CIVILIAN OFFICE OF POLICE ACCOUNTABILITY   **LOG# 1083058**

SUMMARY REPORT OF INVESTIGATION[1]

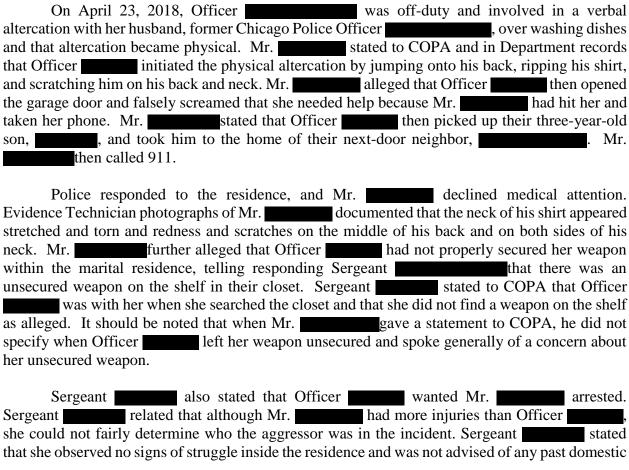|	
Date/Time/Location of Incident:	April 23, 2015, at approximately 07:34 a.m., ██████ ██████, Chicago, Illinois
Date/Time of COPA Notification:	April 23, 2015, at approximately 09:43 a.m.
Involved Officer #1:	████████████; Star #█████; Employee ID #████; DOA: ████████, 2002; DOB: Police Officer; UOA: ██ District/Unit ██; Female; White.
Involved Officer #2:	████████████; Star #████; Employee ID #█████; DOA: █████████, 1991; DOB: █████, 1963; Sergeant: UOA: ██ District; Female; White.
Involved Individual #1:	████████, ████; DOB: ████████, 1972; Male; White
Involved Individual #2:	████████, ████; DOB: ████████, 1983; Female; White.
Involved Individual #3:	████████████; DOB: █████████, 1941; Female; White.
Case Type:	Domestic

I.   ALLEGATIONS

Officer	Allegation	Finding
Officer ██████	1. It is alleged that on April 23, 2018 at approximately 7:34 a.m. at ████████████., Chicago, IL, Officer ███████ physically maltreated the victim, █████████████, when she jumped on his back of as he tried to leave the residence;	Not Sustained
	2. It is alleged that on April 23, 2018 at approximately 7:34 a.m. at ████████████.,	Not Sustained

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[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.

	Chicago, IL, Officer ███████ scratched the back of ████████████'s neck;	
	3. It is alleged that on April 23, 2018 at approximately 7:34 a.m. at ████████████., Chicago, IL, Officer ████████ tore ██████ ████████'s shirt; and	Not Sustained
	4. It is alleged that on unknown dates and times, Officer ████████ failed to properly secure her weapon within the home.	Not Sustained

II.   SUMMARY OF EVIDENCE[2]

On April 23, 2018, Officer ████████████ was off-duty and involved in a verbal altercation with her husband, former Chicago Police Officer ████████████, over washing dishes and that altercation became physical. Mr. ████████ stated to COPA and in Department records that Officer ██████ initiated the physical altercation by jumping onto his back, ripping his shirt, and scratching him on his back and neck. Mr. ████████ alleged that Officer ██████ then opened the garage door and falsely screamed that she needed help because Mr. ████████ had hit her and taken her phone. Mr. ████████ stated that Officer ██████ then picked up their three-year-old son, ███████, and took him to the home of their next-door neighbor, ████████████. Mr. ████████ then called 911.

Police responded to the residence, and Mr. ████████ declined medical attention. Evidence Technician photographs of Mr. ████████ documented that the neck of his shirt appeared stretched and torn and redness and scratches on the middle of his back and on both sides of his neck. Mr. ████████ further alleged that Officer ██████ had not properly secured her weapon within the marital residence, telling responding Sergeant ████████████ that there was an unsecured weapon on the shelf in their closet. Sergeant ████████ stated to COPA that Officer ████████ was with her when she searched the closet and that she did not find a weapon on the shelf as alleged. It should be noted that when Mr. ████████ gave a statement to COPA, he did not specify when Officer ██████ left her weapon unsecured and spoke generally of a concern about her unsecured weapon.

Sergeant ████████ also stated that Officer ████████ wanted Mr. ████████ arrested. Sergeant ████████ related that although Mr. ████████ had more injuries than Officer ████████, she could not fairly determine who the aggressor was in the incident. Sergeant ████████ stated that she observed no signs of struggle inside the residence and was not advised of any past domestic

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[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.
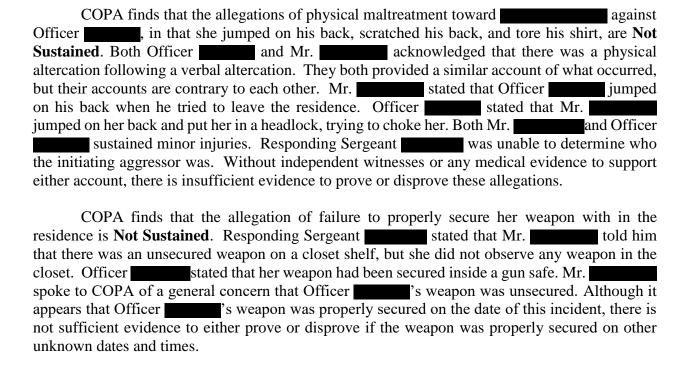
disturbance. The police did not make an arrest but recommended that one of the parties leave the residence. Officer ████ took both of their children to her mother's home in Evanston, while Mr. ████ stayed at their residence.

Officer ████ stated to COPA and in Department reports that Mr. ████ initiated the physical incident on April 23, 2015, after she told him that she would be taking the children and going to her mother's home. While Officer ████ was on speaker phone with her mother, ████, Mr. ████ grabbed the phone and threw it in the attached garage. Mr. ████ then choked her from behind and dragged her. Officer ████ stated that she attempted to break away from Mr. ████'s grasp on her neck, but he slammed a door against her body and limbs. Officer ████ stated that she had bruising around her arm, redness around her neck and some bruising to her back. [3] Officer ████ stated that she assumed Mr. ████ had had sustained a torn shirt and scratches because of her trying to stop him from choking her. Officer ████ broke free and ran with ████ to the home of her neighbor, ████, located at ████, where she called 911. Officer ████ denied that she had improperly secured her firearm, adding that her firearm was secured inside the safe.[4]

████ stated that Officer ████ came to her door crying and carrying ████. Officer ████ told her that she had gotten into a fight with Mr. ████. Officer ████ complained of soreness to her neck and arm as she waited for the police. Ms. ████ stated that she did not observe any injuries on Officer ████ or Mr. ████, who later came over to thank her for watching ████. Ms. ████ stated that when Officer ████ arrived at her home, ████ stated that his daddy hurt his mommy.

████, Officer ████'s mother, stated that she was on the phone with her daughter when she her daughter scream, cry, and yell that Mr. ████ kicked her and jumped on her back. Officer ████ came to her residence later that day, and she observed bruises on Officer ████'s leg, scratches to her back, and Officer ████ crying.

An Order of Protection, ████, was obtained on April 24, 2015, and subsequently terminated on May 22, 2015. In the Petition for Order of Protection, Officer ████ reiterated her account of the incident. Mr. ████ stated that that he was served with an Order of Protection on April 24, 2015, forcing him to leave their marital residence.[5]

III.   LEGAL STANDARD

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

1. <u>Sustained</u> – where it is determined the allegation is supported by a preponderance of the evidence.;

2. <u>Not Sustained</u> – where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;

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[3] No Evidence Technician photographs of Officer ████ were obtained because the Evidence Technician could not locate her at her mother's residence in Evanston.
[4] Officer ████ also submitted photographs of the gun safe to COPA.
[5] As of the date of this report, the divorce between ████ and Officer ████ was still pending.

3. <u>Unfounded</u> – where it is determined by clear and convincing evidence that an allegation is false or not factual; or

4. <u>Exonerated</u> – where it I 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 III 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it is has found to be more probably true than not). If the evidence gathered in an investigation establishes that it 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 the proposition … is true" *Id.*at 28.

IV.   ANALYSIS AND CONCLUSION

COPA finds that the allegations of physical maltreatment toward ▮▮▮▮▮▮ against Officer ▮▮▮▮, in that she jumped on his back, scratched his back, and tore his shirt, are **Not Sustained**. Both Officer ▮▮▮▮ and Mr. ▮▮▮▮▮ acknowledged that there was a physical altercation following a verbal altercation. They both provided a similar account of what occurred, but their accounts are contrary to each other. Mr. ▮▮▮▮ stated that Officer ▮▮▮▮ jumped on his back when he tried to leave the residence. Officer ▮▮▮▮ stated that Mr. ▮▮▮▮ jumped on her back and put her in a headlock, trying to choke her. Both Mr. ▮▮▮▮ and Officer ▮▮▮▮ sustained minor injuries. Responding Sergeant ▮▮▮▮ was unable to determine who the initiating aggressor was. Without independent witnesses or any medical evidence to support either account, there is insufficient evidence to prove or disprove these allegations.

COPA finds that the allegation of failure to properly secure her weapon with in the residence is **Not Sustained**. Responding Sergeant ▮▮▮▮ stated that Mr. ▮▮▮▮ told him that there was an unsecured weapon on a closet shelf, but she did not observe any weapon in the closet. Officer ▮▮▮▮ stated that her weapon had been secured inside a gun safe. Mr. ▮▮▮▮ spoke to COPA of a general concern that Officer ▮▮▮▮'s weapon was unsecured. Although it appears that Officer ▮▮▮▮'s weapon was properly secured on the date of this incident, there is not sufficient evidence to either prove or disprove if the weapon was properly secured on other unknown dates and times.

Approved:

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Deputy Chief Administrator – Chief Investigator   Date

Appendix A

Assigned Investigative Staff

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