

**SUMMARY REPORT OF INVESTIGATION<sup>1</sup>**

**I. EXECUTIVE SUMMARY<sup>2</sup>**

Date of Incident:	March 29, 2014
Time of Incident:	3:30 PM
Location of Incident:	██████████ ██████████ ██████████
Date of COPA Notification:	March 31, 2014
Time of COPA Notification:	10:13 AM

On March 29, 2014 at 3:30 PM, at or around ██████████ ██████████ ██████████, the accused, Officer ██████████ called police to the home of Complainant, ██████████. This call was in response to an alleged physical altercation ██████████ and her family had with ██████████ who was the son of Officer ██████████ girlfriend, ██████████. ██████████ alleged that during this incident Officer ██████████ while off duty and in the presence of other officers, grabbed her by the hair and pulled her into the street while threatening, “Bitch, you are going to jail,” and that he was going to “blow her head off.” Officer ██████████ denied the allegations. For the reasons listed below this complaint is **Not Sustained**.

**II. INVOLVED PARTIES<sup>3</sup>**

Involved Officer #1:	██████████ Star # ██████████ Employee # ██████████ Date of appointment ██████████/89, Unit ██████████ DOB ██████████60, Male, Black
Involved Individual #1:	██████████ Female, Black, DOB ██████████/69

**III. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding / Recommendation</b>
Officer ██████████	1. ██████████ alleges that on 29 March 2014, at approximately 1852 hours, at ██████████ Place, while off duty, Officer ██████████ opened the front gate to her home and grabbed her by her hair.	Not Sustained

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

<p>2. ██████ alleges that on 29 March 2014, at approximately 1852 hours, at ██████ while off duty, Officer ██████ pulled her towards the middle of the street.</p>	<p>Not Sustained</p>
<p>3. ██████ alleges that on 29 March 2014, at approximately 1852 hours, at ██████ while off duty, Officer ██████ twisted her arms behind her back for no reason.</p>	<p>Not Sustained</p>
<p>4. ██████ alleges that on 29 March 2014, at approximately 1852 hours, at ██████ while off duty, Officer ██████ repeatedly verbally abused her and directed profanities at her, in which he referred to her as a “Bitch”; and threatened to, “Blow her fucking head off.”</p>	<p>Not Sustained</p>

**IV. APPLICABLE RULES AND LAWS**

Rules

1. Rule 2 - Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 8 – Disrespect to or maltreatment of any person, while on or off duty.
3. Rule 9 - Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

General Orders

- 1.G03-02-01: The Use of Force Model (Effective 5/15/12)

State Laws

1. 725 ILCS 5/103-1 Rights on Arrest

## V. INVESTIGATION<sup>4</sup>

### a. Interviews

On April 1, 2014 at approximately 11:00 AM, ██████████ gave a statement to IPRA at 1615 W. Chicago Avenue. She stated that on March 29, 2014 at approximately 6:30 PM, while on the front porch of ██████████ St., she was physically assaulted and threatened by an off-duty officer named ██████████ stated that she has been involved in an ongoing family dispute involving her sister, ██████████ and her nephew, ██████████ the son of ██████████ Earlier that day, ██████████ and her son, ██████████ (now known as ██████████) got into an altercation with ██████████ accused them of jumping him and taking his phone. Later that day, the police, along with ██████████ and Officer ██████████ came to the home of ██████████ mother, at ██████████ ██████████ to confront ██████████ and her family. Before the uniformed officers approached the house, Officer ██████████ walked up to ██████████ entered the gate, grabbed her by the hair and pulled her into the street. ██████████ stated Officer ██████████ said, “Bitch, you are going to jail!” and threatened to blow her head off.<sup>6</sup> ██████████ stated she could feel that he had a gun, but he did not have handcuffs. He then pulled her arms behind her back and a female uniformed officer placed ██████████ in handcuffs to be arrested. Officer ██████████ told responding officers at the scene that ██████████ spit in his face and in ██████████ face. ██████████ denies spitting in their faces. After Officer ██████████ grabbed ██████████ her nephew, ██████████ tried to intervene to defend her and was also arrested by other officers at the scene. ██████████ identified several other witnesses at the scene including her son (██████████) her daughter (██████████) and her nephew (██████████).

On December 14, 2014 at approximately 8:20 AM ██████████ gave a statement to IPRA at 1615 W. Chicago Avenue. She stated that on March 29, 2014 she received a phone call from her son ██████████ saying he had been attacked by her sister, ██████████ and several of his cousins including ██████████ a man known as ██████████ and ██████████ and ██████████ had been involved in a long family feud back and forth for the past year. Once ██████████ received the call from ██████████ she told her boyfriend, Officer ██████████ about the incident and requested that Officer ██████████ take her to see ██████████ at his house. On the way to ██████████ house, located at ██████████ Officer ██████████ called 911. He identified himself as an officer and asked dispatch to have a police car meet them at ██████████ At ██████████ ██████████ Officer ██████████ approached and spoke to the on-duty officer who was sent to the house. ██████████ described her as an African American lady. Officer ██████████ identified himself as a police officer and told the officer that ██████████ was attacked by six or seven individuals. ██████████ and Officer ██████████ then directed the officer to ██████████ ██████████, where the ██████████ mother lived and ██████████ attackers were believed to be located. The location was nearby, so Officer ██████████ and ██████████ walked over while the uniformed officer drove her vehicle. ██████████ stated that, once they arrived at ██████████ St., ██████████ charged off of the porch towards them and tried to hit ██████████ but spat in his face instead. At that point, the police officer exited her vehicle and attempted to arrest ██████████ but ██████████ resisted, causing the officer to have difficulty placing the

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<sup>4</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>5</sup> Attachment 73

<sup>6</sup> Att. 73 at p. 13

<sup>7</sup> Attachment 74

cuffs on her. At that point Officer ██████ came over and assisted the officer by placing ██████ hands behind her back. The female officer then was able to place handcuffs on ██████. At some point during the altercation, ██████ threw a bottle and was placed under arrest as well. ██████ stated he resisted arrest and Officer ██████ went over to convince him to comply. ██████ complied and stopped resisting. ██████ insisted she never saw Officer ██████ enter the yard, grab ██████ by the hair, pull her out into the street, or threaten her.

On August 3, 2015, Officer ██████ gave a statement to IPRA at 1615 W. Chicago Ave. Officer ██████ independent recollection of the incident on March 29, 2014 at ██████ Pl. was poor. She did not recall meeting with Officer ██████ or ██████ at ██████ before the incident occurred. She stated she believed she was called out with her partner, Officer ██████ to ██████ Pl. to respond to a battery. She recalled speaking with Officer ██████ just before she arrived at ██████ Pl. and said he told her something about a prior incident, but she did not independently recall the details. She had no recollection as to whether Officer ██████ was present on scene at ██████ Pl. and had no recollection of him assisting her with an arrest.<sup>9</sup> She stated that at the scene one individual threw a bottle and was arrested by her partner. Soon after the bottle was thrown, an African American woman charged out of nowhere. The arrest report reminded her that this woman was ██████ but Officer ██████ did not independently recall her name. Officer ██████ stated she placed the woman in handcuffs and arrested her because she was interfering with an investigation. She had no recollection of Officer ██████ approaching, touching, or threatening ██████. She had no recollection of any complaints made by ██████

On August 4, 2015 at 4:07 PM, Officer ██████ gave a statement to IPRA at 1615 W. Chicago Ave. He stated that on March 29, 2014 at approximately 1852 hours, he was in the vicinity of ██████. He and his partner, Officer ██████ were responding to a disturbance call at ██████. Officers ██████ and ██████ were the first officers on the scene. Officer ██████ stated when they arrived that he was talking to an unknown male, when Officer ██████ suddenly left the car and ran towards the scene.<sup>11</sup> Soon after Officers ██████ and ██████ arrived, Officer ██████ observed ██████ throw a can towards the crowd that had gathered. Officer ██████ was occupied elsewhere on the scene, so Officer ██████ moved to arrest him. ██████ resisted Officer ██████ attempts to place him in handcuffs. An unknown individual came up the stairs to assist Officer ██████ in placing ██████ into handcuffs. A sergeant, believed by Officer ██████ to be Sergeant ██████ came and told Officer ██████ to place ██████ in the squad car and leave the scene. Officer ██████ did not witness the arrest of ██████ and has no knowledge of any complaints she may have made on scene. Officer ██████ could not say whether Officer ██████ was on the scene at ██████ Pl. and stated he was unsure of whether he knew who Officer ██████ was. When shown a picture of Officer ██████ Officer ██████ did recognize him as an officer who works in his district on a different watch. Officer ██████ stated he was familiar with him but did not know him personally. Officer ██████ stated he did not have any interaction with Officer ██████ that day.

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<sup>8</sup> Attachment 77

<sup>9</sup> Att 77 at p.7

<sup>10</sup> Attachment 86

<sup>11</sup> Att 86 at p. 8

On August 5, 2015 at 4:05 PM, **Officer** [REDACTED] gave a statement to IPRA at 1615 W. Chicago Ave. Officer [REDACTED] repeatedly stated that he had no recollection of the incident that happened on March 29, 2014.<sup>13</sup> Based on the arrest reports, he was present and was dispatched to the location of [REDACTED] Pl., but he did not recall the details of the incident nor did he recall what arrests, if any, were made. When shown a picture of Officer [REDACTED] he stated that he had seen him around the District [REDACTED] station occasionally but did not know him personally. Officer [REDACTED] had no knowledge of whether Officer [REDACTED] was at [REDACTED] Pl. on March 29, 2014.

On April 22, 2016 at 1:16 PM, **Officer** [REDACTED] gave a statement to IPRA at 1615 W. Chicago Ave. Officer [REDACTED] stated he was one of the officers that responding to the previous incident at [REDACTED] in which [REDACTED] was allegedly attacked by [REDACTED] Officer [REDACTED] recalled responding to that location and filling out a contact card for [REDACTED].<sup>15</sup> Officer [REDACTED] recollection of the incident was poor but he did recall that a large group of people were involved and were causing a “commotion.”<sup>16</sup> When shown a picture of Officer [REDACTED] Officer [REDACTED] said he was familiar with him because they worked in the same district but on different shifts. He did not know Officer [REDACTED] well. He did recall that Officer [REDACTED] was on scene at [REDACTED] St. Officer [REDACTED] observed Officer [REDACTED] speaking with other officers on the scene but did not see him go on the porch of the house. Officer [REDACTED] did not recall anyone being arrested. Officer [REDACTED] did overhear several people on the porch mentioning Officer [REDACTED] by name but he did not recall any details as to what they said about him.

On September 18, 2015 at 6:17 PM, **Sergeant** [REDACTED] gave a statement to IPRA at 1615 W. Chicago Ave. Sergeant [REDACTED] repeatedly insisted throughout his statement that he did not recall any details about the incident at [REDACTED] St. When shown photos of [REDACTED] and [REDACTED] he did not recognize either of them. When he was given the narrative of the related arrest reports, he stated that after reading them he still did not have any recollection of events. He stated he has known Officer [REDACTED] since 1998 but has never heard him mention anything about the [REDACTED] family.

On August 4, 2015 at 5:16 PM, **Sergeant** [REDACTED] [REDACTED] gave a statement to IPRA at 1615 W. Chicago Ave. Sergeant [REDACTED] stated that on March 29, 2014 she was called out to [REDACTED] Pl. in response to a large fight. She stated that she has been called to that location on several locations for fights and domestic calls. When she arrived on the scene, there were numerous people yelling and fighting. She did not recall anything specific they were yelling about. She said she knows a woman was arrested but does not know the identity of the woman. Sergeant [REDACTED] stated the woman was placed in a squad car before she arrived. Sergeant [REDACTED] does know Officer [REDACTED] because he works in her district on a different shift. She had no recollection of him being

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<sup>12</sup> Attachment 85

<sup>13</sup> Att. 85 at p.5 and p.9

<sup>14</sup> Attachment 101

<sup>15</sup> Attachment 16

<sup>16</sup> Att. 101 at p.7

<sup>17</sup> Attachment 88

<sup>18</sup> Attachment 87

on the scene at [REDACTED] Pl. and does not remember him ever mentioning any relationship to the [REDACTED] family.

On December 15, 2014 at approximately 8:20 AM, **Accused Officer** [REDACTED] gave a statement to IPRA at 1615 W. Chicago Ave. Officer [REDACTED] stated that by 3:30 PM on March 29, 2014 he finished his shift for the day and was out of uniform. While off-duty, he was with his girlfriend, [REDACTED] when she got a call from her son, [REDACTED] was calling to tell [REDACTED] that he was attacked by his aunt, [REDACTED] and his cousins. [REDACTED] wanted to go to her son's apartment, so Officer [REDACTED] took [REDACTED] to [REDACTED] apartment and called the police. When speaking to the police, Officer [REDACTED] identified himself as an off-duty police officer and asked that they meet him in front of [REDACTED] apartment. After the police arrived at [REDACTED] apartment, Officer [REDACTED] spoke with the officers in the police car. Specifically, he stated that he spoke with Officer [REDACTED] and Officer [REDACTED]. He explained [REDACTED] claims to them and asked them to speak with [REDACTED]. Officer [REDACTED] stated [REDACTED] directed the officers to a nearby house, [REDACTED], where he identified his attackers. Officer [REDACTED] stated Officers [REDACTED] and [REDACTED] then drove their vehicle to [REDACTED] where the attackers were allegedly located. [REDACTED] and Officer [REDACTED] walked to [REDACTED] Pl. located nearby. Officer [REDACTED] stated that as the officers approached the house, [REDACTED] and several of her relatives, got off the porch and moved to attack [REDACTED] and [REDACTED] managed to spit on [REDACTED] before she was stopped by Officer [REDACTED]. Officer [REDACTED] stated Officer [REDACTED] told her "I'm gonna put you—now, you're going to jail."<sup>20</sup> Officer [REDACTED] stated Officer [REDACTED] attempted to put [REDACTED] into handcuffs to secure her for arrest, but [REDACTED] tried to get away from Officer [REDACTED]. At the same time, [REDACTED] threw a bottle and hit another bystander in the face, so Officer [REDACTED] who was with Officer [REDACTED] proceeded up the steps to arrest him, and therefore, was separated from Officer [REDACTED]. As Officer [REDACTED] went to arrest [REDACTED] Officer [REDACTED] grabbed [REDACTED] by her coat to prevent her from getting away from Officer [REDACTED]. He told [REDACTED] "Give her (Officer [REDACTED] your hand. Let her put cuffs on you."<sup>21</sup> Officer [REDACTED] stated he helped Officer [REDACTED] grab her arm to place handcuffs on her. Officer [REDACTED] stated that he did not enter the yard of the [REDACTED] until [REDACTED] was already in custody. After Officer [REDACTED] secured [REDACTED] Officer [REDACTED] entered the yard where another officer was struggling to arrest [REDACTED]. Officer [REDACTED] stated he has known [REDACTED] since he was a child, so he attempted to calm him down and convince him to comply with the other officer on scene. Officer [REDACTED] states that he never threatened [REDACTED] directed profanity at her, or pulled her hair.

#### b. Documentary Evidence

According to [REDACTED] **Arrest Report**,<sup>22</sup> she was arrested on March 29, 2014 at 18:52 hours at [REDACTED]. The report narrative states that she was arrested by Beat [REDACTED] and [REDACTED] on signed complaints that during an ongoing family dispute and a fight on the street she spit on [REDACTED]. Her actions were witnessed by the Arresting Officers [REDACTED] and [REDACTED]. She was transported to the [REDACTED] District for processing.

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<sup>19</sup> Attachment 50

<sup>20</sup> Att. 50 at p.18

<sup>21</sup> Att. 50 at p. 21

<sup>22</sup> Attachment 17

According to [REDACTED] **Arrest Report**,<sup>23</sup> [REDACTED] was arrested on March 29, 2014 at 18:52 hours at [REDACTED]. The report narrative states that he was arrested by Beat [REDACTED] and [REDACTED] on a signed complaint that during a family dispute he threw a paving stone at [REDACTED] striking him. [REDACTED] was not seriously injured. [REDACTED] was transported to male lock up at [REDACTED] District for processing.

The **General Offense Case Report**,<sup>24</sup> RD# [REDACTED] states that Responding Officers [REDACTED] and [REDACTED] were responding to an ongoing incident. In the first incident, offenders [REDACTED] and [REDACTED] chased [REDACTED] to steal his cell phone. [REDACTED] struck [REDACTED] in the back with a rock. [REDACTED] refused medical treatment. The second incident happened an hour later. During that incident, [REDACTED] spat in [REDACTED] face when he confronted her about the stolen cell phone. No injuries were reported.

Records obtained from the **Office of Emergency Management and Communications (OEMC)**<sup>25</sup> document several events related to this incident. **Event #** [REDACTED] documents a call placed on March 29, 2014 at 6:50 PM. The caller was female and complained of fighting outside of the location. The phone number on the event query matches the contact number given by [REDACTED] for her daughter, [REDACTED] and listed in the arrest report.

**Event #** [REDACTED] documents a call placed on March 29, 2014 at 6:58 PM. The caller stated that police jumped on and beat her mother and placed her mother into the back of a squad car. The phone number on the event query matches the contact number given by [REDACTED] for her daughter, [REDACTED] and listed in the arrest report.

**Event #** [REDACTED] documents a call placed on March 29, 2014 at 7:01 PM. The caller asked for a supervisor and stated that she was arrested and is currently in the back of the squad car. The caller stated that Officer [REDACTED] was her sister's boyfriend and that he attacked the caller for no reason. The number of the event query matches [REDACTED] contact number on the arrest report.

## VI. 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;

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<sup>23</sup> Attachment 19

<sup>24</sup> Attachment 21

<sup>25</sup> Attachment 38

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.

## VII. ANALYSIS

COPA finds **Allegations 1-4**, that Officer ██████ are **Not Sustained**. In this case there are two competing narratives. ██████ alleges that Officer ██████ while off-duty, entered her mother's front gate, grabbed her by the hair, pulled her into the street, twisted her arms behind her back, and threatened to "blow her head off." Officer ██████ account of the encounter is that Officer ██████ let the on-duty officer, Officer ██████ arrest ██████ When ██████ resisted arrest, Officer ██████ helped Officer ██████ get her into handcuffs by grabbing one of ██████ arms. However, there is not enough evidence to support either narrative by a preponderance of evidence.

██████ gave IPRA a sworn statement on the record. In that statement she makes her allegations. However, none of the other witnesses who gave statement in this case corroborate her version of events. Despite numerous attempts by investigators, no civilian witnesses, with the single exception of ██████ were willing or able to give statements on this case.<sup>26</sup> The only evidence supporting ██████ complaint is a series of calls to OEMC. In one of those calls, ██████ daughter, phoned OEMC stating that the police attacked her mother and arrested her for no reason. However, ██████ does not specifically accuse Officer ██████ and never gave a statement to investigators. Without a statement, ██████ credibility cannot be determined and further details of the alleged attack cannot be gleaned. ██████ did call OEMC from the back of the squad car and asked for a supervisor. During this call, ██████ did make statements consistent with her statement to IPRA. Although this statement, at the time of her arrest, gives her some credibility, it is not enough to further corroborate her story.

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<sup>26</sup> For documentation of efforts to contact witnesses, see case log as well as attachments 24-28, 102, 105, 106, 122, 123, 137 and 139



Officer ██████ gave statement to IPRA in which he told his version of events. None of the statements of the witness officers in this case corroborate or refute his story as most of them claimed to have poor recollection of the incident. In fact, some officers were unsure if Officer ██████ was even on scene during the incident. Moreover, Officer ██████ had no recollection of Officer ██████ assisting her in the arrest of ██████ statement is virtually identical to that of Officer ██████ At the time of her statement, ██████ was romantically involved with Officer ██████ She was also engaged in a bitter family dispute with ██████ While there is no evidence to cast doubt on ██████ credibility, COPA must allow for the possibility for bias in her statement, given the relationships involved. It is also worth noting that when investigators followed up with ██████ years later, she was no longer involved with Officer ██████ but she did not recant her statement. So, while ██████ statement supports Officer ██████ statement, that support is not strong enough to meet the clear and convincing standard required for an exonerated or unfounded finding.

Therefore, COPA finds that there is insufficient evidence to prove the allegations by a preponderance of the evidence and finds the allegations in this case are **Not Sustained**.

**VIII. CONCLUSION**

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

Officer	Allegation	Finding / Recommendation
Officer ██████	1. ██████ alleges that on 29 March 2014, at approximately 1852 hours, at ██████ Place, while off duty, Officer ██████ opened the front gate to her home and grabbed her by her hair.	Not Sustained
	2. ██████ alleges that on 29 March 2014, at approximately 1852 hours, at ██████ Place, while off duty, Officer ██████ pulled her towards the middle of the street.	Not Sustained
	3. ██████ alleges that on 29 March 2014, at approximately 1852 hours, at ██████ Place, while off duty, Officer ██████ twisted her arms behind her back for no reason.	Not Sustained
	4. ██████ alleges that on 29 March 2014, at approximately 1852 hours, at ██████ Place, while off duty, Officer ██████ repeatedly verbally abused her and directed profanities at her, in which he referred to her as a “Bitch”; and threatened to, “Blow her fucking head off.”	Not Sustained

Approved:



April 29, 2019

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*Deputy Chief Administrator – Chief Investigator*



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Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	9
<b>Investigator:</b>	
<b>Supervising Investigator:</b>	
<b>Deputy Chief Administrator:</b>	