

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	August 14, 2016, at approximately 12 a.m. to 12:30 a.m., at or near ██████████ Chicago, IL 60634 August 11, 2016, at approximately 11 p.m. to 12:00 a.m. on August 12, 2016, at ██████████ Chicago, IL 60617 In or around mid-July 2016 at ██████████ Chicago, IL 60617
Date/Time of COPA Notification:	August 14, 2016, at 7:54 p.m.
Involved Officer #1:	██████████ Star # ██████████ Employee # ██████████ DOA: ██████████ 1994, Police Officer, Assigned to Unit ██████████ and Detailed to Unit ██████████ DOB: ██████████ 1969, Male, White
Involved Individual #1:	██████████ DOB: ██████████ 1987, Female, Hispanic
Case Type:	Domestic Altercation – Physical Abuse

I. ALLEGATIONS

Officer	Allegation	Finding
Officer ██████████ ██████████	1. It is alleged that on August 14, 2016, at approximately 12:00 to 12:30 a.m., at ██████████ ██████████ Chicago, IL 60634, ██████████ engaged in an unnecessary verbal altercation with Ms. ██████████ by stating “Get the fuck away from me.” 2. It is alleged that on August 14, 2016, at approximately 12:00 to 12:30 a.m., at ██████████ ██████████ Chicago, IL 60634, ██████████ unnecessarily pushed Ms. ██████████ about the left shoulder, causing injury.	1. Not Sustained 2. Not Sustained

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

<p>3. It is alleged that on August 11, 2016, at approximately 11 p.m. to 12:00 p.m. on August 12, 2016, at ██████████ Chicago, IL 60617, ██████████ went away without leave by visiting Ms. ██████████ at her home.</p>	<p>3. Unfounded</p>
<p>4. It is alleged that on August 11, 2016, at approximately 11 p.m. to 12:00 p.m. on August 12, 2016, at ██████████ Chicago, IL 60617, ██████████ engaged in an unnecessary verbal altercation with Ms. ██████████ by stating, “Well, you know, fuck you. I’m not going.” And “Now don’t fucking call me again.”</p>	<p>4. Not Sustained</p>
<p>5. It is alleged that at some time in or around mid-July 2016, at ██████████ Chicago, IL 60616, ██████████ unnecessary pinned Ms. ██████████ head against her bed.</p>	<p>5. Not Sustained</p>

II. SUMMARY OF EVIDENCE²

COPA’s investigation included interviews of the accused officer, ██████████ and the complainant, ██████████ (“█████████”⁴ Chicago Police Department (“CPD”) reports, documented the incident and included summaries of the complainant’s account of Officer ██████████ actions. COPA also received ██████████ criminal case transcripts⁵, 16 DV ██████████ and order of protection transcripts⁶ from ██████████ vs. ██████████ 16 OP ██████████ which includes testimony from ██████████ and ██████████ COPA received evidence technician photographs taken on August 15, 2016 of ██████████ Officer ██████████ provided COPA a copy of a police report filed with the Peoria Police Department.⁷ There was no video evidence available.

Upon a review of the compiled evidence, COPA finds the following narrative occurred by preponderance of the evidence. ██████████ and Officer ██████████ had a romantic relationship spanning roughly two years. Late in the evening on August 13, 2016, ██████████ drove to Officer

² COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

³ Attachment 60

⁴ Attachment 33

⁵ Attachment 52

⁶ Attachment 53

⁷ Attachment 56

██████████ home at ██████████ Chicago, IL, after he did not answer her texts and calls. Officer ██████████ was driving back from Peoria with his wife, ██████████ who was in the vehicle with him. ██████████ noticed Officer ██████████ car as he and his wife were driving to their home. Officer ██████████ also noticed ██████████ vehicle. ██████████ followed Officer ██████████ to his home, where she exited her vehicle and confronted Officer ██████████ requested Officer ██████████ return money he was given as a security deposit for an apartment. Officer ██████████ did so. Officer ██████████ and ██████████ then had a conversation for roughly an hour regarding their relationship.

There are then conflicting accounts as to what occurred next. ██████████ stated that Officer ██████████ grew angry as she told him their relationship was over and she returned his items to him from her car, and at which point ██████████ states Officer ██████████ pushed her about the shoulder, and she fell to the ground, hitting her head against her vehicle side mirror as she fell. Officer ██████████ denied the allegation, and stated he never put his hands on her, and that ██████████ left after their conversation without incident. Officer ██████████ statement is supported by ██████████ testimony in the order of protection hearing, in which she stated she could see both Officer ██████████ and ██████████ and he never pushed ██████████ and she left without incident after their conversation.

██████████ also added that on August 11, 2016, Officer ██████████ arrived at her house at ██████████ while he was working, and he engaged in a verbal conflict with her. Officer ██████████ stated he briefly stopped my ██████████ home to pick up a rental application, but that was not disobeying an order or superior, as he was there on a break. Officer ██████████ also vehemently denied engaging in a verbal conflict with ██████████

██████████ further added that some time in mid July 2016, at her home at ██████████ Chicago, IL 60616, Officer ██████████ unnecessary pinned ██████████ head against her bed. Officer ██████████ denied ever pinning ██████████ head down or against her bed.

III. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. *See e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

IV. ANALYSIS AND CONCLUSION

COPA finds that the Allegation #1 and Allegation #2, against Officer ██████████ are Not Sustained. ██████████ stated to IPRA that Officer ██████████ had engaged in an unnecessary verbal altercation and shoved her in the early hours of August 14, 2016, which she also testified to that in the criminal trial against Officer ██████████ and the order of protection hearing. The ET photos of ██████████ show some redness to ██████████ right cheek bone, however it is unclear how she received the redness or if it is indicative of trauma to her face. Officer ██████████ denied the allegations in his statement to COPA, and he denied the allegations against him in his criminal trial and order of protection hearing. Officer ██████████ statement is corroborated by the testimony of ██████████ at Officer ██████████ criminal trial and the order of protection hearing. COPA finds that all parties involved had some motive to not be completely truthful, as the Cook County judges also believed in the criminal trial and order of protection hearing. Officer ██████████ and ██████████ would be adversely affected by Officer ██████████ losing his job as a Chicago Police Officer, and his pension. Due to the lack of corroborative evidence, it is not clear by a preponderance of the evidence that Officer ██████████ engaged in an unnecessary verbal altercation with ██████████ nor is it clear by a preponderance of the evidence that Officer ██████████ unnecessarily pushed ██████████ about the left shoulder, causing injury. Therefore, COPA finds that Allegation #1 and Allegation #2 are Not Sustained.

██████████ stated that Officer ██████████ engaged in an unnecessary verbal altercation with her and then later came to her house on August 11, 2016. Officer ██████████ stated in his statement to COPA that he never engaged in a verbal altercation with ██████████ but he did go to her house on the date and time alleged and did so briefly to pick up a rental application, as he took a break. As officers and detectives are allowed breaks during their work shifts, COPA finds that no police misconduct occurred, and as such Allegation #3 be Unfounded. Regarding Allegation #4, it is not clear by a preponderance of the evidence that Officer ██████████ ever engaged in a verbal altercation or made those statements to ██████████. As such, COPA finds that allegation #4 is Not Sustained.

Finally, COPA finds that allegation #5 against Officer ██████████ is Not Sustained. In her statement to IPRA, ██████████ alleged that at some time in mid-July 2016 at her home located at

[REDACTED] unnecessarily pinned her head against her bed. In his statement to COPA, Officer [REDACTED] denied ever pinning [REDACTED] head against her bed or engaging in any physical altercation with her. As it is not clear by a preponderance of the evidence that Officer [REDACTED] pinned [REDACTED] head against her bed, COPA finds that Allegation #5 is Not Sustained.

[REDACTED]

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

4-26-19
Date

Appendix A

Assigned Investigative Staff

Squad#:	█
Investigator:	██████████
Supervising Investigator:	██████████
Deputy Chief Administrator:	Angela Hearts-Glass
