

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	December 10, 2017
Time of Incident:	7:00p.m.
Location of Incident:	XXXX S. Oakley Ave.
Date of COPA Notification:	December 11, 2017
Time of COPA Notification:	8:11 pm

Involved Civilian 2, a teacher and mandated reporter at the School, located at XXXX S. Leavitt, called the Department of Children and Family Services (DCFS) Hotline on December 11, 2017, to report that her student, nine-year old Involved Civilian 1 had told her that his mother, Officer A, had disciplined him by striking him with a cord. Involved Civilian 2 observed two raised, thin, red marks on his arm. Doctor A of the Hospital later examined Involved Civilian 1 and reported that no signs of physical abuse were observed. The DCFS investigation was classified as Unfounded. The Chicago Police Department (CPD) investigation for Accidental Injury was also classified as Unfounded. The Civilian Office of Police Accountability (COPA) investigated this incident and ultimately reached an Unfounded Finding.

II. INVOLVED PARTIES

Involved Officer #1:	Officer A, Star #XXXX, Employee ID #XXXXXXX, Date of Appointment: XX XXX 2006, Rank: PO, Unit of Assignment: XXX, DOB: XX/XX/1980, Gender: Female, Race: Black
Involved Individual #1:	Involved Civilian 1 (Juvenile), XX/XX/2008, Male, Black

III. ALLEGATIONS

Officer	Allegation	Recommendation
Officer A	It has been alleged that on 10 December 2017, at approximately 1900 hours, at the residence at XXXX S. Oakley Ave., you:	Unfounded

	<p>1. Committed an act of child abuse by using an object to strike minor, Involved Civilian 1, about the body causing injury.</p>	

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1 – Violation of any law or ordinance; and
 2. Rule 8 - Disrespect to or maltreatment of any person, while on or off duty.
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State Laws

1. 325 ILCS 5/ Abused and Neglected Child Reporting Act
- 2.705 ILCS 405/ Juvenile Court Act of 1987 (Abused, Neglected or Dependent Minors)

v. INVESTIGATION

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

a. Interviews

COPA interviewed **Involved Civilian 2** teacher at School, on April 30, 2018. Involved Civilian 2 teaches kindergarten through eighth grade for various subjects including art, library science, and MTSS, a special program for children with possible learning disabilities. There are generally twenty to twenty-five students in each class per grade. Involved Civilian 2 sees Involved Civilian 1 twice per week in school. On December 11, 2017, Involved Civilian 2 was reading a story to the class that involved a child getting hurt. Involved Civilian 2 stated that Involved Civilian 1 said aloud that his mom had hurt him on his arm and his leg as he began to pull up his pant leg to where there were marks. Involved Civilian 2 stated that there may have been three marks on his legs, but she did not see his arms. Involved Civilian 2 described Involved Civilian 1 as being a

normal child who sometimes has a hard time accepting reprimands and sitting still in class when confronted by a teacher. Involved Civilian 2 stated that Involved Civilian 1 was fine in her class and that she had formed a relationship with him, however, she could not attest to his behavior in other classes. Involved Civilian 2 described Involved Civilian 1 as being of average size and height, with a light complexion. Involved Civilian 1 was also well-dressed, well-fed and very well taken care of.

Involved Civilian 2 did not have a detailed conversation with Involved Civilian 1. Involved Civilian 3, the paraprofessional assigned to Involved Civilian 1's class, took Involved Civilian 1 downstairs to speak with the case manager/counselor, Involved Civilian 4.² Involved Civilian 2 was not present, but she stated that Involved Civilian 3 informed her that she and Involved Civilian 1 waited on the bench outside of Involved Civilian 4's office for approximately fifteen minutes. While they waited, Involved Civilian 3 asked Involved Civilian 1 additional questions and wrote down his answers. Involved Civilian 2 later went to Involved Civilian 4's office where she and Involved Civilian 4, with Involved Civilian 3 present, called the DCFS hotline. Involved Civilian 2 stated that the phone was on speakerphone and that they related to DCFS everything that Involved Civilian 3 wrote down.

Involved Civilian 2 did not recall ever meeting Involved Civilian 1's mother, however, she was under the impression that DCFS contacted Involved Civilian 1's mom after the hotline call was placed from the school. Involved Civilian 2 did not know of any other incidents involving DCFS with Involved Civilian 1. Involved Civilian 2 also completed the Written Confirmation of Suspected Child Abuse/Neglect Report: Mandated Reporters form that was sent to DCFS by using the information gathered by Involved Civilian 3 to complete the form. Involved Civilian 2 stated that she had no reason to believe that Involved Civilian 1 was abused by his mother and that Involved Civilian 1 did not seem as if he was excessively in fear of his mother, Officer A.³

COPA interviewed witness **Involved Civilian 3**, a paraprofessional at School, on May 3, 2018. Paraprofessionals are generally assigned to one or more students with special needs to assist the teacher with a student in the classroom. Involved Civilian 3 is assigned to a student in Involved Civilian 1's class but not to Involved Civilian 1, and usually sees Involved Civilian 1 every school day. Involved Civilian 3 recalled that Involved Civilian 1 did act out occasionally in Spanish class but was well behaved in Involved Civilian 2's class. Involved Civilian 3 also stated that Involved Civilian 1 was often off task and would sometimes fail to complete his work.

On December 11, 2017, while Involved Civilian 3 sat with her assigned student, she noticed that Involved Civilian 1 was standing and talking with Involved Civilian 2. A few students were gathered around them. She could not hear what Involved Civilian 1 said and did not recall Involved Civilian 1's actions. Involved Civilian 2 asked her to take Involved Civilian 1 down to Ms. Rooney's office. As they walked, Involved Civilian 1 told Involved Civilian 3 that his mom had hurt him and showed her the marks on his legs. As they waited outside of Involved Civilian 4's office for approximately fifteen minutes, Involved Civilian 3 reassured Involved Civilian 1 that

² According to Involved Civilian 2, School requires teachers, as mandated reporters, to immediately notify the Case Manager so that DCFS could be notified via telephone by both the teacher and the case manager.

³ Attachment 15.

everything was going to be okay. Involved Civilian 3 stated that her husband was in law enforcement, so she knew to take written notes as Involved Civilian 1 spoke to her.

Involved Civilian 1 told Involved Civilian 3 that on December 10, 2017, he told his mother, Officer A, that he had a spelling test the next day. Officer A told Involved Civilian 1 to go upstairs and get ready for a spanking. Officer A then hit Involved Civilian 1 with two belts. Involved Civilian 1 also told Involved Civilian 3 that he usually wore a lot of underwear in preparation for a spanking. Officer A told him to pull down his pants and then he got hit. Involved Civilian 3 stated that Involved Civilian 1 told her that he had marks on his arms and his knees. Involved Civilian 3 viewed the marks on his arms and described the marks as not being obvious, in that the marks were light red and on each forearm. She did not view the marks on his knees.

Involved Civilian 3 related that Involved Civilian 1 told her that Officer A had previously “whipped” him with a “stitching cord.”⁴ Involved Civilian 1 also told her that Officer A said that she would have his father spank him if he did not change his behavior. Involved Civilian 1 related to her that at least five times in the past, his dad hit him with a paddle. Involved Civilian 1 also told Involved Civilian 3 that he doesn’t like to tell things like this because it makes him sad. Involved Civilian 3 related that while Involved Civilian 1 seemed afraid when he was telling her about being spanked, Involved Civilian 1 did not appear fearful of Officer A. Involved Civilian 3 stated that she had never met Officer A.

Upon entering Involved Civilian 4’s office with Involved Civilian 1, Involved Civilian 3 gave Involved Civilian 4 her notes from her conversation with Involved Civilian 1. She then returned to the classroom. Involved Civilian 3 did not know what Involved Civilian 1 stated to Involved Civilian 4. Later that day, Involved Civilian 3 and Involved Civilian 2 were summoned to Involved Civilian 4’s office to call DCFS and make a report. Involved Civilian 2 spoke with DCFS; Involved Civilian 3 did not speak with anyone from DCFS.⁵

COPA interviewed witness **Involved Civilian 4**, counselor/case manager at School, on May 8, 2018. She has been the full-time counselor at School for over 8 years. On December 11, 2017, Involved Civilian 3 escorted Involved Civilian 1 to her office regarding his being abused by his mother, Officer A, on December 10, 2017. Involved Civilian 4 related that she was familiar with both Involved Civilian 1 and his parents, having previously conferred with his mother and step-father, and did not suspect that Involved Civilian 1 was physically abused by Officer A. Involved Civilian 4 noted that Involved Civilian 1 does have trouble staying on task during class by occasionally acting out in class and being disruptive. Involved Civilian 4 stated that Involved Civilian 1’s behavior is not typical of a normal Xth grader, but there are other children in the school who act out as well. Involved Civilian 4 did not attribute Involved Civilian 1’s behavior to anything stemming from his home life.

Involved Civilian 1 showed Involved Civilian 4 two marks on his arm and told him that his mother had hit him last night. Involved Civilian 4 described the marks as being two red lines, not welts, located on his forearm, maybe an inch or so apart. Involved Civilian 4 inspected Involved Civilian 1 and observed no other injuries or marks. Involved Civilian 4 stated that she

⁴ Attachment 16, Pg. 2, Lns. 8-10; Attachment 19.

⁵ Attachment 19.

did not ask for further details from Involved Civilian 1 and allowed him to return to class, adding that Involved Civilian 2 made the call to DCFS because she was the first person that Involved Civilian 1 told about being hit. Involved Civilian 3 gave Involved Civilian 4 an account of her conversation with Involved Civilian 1 and she utilized that information to complete the CPS Form required to document the incident. Involved Civilian 4 stated Involved Civilian 1 has not come to her with any additional issues of abuse since the incident, and she has no concerns of any abusive patterns in his household or concerning Involved Civilian 1 and his parents.⁶

COPA interviewed **Accused Officer, Officer A, #XXXX**, on June 6, 2018. Officer A is married to Officer B, with whom she has one biological child, three-year-old Involved Civilian 5. Officer A stated that prior to December 10, 2017, Involved Civilian 1 had behavioral issues at school that she attempted to correct his behavior with nonphysical discipline such as taking away video games and television; playing outside with friends; and limiting participation in sports and extracurricular activities. Officer A stated that she did not typically spank Involved Civilian 1 but had done so in the past occasionally with her hand as a form of discipline. Officer A stated that she had never utilized any extension cords to spank Involved Civilian 1.

On December 10, 2017, Involved Civilian 1's teacher called to report that he had been disruptive in class. Officer A explained to Involved Civilian 1 that now she would have to spank him. Involved Civilian 1 ran away from her and ran around the room in circles. When Officer A reached out to spank Involved Civilian 1, who was fully clothed, with his school uniform belt, he held his arms out and the belt accidentally hit his arm. Officer A did not recall the belt hitting any other part of his body. Officer A stated that the only marks that she saw on Involved Civilian 1's body that day was a red mark on his arm.

Officer A stated that she and Involved Civilian 1 were the only ones present in the room at the time and that the interaction lasted maybe a couple of minutes, because she was tired from running in circles. Officer A spoke to Involved Civilian 1 again and told him that he must do better in school; that he must not be disruptive in class; that he needed to keep the talking to a minimum, and that he needed to do his homework assignments.

Officer A became aware that there was a DCFS investigation when detectives came to her residence on December 12, 2017 and told her that a teacher at School had called DCFS regarding her abusing Involved Civilian 1. The detectives interviewed her and Involved Civilian 1 separately. The detectives also inspected Involved Civilian 1 for injuries. Officer A stated that Involved Civilian 1 told the detectives that he had not said what the teacher reported he said. The DCFS investigator came to her residence after the detectives on December 12, 2017. Involved Civilian 1 also told the DCFS investigator that he had not said what the teacher reported that he had said. Officer A stated to both the detectives and the DCFS Investigator that Involved Civilian 1 had gotten in trouble because of his behavior at school and that she hit Involved Civilian 1 once with the belt. At the request of DCFS, Officer A took Involved Civilian 1 to Doctor A for examination on December 14, 2017. Doctor A submitted the form to DCFS that documented that there was no injury or evidence of physical abuse. DCFS notified Officer A via letter in January

⁶ Attachment 22.

2018 that they had reached a finding of “Unfounded” for the allegation of child abuse made against her.⁷

Officer A stated that her only intent was to punish her son for his constant misbehaving in school by spanking him after exhausting all other avenues of punishment. She did not intend to leave any marks on his body and accidentally left a mark on his arm when Involved Civilian 1 put up his arm to block the belt intended for his clothed buttocks.⁸

a. Physical Evidence

Officer A submitted **Page 3 of 3 of a Clinical Summary Report** documented that Doctor A examined Involved Civilian 1 on December 14, 2017 and that there were no raised sores, welts or bruises, only healed marks.⁹ It was also noted that a form had been faxed.¹⁰

b. Documentary Evidence

The **Initiation Report** completed by Sergeant A, #XXXX, of the Special Victims Unit documented that a case report and DCFS Child Abuse Hotline report were generated after Involved Civilian 1 reported to Involved Civilian 2 at School that his mother, Officer A, hit him with a “stitching cord” and that she had punished him with belts before. It was noted that Involved Civilian 2 observed linear, raised red marks on his arms. However, Involved Civilian 2 did not observe the marks that Involved Civilian 1 stated were on his legs.¹¹

The **Child Abuse Hotline Notification Form, SCR No. XXXXXXXXX**, documented that DCFS received a complaint of child abuse on December 11, 2017, by Involved Civilian 2 on behalf of her student, Involved Civilian 1, who mentioned in class that he had marks on his arms and legs from his mother hitting him with a cord. Involved Civilian 2 did not see Involved Civilian 1’s legs but observed red, raised, linear marks on his arms. Involved Civilian 1 stated that the night before, December 20, 2017, his mother, Officer A, told him to go upstairs and get ready to be spanked. Involved Civilian 1 said he usually put on a lot of underwear to prepare. Involved Civilian 1 also said that Officer A had hit him with belts in the past but that she struck him with a “stitching cord.”¹²

The **Case Report for Offense Involving Children - Child Abuse, RD # XXXXXXXX**, documented that Involved Civilian 2, a teacher at School, reported to the Child Abuse Hotline that Involved Civilian 1 came to school with red and raised linear marks on both arms on December 11, 2017. Detectives A, #XXXXX, and B, #XXXXX, went to the Involved Civilian 1’s residence

⁷ Attachment

⁸ Attachments 27, 28.

⁹ Officer A only submitted page 3 of a 3-page document. There is a result section on page 3 that documented “Results not documented.” It is unclear what this refers to without the rest of the document.

¹⁰ Attachments 10, 29.

¹¹ Attachment 5, Pgs. .6-7.

¹² Attachment 5, Pg. 8.

on December 11, 2017 where they observed “two small, lightly bruised linear marks on the right forearm and one lightly bruised linear marks on the left arm.” No other injuries were observed. The detectives spoke with Officer A who told them that she was disciplining Involved Civilian 1 for poor school performance by striking him on the buttocks with school belt. Officer A informed detectives that she would take Involved Civilian 1 to the doctor as soon as possible to address any concerns or mandates by DCFS.¹³

The **Case Supplementary Report for Offense Involving Children - Child Abuse, RD # XXXXXXXX**, classified as “Exc. Cleared Closed (other Exceptional) Accidental Injury,” noting that Officer A unintentionally struck Involved Civilian 1 about the arms and that DCFS had no concerns for child abuse or neglect.¹⁴

c. Additional Evidence

Written Confirmation of Suspected Child Abuse/Neglect Report: Mandated Reporters is a from DCFS that Involved Civilian 2 completed on December 11, 2017. The form documented that there were welts on Involved Civilian 1’s arms and a scratch on his legs and that the incident occurred on December 10, 2017. It was also noted that Involved Civilian 3 had information pertaining to the case¹⁵

The **written notes of Paraprofessional Involved Civilian 3** essentially stated the same as her statement to COPA,¹⁶

Both Involved Civilian 2 and Officer A received **letters from DCFS** informing them that the alleged abuse of Involved Civilian 1 on December 10, 2017, was to be classified as “Unfounded.”¹⁷

VI. ANALYSIS

COPA recommends a finding of **UNFOUNDED** for allegation 1 against Officer A, in that she committed an act of child abuse by using an object to strike the minor, Involved Civilian 1, about the body, thereby causing injury. Although Involved Civilian 2 observed raised, red linear marks on Involved Civilian 1’s arms that Involved Civilian 1 told her were caused by his mother striking him with a cord, the investigation revealed that these marks were accidentally caused by Officer A while attempting to discipline Involved Civilian 1 for poor school performance. Officer A, who stated that after other non-physical forms of discipline had failed, she intended to spank Involved Civilian 1 on his clothed buttocks with his school belt.

In various reports, both Involved Civilian 1 and Officer A stated that Involved Civilian 1 had held up his arms, thereby being stuck on the arms instead of the intended region of his buttocks.

¹³ Attachment 5, Pgs. 1-2.

¹⁴ Attachment 5, Pgs. 3-4.

¹⁵ Attachment 16,

¹⁶ Attachment 16, Pgs. 2-3.

¹⁷ Attachment 16, Pgs. 4-5; 31.

Involved Civilian 3 spoke with Involved Civilian 1 immediately after he showed Involved Civilian 2 the marks on his arms and provided an account like the ones reported to DCFS and the detectives; however, Involved Civilian 1 also stated to these agencies that he did not tell the teachers what had been reported. Doctor A examined Involved Civilian 1 and found no evidence of abuse. The Chicago Police Department Detective Division closed their investigation of child abuse as “Exc. Cleared Closed (other Exceptional) Accidental Injury.” DCFS also unfounded the allegation against Officer A.

325 ILCS 5/3 - The Abused and Neglected Child Reporting Act¹⁸ includes, *inter alia*, the following definitions:

"Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

(a) inflicts, causes to be inflicted, or allows to be inflicted upon such child physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(b) creates a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function; . . .

(e) inflicts excessive corporal punishment . . .

705 ILCS 405/2-3(2) - The Juvenile Court Act of 1987¹⁹ includes, *inter alia*, the following definitions:

(2) Those who are abused include any minor under 18 years of age whose parent or immediate family member, or any person responsible for the minor's welfare, or any person who is in the same family or household as the minor, or any individual residing in the same home as the minor, or a paramour of the minor's parent:

(i) inflicts, causes to be inflicted, or allows to be inflicted upon such minor physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(ii) creates a substantial risk of physical injury to such minor by other than accidental means which would be likely to cause death, disfigurement, impairment of emotional health, or loss or impairment of any bodily function; . . .

(v) inflicts excessive corporal punishment;

Neither act defines “excessive corporal punishment,” and finders of fact have broad discretion in determining when corporal punishment is excessive. *In re B.H.*, 389 Ill. App. 3d 316, 319, 905 N.E.2d 893, 329 Ill. Dec. 55 (2009). Instead, each case involving the adjudication of abuse on the basis of corporal punishment is *sui generis*, and must be decided on its own distinct set of facts and circumstances. *J.P.*, 294 Ill. App. 3d at 1002; *In re Malik B.-N.*, 2012 IL App (1st) 121706, ¶ 38, 984 N.E.2d 55, 368 Ill. Dec. 330.

¹⁸ 325 ILCS 5/3 - The Abused and Neglected Child Reporting Act.

¹⁹ 705 ILCS 405/2-3(2) - The Juvenile Court Act of 1987.

In the case of *People v. English M.*, 189 Ill. App. 3d. 392 (1st Dist. 1989)²⁰, the mother was accused of several allegations of abuse and neglect against her two sons, and there had been previous DCFS involvement. The mother appealed when the Circuit Court found that she had improperly used a belt to whip her children. When addressing this specific issue, the court in *English* held,

“Although the Juvenile Court Act does not define "excessive corporal punishment" and each circumstance is unique (*In re Stilley* (1977), 66 Ill.2d 515, 520, 363 N.E.2d 820), it has been held to be unreasonable conduct to spank a child [***11] with one of the child's belts so that some of the blows fall upon the child's back and chest (*People v. Swanson* (1980), 84 Ill. App. 3d 245, 405 N.E.2d 483), and to hit a child with an extension cord (*People v. Reynolds* (1980), 91 Ill. App. 3d 683, 685, 415 N.E.2d 685). Moreover, it has been determined to be excessive corporal punishment for a parent to whip his son twice with an extension cord (*People v. Johnson* (1985), 133 Ill. App. 3d 881, 884, 479 N.E.2d 481), and to paddle or spank a nine-year-old boy with a leather belt on his unclothed buttocks (*In re D.M.C.* (1982), 107 Ill.App. 3d 902, 905, 438 N.E.2d 254). Here, testimony by Stephen English and the boys' father established that the whipping by respondent of her seven year-old son with a belt was vicious and unreasonable and exceeded the bounds of proper parental force (*People v. Johnson*, 133 Ill. App. 3d 881, 479 N.E.2d 481; *People v. Swanson*, 84 Ill. App. 245, 405 N.E.2d 483), and therefore, constituted excessive corporal punishment.”

“Because the trial court must [***13] have broad discretion in determining the existence of neglect and abuse (*In re Stilley* (1977), 66 Ill. 2d 515, 520, 363 N.E.2d 820), there was no abuse of discretion where a whipping, as in this case, left permanent scars on a seven-year-old's back.”

In the matter at instant, it does not appear that the spanking intended by Officer A to punish her son for multiple occasions of misbehaving in school, and after all other avenues were exhausted, would be determined to be excessive corporal punishment based upon the examples and standards set forth by the Circuit and Appellate courts. Officer A expressed in her interview at the end that she only intended to punish her son for misbehaving in school and disobedience and that it was not commonplace for her to spank him with any object. She was not being vicious or unreasonable. Moreover, she reported that she made the decision to spank her son after she had talked to him several times, she had been to the school to meet with the teachers and she had issued alternate forms of punishment including taking away his privileges, but to no avail.

Officer A admitted that after hitting her son with his school belt he suffered the red marks that appeared on her his forearms. However, unlike in the court's review and disposition of *People v. English M.*²¹, no permanent belt marks were found on Involved Civilian 1 and she intended to hit his buttocks and not his arms, back or chest. The Respondent/Mother in *English*²² had used different objects to punish and whip the children, but Officer A stated that she did not use other

²⁰ *People v. English M.*, 189 Ill. App. 3d. 392 (1st Dist. 1989).

²¹ *People v. English M.*, 189 Ill. App. 3d. 392 (1st Dist. 1989).

²² *Id.*

objects to spank or hit her son and that previous spankings occurred with her hand on his buttocks. She also stated that Involved Civilian 1, unlike the children in *English*²³, was fully clothed when she attempted to spank him. Officer A did not use excessive corporal punishment when she spanked her son, Involved Civilian 1, with his school belt. Therefore, based upon the foregoing, Officer A did not commit an act of child abuse in violation of CPD policies and procedures.

VII. CONCLUSION

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

Officer	Allegation	Recommendation
Officer A	It has been alleged that on 10 December 2017, at approximately 1900 hours, at the residence at XXXX S. Oakley Ave., you: 1. Committed an act of child abuse by using an object to strike the minor, Involved Civilian 1, about the body causing injury in violation of Rules 1 and 8.	Unfounded

Approved:

 COPA Deputy Chief Administrator – Chief Investigator
Deputy Chief Administrator – Chief Investigator

 Date

²³ *Id.*

Appendix A

Assigned Investigative Staff

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