to whether Subject 2 and Subject 1 were on scene to pick up their daughter, to which Subject 2 responds in the affirmative. The call then cuts out as Subject 2 attempts to locate the address of incident.²⁴

²⁰ Attachment 8

²¹ Attachment 71

²² Attachment 27

²³ Attachment 27

²⁴ Attachment 74

iv. Event XXXXXXXXX

Record of a call to 911 that took place on July 23, 2017 at 10:22 PM. Caller listed as Mr Subject 2, phone number XXXXXXXXX, regarding an update to Subject 2's previous call. The Remarks section of this report notes "[caller's] gf and her childs father got into a fight the male then pushed him and her off a balcony."²⁵

v. Event XXXXXXXXX

Record of a call to 911 that took place on July 23, 2017 at 10:44 PM. Caller not listed, phone number of XXXXXXXX now known to be that of Subject 2. Location of incident and location of service recorded as XXXX-XXXX North XXXXXXXX. Remarks indicate "2x call back recording."²⁶

vi. Event XXXXXXXXX

Record of a call to 911 that took place on July 23, 2017 at 10:45 PM. Caller not listed, phone number of XXXXXXXX now known to be that of Subject 2. Location of incident and location of service recorded as Officer A's Residence. Caller advised that police are on scene.²⁷

Audio relevant to this event number was also obtained from OEMC. In this one minute and 17 second clip, Subject 2 calls back in order to provide the address of incident. Subject 2 then notes that he is currently at the incident location; in response, the 911 operator notes that officers are already on scene, suggesting that Subject 2 speak with these officers.²⁸

4. Stone Park Police Department Reports Generated at XXXX North XXXXXXX Avenue, Stone Park, IL 60165 in years 2014, 2015

During her interview, Subject 1 indicated that she contacted the Stone Park Police Department at least two times during her cohabitation with Officer A. Based on Subject 1's recollection, these calls took place near the end of 2014 or the beginning of 2015. In order to verify this information, a request was placed with the Stone Park Police Department for any police reports created in 2014 or 2015, regarding any incident that took place at Subject 1's Stone Park residence. In response to this request, the Stone Park Police Department indicated that only two events were recorded at XXXX North XXXXXXX Avenue between 2014 and 2015; of these two events, neither one had an affiliated police report. Nevertheless, the Stone Park Police Department was able to provide computer printouts of the details for both events.

The first event, #XXXXXXX, took place on January 6, 2015 at 11:57 PM. The reporting officer indicates in his comments that Officer A is the complainant, whose telephone number is recorded as XXXXXXXXXX. Based on the reporting officer's notes, Subject 1 was "trying to go thru [sic] everything and take things," but Officer A "want[ed] her to leave now." Subject 1 is

²⁵ Attachment 27

²⁶ Attachment 26

²⁷ Attachment 26

²⁸ Attachment 74

also reported to have called the Stone Park Police Department, indicating that she was in the process of leaving, but Officer A refused to “give [her] the clothing for their child before she leaves.” The commentary concluded with a note, “per XXXX, [Subject 1] was able to collect clothing for the baby and left.” No further information was provided in the printout for event #XXXXXXXXXX.

The second event, #XXXXXX, took place on April 1, 2015 at 10:10 PM. From the comments section of this printout, the event details are listed as “verbal argument with callers has a bat in his hand, inside the living room XXXX advised, subjs had verbal argument over laptop, subjs will separate for the evening.” No further detail is provided in this report, nor is it indicated whether the incident involved Subject 1 or Officer A.²⁹

5. Series of Photographs Provided by Subject 1

During her interview, Subject 1 referenced a series of photographs on her cellular device. At the end of her interview, Subject 1 directed these photographs to the general COPA email account. According to Subject 1, the first image, which has a date stamp of November 7, 2014, shows a set of photographs taken immediately after the incident with Officer A in Stone Park, Illinois. Subject 1 indicated that these images depict her arms, which she alleged were bruised after Officer A grabbed her.

The second image shows Officer A’s Residence, taken the day after the July 23 incident. From Subject 1’s statement, the image shows the balcony in front of Officer A’s apartment, with a wooden access staircase on the right hand side, and a wooden bannister around the balcony. Significantly, one segment of the balcony bannister appears to be missing; according to Subject 1, this segment gave way during the July 23 incident, causing her and Subject 2 to fall.

Subject 1 indicated that the last set of images, which were taken after the July 23 incident, show the scratches she suffered after falling from Officer A’s balcony. Most visible are a scrape to Subject 1’s right wrist, as well as an approximately 3” diameter scrape on her right shin. In light of these injuries, an evidence technician photographed Subject 1 immediately after her July 26 interview; these photographs are discussed in the following section.³⁰

6. Series of Photographs Taken by Chicago Police Department Evidence Technicians

i. Photographs of Officer A’s Residence, taken by Evidence Technician A on July 27, 2017

After conducting an interview of Victim Subject 1, Investigators COPA Investigator A and COPA Investigator B traveled to the apartment of Officer A, with the purpose of inspecting the damage caused by the July 23 incident. At the scene, COPA Investigators A and B met with Evidence Technician A of the Chicago Police Department, who had arrived to photograph the apartment balcony. Despite the incident having occurred four days earlier, the apartment balcony

²⁹ Attachment 17

³⁰ Attachment 19

was still damaged. In the backyard of Officer A's residence lay a bannister segment, while the apartment balcony bannister itself had an open area the size of this fallen segment. On the northern end of the backyard was a covered patio area, upon which several rattan-style chairs were placed.

Up on the deck of Officer A's balcony lay a storm door, which appeared to have been ripped from the front door to Officer A's apartment. Broken glass lay in the area of the door, and a rattan-style chair—with the same appearance as those on the patio—lay broken near the door. From this vantagepoint, it became apparent that a support beam for the missing segment had also broken free, as the approximately 4"x4" beam was split clean at the level of the balcony deck. All landmarks relevant to the case were photographed by Evidence Technician A, with the prints included in this file.³¹

ii. Photographs of Victim Subject 1, taken by Evidence Technician B on July 26, 2017

During her interview, Subject 1 indicated that she had been injured on July 23, as a result of falling from Officer A's balcony. At that time, Subject 1 showed images that she took in the aftermath of the July 23 incident, showing scrapes that she suffered from the fall. In consideration of these injuries, Evidence Technician B was brought to the COPA offices, so that Subject 1's injuries could be formally documented. Evidence Technician B arrived at the COPA offices on July 26, at which point he took a series of photographs of Subject 1; COPA Investigator B was also present to supervise the process. Most visible was a scrape just below Subject 1's right knee, approximately one inch in width and four inches in length.³²

iii. Photographs of Victim Subject 2, taken by Evidence Technician C on July 28, 2017

During his interview, Subject 2 indicated that he had been injured on July 23, as a result of falling from Officer A's balcony. As Subject 2 had not photographically documented the injuries subsequent to the incident, Evidence Technician C was brought to the COPA offices, so that Subject 2's injuries could be formally documented. Evidence Technician C arrived at the COPA offices on July 28, at which point he took a series of photographs of Subject 2; COPA Investigator A was also present to supervise the process. Most visible was a scratch on Subject 2's lower right back, approximately four inches in length. According to Subject 2, this scratch was caused when Subject 2 fell to the ground, landing on one of the bannister slats.³³

7. Chicago Fire Department Records for July 23, 2017 Ambulance Transport of Subject 1

Given that Subject 1 was transported from Officer A's Residence on July 23, 2017 in a Chicago Fire Department ambulance, a request was placed with CFD for the relevant EMS records. These records indicate that paramedics reached Subject 1 at 10:57 PM on July 23, departing the scene at 11:18 PM. A summary within the CFD report notes that paramedics discussed the

³¹ Attachment 54

³² Attachment 53

³³ Attachment 55

situation with CPD officers on scene, who informed EMTs that Subject 1 “was in a physical altercation on balcony approx. 20 feet high and was pushed off the balcony falling to the ground.” Subject 1 was unable to recall what happened, but did complain to EMS of back pain. While EMS transported Subject 1 to Hospital A, Subject 1 repeatedly inquired as to what happened and whether she fell.³⁴

8. Hospital A Records for Subject 1

As Subject 1 was transported to Hospital A after the July 23 incident, a request was submitted for medical records from this hospital admission. Within these records, one Doctor A notes on July 23 at 11:58 PM that Subject 1 “sustain[ed] a fall of approximately 15 feet. Patient reports she remembers arriving to her daughter’s father’s house to pick up her daughter, she engaged in an argument with the father of her child, and was subsequently pushed off the edge of the balcony. She does not remember details of the fall, and cannot remember the details of the argument she was having. Her only complaint at this time is lower back pain.”

Doctor B notes on July 24 at 12:33 PM that Subject 1 suffered “a 20ft fall after an altercation with the patient’s ex boyfriend and her current boyfriend.” Doctor B goes on to note that Subject 1 “currently complains of sharp 8/10 back pain that does not radiate.” Doctor C notes on July 24 at 12:55 AM that Subject 1 “was pushed off the balcony and fell about 20 feet. She was pushed off by her daughter’s father. Unclear how she landed.” Doctor C also conducted a CT scan of Subject 1, from which it was determined that Subject 1 suffered no internal traumatic injury.³⁵

9. Text Messages From Cellular Devices of Officer A and Subject 1

On September 25, 2017 Subject 1 appeared at the COPA offices, at which point she provided her cellular device for review. Upon review of the message chain between Subject 1 and Officer A, it was evident that text messages had been sent between the co-parents on the evening of the incident. Specifically, the chain read as such:

Subject 1: Where are you?
Officer A: At home w/ our child You said 7
Subject 1: I apologize I overslept I will be heading there now 10 min away, please have her ready
Officer A: You’re almost 3 hours late. Stop talking And I hope you’re alone. If not she’s staying here
Subject 1: Here. Please bring her down
Officer A: You can come up and get here
Subject 1: Ok
Officer A: Bye [Subject 1]
Subject 1: Coming now
Officer A: You just messed up

³⁴ Attachment 40

³⁵ Attachment 52

In addition to this chain from July 23, 2017, Subject 1 provided COPA with two other message chains. One of these chains, from May 29, 2017, involves a discussion between Subject 1 and Officer A regarding childcare duties. In the course of this discussion, Officer A threatens to keep his daughter beyond the agreed upon timeframe. The second message chain, from September 1, involves a discussion between Subject 1's mother and Officer A. In the course of this exchange, Officer A expresses hostility toward Subject 1 and her mother.³⁶

10. Illinois Department of Children and Family Services Investigatory File for SCR #XXXXXXXXXX

On July 24, 2017, the day after the July 23, 2017 incident, an anonymous complaint was registered with the Illinois Department of Children and Family Services (DCFS). In this complaint, it was alleged that Officer A engaged in child abuse and neglect of his daughter, Minor Child 1. An investigation into this anonymous complaint was commenced by DCFS, during which time all relevant actors were interviewed by the agency. DCFS completed its investigation on or about October 19, 2017, after which time DCFS provided COPA with a courtesy copy of its investigatory file. During its investigation of the anonymous complaint, DCFS obtained evidence that Subject 2 and Officer A "got into a scuffle," during which time Subject 1 and Subject 2 "were pushed off the balcony." This same source of information noted that "there have never been in [sic] concerns with Cadillac in the past."

DCFS also obtained information from Officer A, who indicated that "he did not push nor shoved [sic] mom out of the balcony" and that "mom tried grabbing [Subject 2] by [Subject 2]'s leg and they both fell off the balcony." Officer A also stated that "he called 911 to get an ambulance for mother [...] [Subject 2] came back and father [filed] charges (Battery) against [Subject 2]." In an interview with Subject 1, Subject 1 stated that Officer A "seems to be a very good father, takes very good care of their daughter." Subject 1 also reported "no issues of domestic violence" during her relationship with Officer A. Investigators for DCFS also interviewed staff from Minor Child 1's daycare, as well as other family friends. These individuals consistently reported that Officer A "has been a very responsible and loving father and spends lots of time with his daughter and is very much involved in daughter's life." Based on these interviews, DCFS found "No Credible Evidence to Substantiate" the allegations filed against Officer A. As such, DCFS reached an unfounded determination on the anonymous complaint.³⁷

³⁶ Attachment 70

³⁷ Attachment 75

V. ANALYSIS

This complaint register involves seven allegations made against Probationary Police Officer A. Upon consideration of the evidence summarized *supra*, the Agency's recommended finding on each allegation follows, along with the Agency's basis for each recommending finding.

I. Accused Probationary Police Officer A

- a. **Allegation #1: On July 23, 2017 at approximately 10:05 PM, in the vicinity of Officer A's Residence, Probationary Police Officer A engaged in a verbal argument with Subject 1 regarding child care duties, in violation of Rules 1, 2, 6, 8, and 9.**

With regard to Allegation #1, COPA recommends a finding of **Not Sustained**. In his statement, Victim Subject 2 indicates that on July 23, 2017, he observed Subject 1 and Officer A argue about the time Subject 1 was scheduled to pick up their daughter. During her statement at COPA headquarters, Victim Subject 1 was unable to independently recall the details of the July 23, 2017 incident, due to the short term memory loss symptoms of a concussion she had recently experienced.

In looking to the Original Case Incident Report for RD #XXXXXXXXXX, the case narrative does not provide detail as to whether Officer A and Subject 1 were involved in an argument. However, the first responding Chicago Police officer, Officer D, was able to recount information he learned at the scene of the incident. According to Officer D, all three individuals mentioned Officer A and Subject 1 engaging in a verbal altercation. In Officer E's interview, Officer E indicated that he spoke with Officer A on the evening of the incident, during which time Officer A spoke about arguing with Subject 1 earlier that night. Sergeant A, who was also on scene the evening of the incident, had no recollection of a verbal altercation between Subject 1 and Officer A. Furthermore, the initiation report for log 1086018, authored by Sergeant A in the aftermath of the July 23 incident, has no information on a verbal altercation between Subject 1 and Officer A. While providing his statement at COPA headquarters, Officer A noted that on the date of the incident, he and Subject 1 did not engage in a verbal argument. Officer A then named three Chicago Police Academy instructors who were aware of the July 23, 2017 incident. According to Officer A, these CPD members were Sergeant B, Officer B, and Officer C. None of these three officers could recall hearing about a verbal altercation between Subject 1 and Officer A.

Considering the divergence in third party reporting on the interaction between Subject 1 and Officer A, first party perspectives must be taken into account in order to ascertain whether a verbal argument between Subject 1 and Officer A preceded the physical altercation between Officer A and Subject 2. With Subject 1's memory loss resulting from a concussion, the only firsthand witnesses are Officer A and Subject 2; their accounts of the interaction between Officer A and Subject 1 are lacking in consistency. While Subject 2 claims to have seen the co-parents arguing on Officer A's balcony, Officer A denies having engaged in a verbal altercation with Subject 1. However, in consideration of the relationships between Subject 2, Subject 1, and Officer A, it is unlikely that either man can provide an independent account of Subject 1's and Officer A's discussion. In the case of Subject 2, allegations concerning a verbal altercation between Subject

1 and Officer A offer a chance to undermine Subject 1's ex-boyfriend. Officer A faces the ramifications of this investigation, which may motivate him to be less than forthcoming. While it is plausible that one or both of these biases is in place, there is insufficient evidence to determine whether one of the firsthand witnesses is more forthcoming than the other. When paired with the inconsistencies in third party evidence, it is not possible to establish whether Officer A and Subject 1 did or did not engage in a verbal altercation on July 23, 2017. Further, it is difficult to objectively define "verbal argument" in the context of this incident. In consideration thereof, COPA recommends a finding of **Not Sustained**.

b. Allegation #2: On July 23, 2017, at approximately 10:05 PM, in the vicinity of Officer A's Residence, Officer A told Subject 1 that he would fuck up her and Subject 2, in violation of Rules 2, 3, 8, and 9.

With regard to Allegation #2, COPA recommends a finding of **Unfounded**. In his statement, Victim Subject 2 indicated that on the evening of the incident, he heard Officer A threaten to "fuck up" Subject 1 and Subject 2. In her statement, Subject 1 noted that her recollection of the evening was based on what Subject 2 had told her in the hospital, as Subject 1 was suffering the short term memory loss symptoms of a concussion. However, Subject 1 did not recount whether Officer A threatened to "fuck up" her and Subject 2. During his statement at COPA, Officer A denied having threatened to "fuck up" Subject 2 and Subject 1, claiming that it would be out of character for him to speak in such expletive language.

Looking to the Original Case Incident Report for RD #XXXXXXXXXX, none of the involved parties report that Officer A threatened to "fuck up" Subject 2 or Subject 1. The three Chicago Police Academy members who learned about the incident from Officer A, namely Sergeant B, Officer B, and Officer C, were brought in to recount what Officer A told them. While all three members were aware that Officer A had been involved in a physical altercation with Subject 2, none of the three heard of Officer A having threatened to "fuck up" Subject 2 and Subject 1. Three of the Chicago Police Department members who responded to the scene came in to COPA to give a statement; however, none of the three officers learned of Officer A having threatened to "fuck up" Subject 2 and Subject 1.

Subject 2 alleged in his statement to COPA that, on the evening of the incident, Officer A threatened to "fuck up" Subject 2 and Subject 1. Beyond this statement, however, Subject 2 offered no evidence to support such an allegation. Only two other witnesses were on scene who might have heard such a threat; one of these witnesses, Subject 1, was unable to independently recall what occurred on the evening of July 23, 2017. The other witness, Officer A, denied having made such a threat. Attention must then turn to secondary evidence from the evening, such as the original case incident report and the statements of reporting officers. Although these forms of evidence consistently indicate that Subject 2 and Officer A became engaged in a physical altercation, and inconsistently indicate that Officer A and Subject 1 became involved in a verbal altercation, there is no indication that Officer A threatened to "fuck up" Subject 2 and Subject 1. In want of any independent evidence that could support Subject 2's allegation, there is insufficient foundation to suggest that Officer A threatened to "fuck up" Subject 1 and Subject 2. As such, COPA recommends a finding of **Unfounded** on Allegation #2.

- c. Allegation #3: On July 23, 2017, at approximately 10:05 PM, in the vicinity of Officer A's Residence, Officer A asked Subject 2 what the fuck he was doing at Officer A's Residence, in violation of Rules 2, 3, 8, and 9.**

With regard to Allegation #2, COPA recommends a finding of **Unfounded**. In his statement, Victim Subject 2 indicated that on the evening of the incident, Officer A inquired as to "what the fuck" Subject 2 was doing at Officer A's apartment. In her statement, Subject 1 noted that her recollection of the evening was based on what Subject 2 had told her in the hospital, as Subject 1 was suffering the short term memory loss symptoms of a concussion. However, Subject 1 did not recount whether Officer A asked Subject 2 "what the fuck" Subject 2 was doing at Officer A's Residence. During his statement at COPA, Officer A denied having asked Subject 2 "what the fuck" he was doing at the apartment, claiming that it would be out of character for him to speak in such expletive language.

Looking to the Original Case Incident Report for RD #XXXXXXXXXX, none of the involved parties report that Officer A asked Subject 2 "what the fuck" Subject 2 was doing at Officer A's Residence. Specifically, Officer A indicated that Subject 2 came up to Officer A's apartment balcony, at which time Officer A instructed Subject 2 to leave. Of the limited information Subject 1 was able to provide to responding officers, Subject 1 was able to recall grabbing onto Subject 2 in order to prevent him from falling from the balcony. No details of the incident from Subject 2 were included in the Original Case Incident Report.

The three Chicago Police Academy members who learned about the incident from Officer A, namely Sergeant B, Officer B, and Officer C, were brought in to recount what Officer A told them. While all three members were aware that Officer A had been involved in a physical altercation with Subject 2, none of the three heard that Officer A asked Subject 2 "what the fuck" Subject 2 was doing at Officer A's Residence. Three of the Chicago Police Department members who responded to the scene were brought in to COPA, so that they could recount what they learned of the incident from the involved parties. However, in speaking with the three involved parties on the evening of the incident, none of the three CPD members learned of Officer A asking Subject 2 "what the fuck" Subject 2 was doing at Officer A's Residence.

Subject 2 alleged in his statement to COPA that, on the evening of the incident Officer A asked Subject 2 "what the fuck" Subject 2 was doing at Officer A's Residence. Beyond this statement, however, Subject 2 offered no evidence to support such an allegation. In want of any independent evidence that could support Subject 2's allegation, there is insufficient foundation to suggest that Officer A asked Subject 2 "what the fuck" Subject 2 was doing at Officer A's Residence. As such, COPA recommends a finding of **Unfounded** on Allegation #3.

- d. Allegation #4: On July 23, 2017, at approximately 10:05 PM, in the vicinity of Officer A's Residence, Officer A punched Subject 2 in the left cheekbone, in violation of Rules 1, 2, 3, 6, 8, 9, and 10.**

With regard to Allegation #4, COPA recommends a finding of **Unfounded**. In his statement, Victim Subject 2 indicated that on the evening of the incident, Officer A punched Subject 2 in the left cheekbone. In her statement, Subject 1 noted that her recollection of the

evening was based on what Subject 2 had told her in the hospital, as Subject 1 was suffering the short term memory loss symptoms of a concussion. According to Subject 1, Officer A punched Subject 2 in the face, at which point a scuffle broke out between the two men. During his statement at COPA, Officer A indicated that Subject 2 did ascend the stairs on the evening of the incident, but that Subject 2 was the initiator of physical contact between the two men. According to Officer A, Subject 2 bumped his chest against the chest of Officer A; in response to this action, Officer A grabbed Subject 2 by his shirt. A physical altercation broke out between the two men at this time.

Looking to the Original Case Incident Report for RD #XXXXXXXXXX, none of the involved parties report that Officer A punched Subject 2 in the face during the course of the incident. The three Chicago Police Academy members who learned about the incident from Officer A, namely Sergeant B, Officer B, and Officer C, were brought in to recount what Officer A told them. While all three members were aware that Officer A had been involved in a physical altercation with Subject 2, none of the three heard that Officer A punched Subject 2 in the face during the course of the altercation. Three of the Chicago Police Department members who responded to the scene were brought in to COPA, so that they could recount what they learned of the incident from the involved parties. None of these officers had information regarding Officer A punching Subject 2 in the face.

Subject 2 alleged in his statement to COPA that, on the evening of the incident Officer A punched Subject 2 in the left cheekbone. Although Subject 2 came into COPA less than a week after the July 23, 2017 incident, he was unable to show any bruising in the area where Officer A allegedly hit him. Moreover, Subject 2 was unable to produce any photographs of his injuries taken in the aftermath of the July 23 incident. In want of any independent evidence that could support Subject 2's allegation, there is insufficient foundation to suggest that Officer A punched Subject 2 in the left cheekbone. As such, COPA recommends a finding of **Unfounded** on Allegation #4.

- e. **Allegation #5: On July 23, 2017, at approximately 10:05 PM, in the vicinity of Officer A's Residence, Officer A used his forearms to shove Subject 2 several times in the chest, in violation of Rules 1, 2, 3, 6, 8, 9, and 10.**

With regard to Allegation #4, COPA recommends a finding of **Not Sustained**. In his statement, Victim Subject 2 indicated that on the evening of the incident, Officer A locked his forearms together in what Subject 2 described as a "stiff-arm" position; Officer A proceeded to use his forearms to slam Subject 2's chest several times. This claim was also articulated by Subject 2 in the aftermath of the incident, when Subject 2 called 911 to report a domestic incident. From this call, recorded as event #XXXXXXXX, Subject 2 informs the OEMC calltaker that Officer A had used a "stiff-arm" technique against Subject 2 and Subject 1, after which point Subject 2 and Subject 1 fell from Officer A's apartment balcony. In her statement, Subject 1 noted that her recollection of the evening was based on what Subject 2 had told her in the hospital, as Subject 1 was suffering the short term memory loss symptoms of a concussion. However, Subject 1 was unable to provide detail regarding the maneuvers of Subject 2 or Officer A. During his statement at COPA, Officer A indicated that he had been involved in a physical altercation with Subject 2, but that the maneuvers had been limited to bumping and grappling.

Looking to the Original Case Incident Report for RD #XXXXXXXXXX, none of the involved parties report that Officer A used his forearms to strike Subject 2 in the chest. The three Chicago Police Academy members who learned about the incident from Officer A, namely Sergeant B, Officer B, and Officer C, were brought in to recount what Officer A told them. While all three members were aware that Officer A had been involved in a physical altercation with Subject 2, none of the three heard that Officer A used his forearms to shove Subject 2 in the chest. Three of the Chicago Police Department members who responded to the scene were brought in to COPA, so that they could recount what they learned of the incident from the involved parties. None of these officers had information regarding Officer A using his forearms to shove Subject 2.

Subject 2's consistent statements to COPA and OEMC regarding Officer A's use of the "stiff-arm" tactic serve to bolster his credibility, particularly in consideration of the fact that Subject 2's 911 call occurred in the immediate aftermath of the incident. However, there is no independent or third party evidence that can substantiate these claims. In want of such evidence, this allegation is only supported by Subject 2's statements, which alone would not amount to a preponderance of evidence. As such, COPA recommends a finding of **Not Sustained** on Allegation #5.

f. Allegation #6: On July 23, 2017, at approximately 10:05 PM, in the vicinity of Officer A's Residence, Officer A caused Subject 2 to fall 15 feet from a second floor balcony, in violation of Rules 1, 2, 3, 6, 8, 9, and 10.

With regard to Allegation #6, COPA recommends a finding of **Exonerated**. Based on the evidence gathered in this investigation, a preponderance of evidence indicates that on July 23, 2017, Officer A did cause Subject 2 to fall 15 feet from a second floor balcony. The evidence also suggests that this use of force comported with applicable CPD directives.

i. Officer A Did Cause Subject 2 to Fall From the Second Floor Balcony

In his statement to COPA, Subject 2 indicated that on July 23, Officer A slammed Subject 2 into the balcony railing, causing a segment of the balcony bannister to break free. Once this segment broke away, Subject 2 fell backward off the balcony platform, then down approximately fifteen feet and onto the surface of the backyard.

In her statement, Subject 1 noted that her recollection of the evening was based on what Subject 2 had told her in the hospital, as Subject 1 was suffering the short term memory loss symptoms of a concussion. According to Subject 1, Subject 2 and Officer A became engaged in a physical altercation, during which time Subject 1 attempted to intervene and break up the fight. Instead, Subject 1 was drawn into the altercation, at which point Officer A pushed Subject 2 and Subject 1 from the balcony. Subject 1 was unable to provide independent detail as to whether the balcony broke. However, Subject 1 did acknowledge that July 23 was the first time she had brought Subject 2 to Officer A's apartment; during previous child exchanges, Subject 1 had traveled to the apartment alone.

From the statement of Officer A, further detail regarding the July 23 incident was obtained. According to Officer A, he was standing on the apartment balcony with Subject 1, when Subject

2 rushed up the balcony stairs. Once on the balcony, Subject 2 bumped Officer A in the chest; in response, Officer A attempted to grab Subject 2 by the shirt and move him. However, the men became entangled and both moved in a northern direction, ending only when they crashed into the balcony railing. Officer A went on to indicate that his interaction with Subject 2, from grabbing Subject 2 in an effort to move him to the bannister breaking, could be described as one fluid motion rather than a series of events. In total, Officer A estimated this interaction to have lasted under five seconds.

The three Chicago Police Academy members who learned about the incident from Officer A, namely Sergeant B, Officer B, and Officer C, were brought in to recount what Officer A told them. According to Officer B, he was telephoned on the evening of the incident by Officer A, who provided Officer B with an overview of the incident. From Officer A, Officer B learned that Subject 1 was at Officer A's Residence to pick up her daughter, during which time Officer A was "bum-rushed" by Subject 2. At this point, a physical altercation broke out between the two men, during which time Subject 2 fell from the apartment balcony. Officer C provided a similar account as Officer B, but recalled that Officer A and Subject 2 ran into a railing during the course of the altercation. According to Officer C, the railing collapsed once it was hit, causing Subject 2 to fall to the ground. Sergeant B provided the least level of detail regarding the incident, remembering only that Officer A and Subject 2 had been involved in a domestic disturbance.

Three of the Chicago Police Department members who responded to the scene were brought in to COPA, so that they could recount what they learned of the incident from the involved parties. The primary reporting officer, Officer D, interviewed all three involved parties on the evening of the incident. Officer A's statement to Officer D closely corresponded to the statement Officer A gave to COPA. Officer D then asked Subject 2 why he became physical with Officer A, to which Subject 2 indicated that Officer A was "yelling at his girlfriend." According to Officer D, Subject 2 did not deny having attacked Officer A, nor did he indicate that he had been injured during the altercation. Officer D also spoke with Subject 1, who had observed the two men run into the balcony railing, which then gave way. In order to prevent Subject 2 from falling through the broken bannister, Subject 1 grabbed onto Subject 2, which resulted in both individuals falling from the balcony. Officer E and Sergeant A had no additional information regarding the fall.

The accounts of Subject 2 and Officer A are also conveyed in their calls to 911, made in the immediate aftermath of the July 23 incident. Under event XXXXXXXX, Officer A informed an OEMC call taker that he had been attacked by Subject 2. Event XXXXXX pertains to a call Subject 2 made to 911, whereby Subject 2 alternates between claims he was thrown or pushed from Officer A's balcony. Additionally, within the original case incident report for RD #XXXXXXXXXX, Officer A and Subject 1 report that Subject 2 fell from the apartment balcony.

In reviewing the primary and secondary evidence pertaining to the July 23 incident, a consistent fact pattern emerges. On the evening of July 23, 2017, Subject 1 and Subject 2 traveled to the residence of Officer A, with the purpose of picking up Subject 1's daughter. Subject 1 and Officer A had previously exchanged childcare duties on their own, but this evening Subject 1 decided to bring Subject 2 to Officer A's apartment. Once Subject 1 arrived at the apartment, Officer A went outside to speak with her, at which time he realized that Subject 2 was inside Subject 1's vehicle. In reaction to seeing Subject 2, Officer A returned to his second floor

apartment and closed the door. Subject 1 then followed Officer A upstairs, at which point Officer A reemerged and engaged in a discussion with Subject 1. From his position in Subject 1's vehicle, Subject 2 was able to watch the co-parents interact on the balcony, which Subject 2 perceived as escalating into a verbal altercation. In an effort to assist Subject 1, Subject 2 exited the vehicle and escalated the stairway to Officer A's balcony. There is some dispute as to what happened next.

According to Officer A, once Subject 2 was at the top of the staircase, he bumped his chest into Officer A's chest. In response, Officer A grabbed Subject 2 by his shirt, then attempted to move Subject 2 to the side. At the same time, Subject 2 grabbed Officer A around the head, causing the men to become entangled. As a consequence, both men moved with Officer A's momentum, causing them to hit the balcony railing. Their force caused a segment of the bannister to break free, at which point Subject 2 released Officer A and fell from the balcony. Secondary evidence, in the form of the statements of Officers D, E, B, and C, as well as the original case incident report, largely support this sequence of events. In contrast, Subject 2 claims that Officer A was the initial aggressor, alleging that Officer A punched Subject 2 in his left cheekbone. Subject 2 goes on to claim that after this hit, Officer A proceeded to shove Subject 2 into the balcony railing, which caused the bannister to give way. Only one witness, Subject 1, provides this same account. It must be emphasized, however, that Subject 1 suffered memory loss subsequent to the incident, and that her knowledge of the facts was based entirely on what she learned from Subject 2. Thus, the only evidence supporting Subject 2's account is, incredibly, a hearsay reiteration of his own account.

Even though the weight of the evidence supports Officer A's account of the July 23 incident, there is no dispute that Officer A caused Subject 2 to fall 15 feet from a second floor balcony. In consideration thereof, it must be determined whether Officer A was justified in taking such actions in order to reach a final disciplinary recommendation. The weight of the evidence in this case indicates that Subject 2 ran up the stairs to Officer A's balcony, bumped Officer A in the chest, then pushed Officer A into the apartment wall. From Officer A's statement, Officer A was uncertain as to what Subject 2's intentions were, or what actions Subject 2 was prepared to take. Based on training from the United States Air Force and Chicago Police Academy, Officer A decided to create distance between himself and Subject 2, so as to mitigate any potential danger.

ii. Officer A's Use of Force Was Justified Under CPD Policy

An officer's use of force is guided by General Order G03-02, "Use of Force Guidelines." Under this directive, it is required that "department members will use an amount of force reasonably necessary based on the totality of the circumstances to perform a lawful task, effect an arrest, overcome resistance, control a subject, or protect themselves or others from injury." The directive goes on to state that "as set forth by the United States Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989), the central inquiry in every use of force is whether the amount of force used by the officer was objectively reasonable in light of the particular circumstances faced by the officer."

In an effort to “provide guidance on the reasonableness of a particular response option,” the Use of Force Guidelines directive is supplemented by G03-02-01, “The Use of Force Model.”³⁸ Under the Use of Force Model, an officer is permitted to apply “the use of force [...] to ensure control of a subject with the reasonable force necessary based on the totality of the circumstances.”³⁹ Importantly, the directive requires officers to “modify their level of force in relation to the amount of resistance offered by the subject.” Pursuant to the Use of Force Model, a Department member is permitted to use a range of force against three levels of subject: Cooperative, Resister, and Assailant.⁴⁰ The facts in this matter suggest that Subject 2 ran up to Officer A, bumped Officer A in the chest, then proceeded to push Officer A into a wall. With these facts, Subject 2 would likely fall within the “Assailant” category, defined as “a subject who is using or threatening the imminent use of force against himself/herself or another person.”⁴¹ The Assailant category is therein divided into three subcategories; considering that Subject 2 did not use weapons during his attack on Officer A, Subject 2 would likely fall under the subcategory “Actions are aggressively offensive without weapons.”⁴²

This subcategory is further defined as “one who places a member in fear of a battery and includes advancing on the member in a threatening manner or closing the distance between the assailant and the member, thereby reducing the member's reaction time.”⁴³ In response to such an assailant, the Directive permits Department members to make use of Holding Techniques, such as “firm grip, grabbing an arm, wristlocks, and come-along holds (i.e., escort holds that are not elevated to pain compliance techniques), as well as any combination of the above.”⁴⁴ From the facts pertaining to this matter, it appears that Officer A made use of a Holding Technique in order to control the situation with Subject 2, who was perceived as an Assailant. Specifically, the actions Officer A claims to have applied to Subject 2, grabbing Subject 2 by the shirt and attempting to move him, could be considered a combination of “firm grip” and a “come-along hold.” From the information provided by Officer A, the purpose of such a “come-along hold” was to open the Zone of Safety, as opposed to causing compliance by way of pain.

The weight of the evidence indicates that after Officer A attempted to move Subject 2, Subject 2 grabbed Officer A around the head, causing the men to become entangled. Considering this development, the momentum from Officer A’s use of force caused both men to move approximately five feet to the north, at which point the two men crashed into the balcony railing. Upon impact, a segment of the balcony bannister gave way, causing Subject 2 to lose his balance and fall from the balcony. A preponderance of the evidence shows that on the evening of the incident, Officer A only used force against Subject 2 one time, by grabbing and moving Subject 2. Under the Chicago Police Department Directives, the application of such force against an assailant—such as Subject 2--would have been within Department policy. Due to circumstances outside of Officer A’s control, Officer A’s effort to open the Zone of Safety was disrupted, resulting in the unintended consequence of Subject 2 falling from the balcony. As such, while Officer A did cause Subject 2 to fall from the balcony as alleged in Allegation #6, the actions of

³⁸ G03-02-01, Effective May 16, 2002 through October 15, 2017

³⁹ *Id.* at (II)(A)

⁴⁰ G03-02-02, Effective January 1, 2016 through October 15, 2017

⁴¹ *Id.* at (IV)(C)

⁴² *Id.* at (IV)(C)(1)

⁴³ *Id.*

⁴⁴ *Id.* at (IV)(B)(1)(a)

Officer A precedent to the fall were permissible under the CPD Directives. In view of the totality of the circumstances pertinent to this use of force, COPA recommends a finding of **Exonerated** on Allegation #6.

- g. Allegation #7: On July 23, 2017, at approximately 10:05 PM, in the vicinity of Officer A's Residence, Officer A caused Subject 1 to fall 15 feet from a second floor balcony, in violation of Rules 1, 2, 3, 6, 8, 9, and 10.**

With regard to Allegation #7, COPA recommends a finding of **Not Sustained**. In his statement to COPA, Subject 2 indicated that on July 23, Officer A slammed Subject 2 into the balcony railing, causing a segment of the balcony bannister to break free. Once this segment broke away, Subject 2 fell backward off the balcony platform, then down approximately fifteen feet and onto the surface of the backyard. Based on Subject 2's recollection, Subject 1 fell to the ground 1-2 seconds after he did; however, Subject 2 was unable to see how Subject 1 fell from the balcony. In her statement, Subject 1 noted that her recollection of the evening was based on what Subject 2 had told her in the hospital, as Subject 1 was suffering the short term memory loss symptoms of a concussion. While the two men were fighting, Subject 1 attempted to intervene and break up the fight. Instead, Subject 1 was drawn into the altercation, at which point Officer A pushed Subject 2 and Subject 1 from the balcony.

From the statement of Officer A, further detail regarding the July 23 incident was obtained. As stated supra, Officer A and Subject 2 became engaged in a physical altercation, during which point a segment of the balcony railing gave way. At this time, Subject 1 grabbed onto Subject 2 in an effort to keep him on the balcony; instead, Subject 1 ended up getting dragged off the balcony as Subject 2 fell to the ground.

The three Chicago Police Academy members who learned about the incident from Officer A, namely Sergeant B, Officer B, and Officer C, were brought in to recount what Officer A told them. According to Officer B, he was telephoned on the evening of the incident by Officer A, who provided Officer B with an overview of the incident. From Officer A, Officer B learned that Subject 1 was at Officer A's Residence to pick up her daughter, during which time Officer A was "bum-rushed" by Subject 2. At this point, a physical altercation broke out between the two men, during which time Subject 2 fell from the apartment balcony. Officer C provided a similar account as Officer B, but recalled that Officer A and Subject 2 ran into a railing during the course of the altercation. According to Officer C, the railing collapsed once it was hit, causing Subject 2 to fall to the ground. Sergeant B provided the least level of detail regarding the incident, remembering only that Officer A and Subject 2 had been involved in a domestic disturbance.

Three of the Chicago Police Department members who responded to the scene were brought in to COPA, so that they could recount what they learned of the incident from the involved parties. The primary reporting officer, Officer D, interviewed all three involved parties on the evening of the incident. Officer A's statement to Officer D closely corresponded to the statement Officer A gave to COPA. Officer D then asked Subject 2 why he became physical with Officer A, to which Subject 2 indicated that Officer A was "yelling at his girlfriend." According to Officer D, Subject 2 did not deny having attacked Officer A, nor did he indicate that he had been injured during the altercation. Officer D also spoke with Subject 1, who had observed the two men run

into the balcony railing, which then gave way. In order to prevent Subject 2 from falling through the broken bannister, Subject 1 grabbed onto Subject 2, which resulted in both individuals falling from the balcony. Officer E and Sergeant A had no additional information regarding the fall.

The accounts of Subject 2 and Officer A are also conveyed in their calls to 911, made in the immediate aftermath of the July 23 incident. Under event XXXXXXXXXXXX, Officer A informed an OEMC call taker that he had been attacked by Subject 2. Event XXXXXXXXXXXX pertains to a call Subject 2 made to 911, whereby Subject 2 alternates between claims he was thrown or pushed from Officer A's balcony. Additionally, within the original case incident report for RD #XXXXXXXXXX, Officer A and Subject 1 report that Subject 2 fell from the apartment balcony.

As indicated *supra* in the analysis of Allegation #6, a preponderance of the evidence indicates that Officer A did cause Subject 2 to fall 15 feet from the second floor balcony of Officer A's Residence. However, this action was within the use of force policy of the Chicago Police Department Directives. With regard to Allegation #7, the weight of the evidence indicates that Subject 1 grabbed onto Subject 2 before he fell from the balcony, at which point she was dragged from the balcony platform. Given Subject 1's intervening action, whereupon she was dragged from the balcony, there is insufficient evidence to suggest that Officer A caused Subject 1 to fall 15 feet from a second floor balcony. As such, COPA recommends a finding of **Not Sustained** with regard to Allegation #7.

Recommendation to the Director of the Human Resources Division

As stated throughout the course of this report, insufficient evidence exists to sustain any of the seven allegations pertaining to this complaint register. In interviewing Officer A and his colleagues at the Chicago Police Academy, it is evident that Officer A has the skillset and capacity to succeed as a Chicago Police officer. Evidence gathered by the Department of Children and Family Services supports this contention. Nevertheless, the Civilian Office of Police Accountability has received evidence that, while not germane to this investigation, does give this agency pause for consideration. COPA investigators were able to review Subject 1's text messages with Officer A, from situations both prior to and subsequent to the July 23, 2017 incident.⁴⁵

A common pattern appeared to emerge from these messages. Frequently, Officer A sends messages to Subject 1 with a commanding and domineering tone, showcasing—at times—an unwillingness to cooperate with Subject 1 on parenting duties.⁴⁶ When Subject 1 attempts to schedule childcare exchanges, Officer A demonstrates extreme reluctance to give up custody, as well as a high degree of impatience when he does not have custody.⁴⁷ Concerning the physical transfer of his daughter, Officer A appears to order Subject 1 to follow his own fixed schedule, rather than accommodating her attempts to negotiate a mutually beneficial schedule.⁴⁸ Moreover, Officer A regularly demeans Subject 1's boyfriend, referring to him alternatively as “raper boy,” “clown,” and “offender,” while suggesting that Subject 1 is “not allowed” to “have a bum live in

⁴⁵ Attachments 70, 76

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ Attachments 70, 76

boyfriend.”⁴⁹ In at least one instance, Officer A suggests that he was able to log into Subject 1’s Instagram account, as he “knew [her] info.”⁵⁰

There is no question that Officer A is a devoted and loving parent, balancing work at the police academy against time with his daughter, Minor Child 1. Additionally, the divisive line of text messaging is not entirely one-sided, as numerous messages sent by Subject 1 appear to be just as unhelpful as those from Officer A. Nevertheless, the evidence overwhelmingly suggests that Officer A sees himself as Minor Child 1’s only parent, barring all others. By commandeering the parenting duties of Minor Child 1, then turning around to accuse Subject 1 of being an inattentive parent, Officer A shows that he may be lacking some of the experience, patience, and understanding necessary to be a successful modern parent.

In consideration of these shortcomings, it is the recommendation of this Agency that the Chicago Police Academy enroll Officer A in the Behavioral Intervention System.⁵¹ Officer A has shown himself to be an adept academic; through a comprehensive training and treatment in BIS, there is a strong chance that Officer A’s relationship with his family may be improved. Stabilizing Officer A’s home life would enable him to focus on Academy training, allowing the officer to fine-tune his skillset—a benefit to the Chicago Police Department in the long run.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ Employee Resource E06-05, “Behavioral Intervention System”

VI. CONCLUSION

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

Officer	Allegation	Finding
Officer A	<ol style="list-style-type: none"> <li data-bbox="469 401 1175 579">1. It is alleged that on July 23, 2017, at approximately 10:05 PM, in the vicinity of Officer A’s Residence, Officer A engaged in a verbal argument with Subject 1 regarding child care duties, in violation of Rules 1, 2, 6, 8, and 9; <li data-bbox="469 621 1175 800">2. It is alleged that on July 23, 2017, at approximately 10:05 PM, in the vicinity of Officer A’s Residence, Officer A told Subject 1 that he would fuck up her and Subject 2, in violation of Rules 2, 3, 8, and 9; <li data-bbox="469 842 1175 1020">3. It is alleged that on July 23, 2017, at approximately 10:05 PM, in the vicinity of Officer A’s Residence, Officer A asked Subject 2 what the fuck he was doing at Officer A’s Residence, in violation of Rules 2, 3, 8, and 9; <li data-bbox="469 1062 1175 1241">4. It is alleged that on July 23, 2017, at approximately 10:05 PM, in the vicinity of Officer A’s Residence, Officer A punched Subject 2 in the left cheekbone, in violation of Rules 1, 2, 3, 6, 8, 9, and 10; <li data-bbox="469 1283 1175 1461">5. It is alleged that on July 23, 2017, at approximately 10:05 PM, in the vicinity of Officer A’s Residence, Officer A used his forearms to shove Subject 2 several times in the chest, in violation of Rules 1, 2, 3, 6, 8, 9, and 10; <li data-bbox="469 1503 1175 1682">6. It is alleged that on July 23, 2017, at approximately 10:05 PM, in the vicinity of Officer A’s Residence, Officer A caused Subject 2 to fall 15 feet from a second floor balcony, in violation of Rules 1, 2, 3, 6, 8, 9, and 10; and, 	<ol style="list-style-type: none"> <li data-bbox="1224 401 1421 474">1. Not Sustained <li data-bbox="1224 621 1421 653">2. Unfounded <li data-bbox="1224 842 1421 873">3. Unfounded <li data-bbox="1224 1062 1421 1094">4. Unfounded <li data-bbox="1224 1283 1421 1356">5. Not Sustained <li data-bbox="1224 1535 1421 1566">6. Exonerated

	7. It is alleged that on July 23, 2017, at approximately 10:05 PM, in the vicinity of Officer A's Residence, Officer A caused Subject 1 to fall 15 feet from a second floor balcony, in violation of Rules 1, 2, 6, 8, and 9.	7. Not Sustained
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Approved:

Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

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