

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	July 17, 2016
Time of Incident:	10:30 AM
Location of Incident:	██████████
Date of COPA Notification:	July 17, 2016
Time of COPA Notification:	11:53 AM

On July 17, 2016 COPA was notified that the complainant, ██████████, called the police to report an allegation of domestic violence against Officer ██████████. Ms. ██████████ alleged that on July 17, 2016, Officer ██████████ threw keys at her, grabbed her about the neck in attempts to strangle her and physically restrained her on the floor. Chicago Police officers responded to the scene, but Officer ██████████ was not present. Ms. ██████████ ultimately refused to be interviewed by COPA for this investigation and Officer ██████████ denied the allegations. Based on the totality of the evidence obtained, COPA finds that these allegations are **Not Sustained**.

II. INVOLVED PARTIES

Involved Officer #1:	██████████, Star ██████████, Employee # ██████████, Date of Appointment: ██████████, 2001, Police Officer, Unit ██████████, DOB ██████████, 1969, Male, Black
Involved Individual #1:	██████████, DOB ██████████, 1974, Female, Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer ██████████	1. The complainant, ██████████, alleged that on July 17, 2016, at approximately 10:30 AM, at the location of ██████████, Officer ██████████ threw a key at her in violation of Rule 8.	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>2. The complainant, [REDACTED], alleged that on July 17, 2016, at approximately 10:30 AM, at the location of [REDACTED], Officer [REDACTED] grabbed her by the neck in violation of Rule 9.</p>	<p>Not Sustained</p>
<p>3. The complainant, [REDACTED], alleged that on July 17, 2016, at approximately 10:30 AM, at the location of [REDACTED], Officer [REDACTED] choked her in Violation of Rule 9.</p>	<p>Not Sustained</p>
<p>4. The complainant, [REDACTED], alleged that on July 17, 2016, at approximately 10:30 AM, at the location of [REDACTED], Officer [REDACTED] physically restrained her on the floor in violation of Rule 9.</p>	<p>Not Sustained</p>

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 8 - “Disrespect to or maltreatment of any person, while on or off duty.
2. Rule 9 – “Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

V. INVESTIGATION

a. Interviews

The victim, [REDACTED], failed to cooperate with this investigation. After failing to appear at three scheduled interviews with IPRA, Ms. [REDACTED] related she did not wish to cooperate with the investigation and signed a form to that effect on Sep. 20, 2016.²

In a digitally recorded statement at COPA on Nov. 2, 2018, **Officer [REDACTED]** related that he met and began to date [REDACTED] in 2012 when he and his wife were having marital problems. Officer [REDACTED] and Ms. [REDACTED] had a child together and, though his wife found out years later, Officer [REDACTED] and his wife decided to remain married. A few days prior to the incident, Officer [REDACTED] wife told him that he needed to end his relationship with Ms. [REDACTED] if he wanted to remain married to her. On the date of the incident, Officer [REDACTED] wife returned from a weeklong trip and suspected that he had been spending time with Ms. [REDACTED]. Officer [REDACTED] stated that he was tired of lying to his wife and decided to repair his marriage and break up with Ms. [REDACTED]. In his statement, Officer [REDACTED] admitted that the night before the incident, while his wife was out of town, he and Ms. [REDACTED] went to grab something to eat before renting a hotel room on [REDACTED] for a few hours. After

² Att. 27

the hotel visit, he took Ms. [REDACTED] home and stayed there for a while before returning to his marital residence.

After making the decision to break up with Ms. [REDACTED], he left his house and went to have a face-to-face conversation with Ms. [REDACTED]. Officer [REDACTED] arrived at Ms. [REDACTED] house and opened the door with the key she previously gave him. Ms. [REDACTED] was alone and seated in the front room. Although Ms. [REDACTED] had five children between the ages of seventeen and six, an adult brother, and a friend living with her, Officer [REDACTED] did not know if anyone else was present inside of the home at the time. Once inside, Officer [REDACTED] told Ms. [REDACTED] that he was breaking up with her and explained that he would still take care of his responsibilities as a father to their child. Officer [REDACTED] stated that Ms. [REDACTED] became enraged and began yelling and throwing things. Officer [REDACTED] stated Ms. [REDACTED] felt as if she put too much time into their relationship for him to walk out of her life. Officer [REDACTED] claimed he tossed Ms. [REDACTED] house keys to her and she caught them with her hands. Officer [REDACTED] stated that, as was leaving her apartment, Ms. [REDACTED] threw an ashtray at him that missed him and smashed against the door. Officer [REDACTED] stated that he returned to his marital residence and was shocked when he received a call from his District Station alleging that he had physically assaulted Ms. [REDACTED].

When Officer [REDACTED] reported to [REDACTED], he was arrested for Aggravated Domestic Battery but was released without charging. Officer [REDACTED] categorically denied the allegations against him and stated that he does not know how Ms. [REDACTED] sustained injuries. Officer [REDACTED] described himself as being 6'3" and weighing approximately 270 pounds and described Ms. [REDACTED] as being 5'7" and weighing approximately 185 pounds. Additionally, Officer [REDACTED] stated that he did not know his wife and Ms. [REDACTED] had been contacting each other on Facebook until the detectives told him.³

b. Digital Evidence

Office of Emergency Management and Communications (OEMC) Records show that on July 17, 2016, at approximately 10:54 a.m., [REDACTED] called 911 and requested police service to the location of [REDACTED]. She reported that her boyfriend, Chicago Police Officer [REDACTED], jumped on her, choked her, slammed her to the ground, and destroyed her belongings.⁴

c. Physical Evidence

Evidence Technician Photographs of Ms. [REDACTED] depict what appears to be a small bruise on her neck. Other photos depict what appears to be shattered pieces of an unknown object on the floor near the entry door, an overturned chair and table strewn about the living room, and a set of keys on the floor.⁵

³ Att. 51

⁴ Att. 23

⁵ Att. 26

d. Documentary Evidence

In her **Petition for Order of Protection**, Ms. ██████ related that on July 17, 2016, Officer ██████ entered her house with a key, threw the key at her, and accused her of providing information to his wife. The petition further alleges that Officer ██████ grabbed Ms. ██████ by the throat and choked her. As she was trying to break free from his grasp, she tripped over the living room furniture and both she and Officer ██████ tumbled to the floor. Officer ██████ briefly held Ms. ██████ down on the floor before leaving her apartment.⁶

As documented in **Chicago Police Department Reports**, victim ██████ stated that on July 17, 2016, at approximately 11:00 a.m., her boyfriend, Officer ██████, entered her home with the keys she had previously given him and threw the keys at her. Officer ██████ then attacked and choked her. As Ms. ██████ stood up, Officer ██████ continued to choke her, and they both fell to the ground. Officer ██████ then got up and walked out of her apartment. While Sgt. ██████ reported seeing bruises around Ms. ██████ neck and requested an evidence technician to take photographs, Ms. ██████ refused medical treatment. Officer ██████ was arrested for Aggravated Domestic Battery but released without charging pending further evidence as requested by the Cook County State's Attorney's Office.⁷

The **Detectives Supplemental Report** for RD# ██████ documents that when detectives responded to Ms. ██████ apartment on the date of the incident, the detectives observed the living room furniture disheveled. Ms. ██████ related that she and Officer ██████ partied the previous night, went to a hotel afterwards, and had sexual intercourse. The next morning, she returned home, and Officer ██████ went to his residence. At this time, Ms. ██████ noticed that Officer ██████ wife had made multiple attempts to contact her on Facebook. Ms. ██████ was aware that Officer ██████ was married and added that she and Officer ██████ had been in a romantic relationship for four years. Officer ██████, who was upset about the communication between Ms. ██████ and his wife, returned to Ms. ██████ apartment and gained entry with his key. Once inside, he threw the keys at Ms. ██████, grabbed her by the neck with one hand, and pushed her to the ground. Ms. ██████ and Officer ██████ began scuffling, knocking furniture down in the process. After the altercation, Officer ██████ left, and Ms. ██████ called the police. Ms. ██████ five children were home during the incident, but Ms. ██████ did not consent for them to be interviewed.

Officer ██████ was arrested on July 17, 2016, but spoke with detectives while in police custody. Officer ██████ related that he was with Ms. ██████ and a friend of hers the night before at a hotel. After their sexual encounter, Officer ██████ dropped Ms. ██████ off at her apartment and he returned home. Upon his return home, his wife confronted him about his relationship with Ms. ██████. Offer ██████, in turn, returned to Ms. ██████ apartment to break up with her. He admitted throwing the keys to her with the intent for her to catch the keys. Officer ██████ denied having any physical contact with Ms. ██████ while at her apartment. Officer ██████ stated that Ms. ██████ was pregnant with his child and he did not harm her in any way. Officer ██████ stated that Ms. ██████ had previously threatened to call the police and report him for abuse if he ever broke up with her.⁸

⁶ Att. 17

⁷ Att. 7, 8

⁸ Att. 53

An **Emergency Order of Protection** was granted on July 19, 2016, restricting Officer [REDACTED] from having any contact with Ms. [REDACTED], with a return court date of August 9, 2016.⁹ On August 9, 2016, the Emergency Order of Protection was terminated on Ms. [REDACTED] motion.¹⁰

e. Additional Evidence

A canvass was conducted but no additional witnesses were identified.¹¹

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;
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 recommends a finding of **Not Sustained** for **Allegations #1-4** that Officer [REDACTED] threw a key at [REDACTED], grabbed her by the neck, choked her, and physically restrained her on the floor. Although Ms. [REDACTED] immediately called the police and filed an emergency order of

⁹ Att. 18

¹⁰ Att. 32

¹¹ Att. 28

protection, she failed to cooperate with this investigation and eventually terminated the emergency order of protection. This prevented COPA from having the opportunity to hear her account of the events that occurred on July 17, 2016. In his statement, Officer [REDACTED] stated that he tossed the keys to her and she caught them. Officer [REDACTED] denied the allegations and stated that, although Ms. [REDACTED] was angry over the break-up and threw an ashtray at him that shattered when it hit the wall, he did not have any physical contact with her. Although Ms. [REDACTED] sustained a bruise to her neck, without Ms. [REDACTED] full account of the incident, additional witnesses to the incident, body camera evidence, medical records, or additional corroborating evidence there is insufficient evidence to either prove or disprove the allegations. Thus, the allegations are **Not Sustained**.

VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer [REDACTED] [REDACTED]	1. The complainant, [REDACTED], alleged that on July 17, 2016, at approximately 10:30 AM, at the location of [REDACTED], Officer [REDACTED] threw a key at her in violation of Rule 8.	Not Sustained
	2. The complainant, [REDACTED], alleged that on July 17, 2016, at approximately 10:30 AM, at the location of [REDACTED], Officer [REDACTED] grabbed her by the neck in violation of Rule 9.	Not Sustained
	3. The complainant, [REDACTED], alleged that on July 17, 2016, at approximately 10:30 AM, at the location of [REDACTED], Officer [REDACTED] choked her in Violation of Rule 9.	Not Sustained
	4. The complainant, [REDACTED], alleged that on July 17, 2016, at approximately 10:30 AM, at the location of [REDACTED], Officer [REDACTED] physically restrained her on the floor in violation of Rule 9.	Not Sustained

Approved:



March 29, 2019



Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

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