

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	November 13, 2017
Time of Incident:	1:01 am
Location of Incident:	9 <sup>th</sup> Avenue North & Broadway, Nashville, TN 37203
Date of COPA Notification:	November 13, 2017
Time of COPA Notification:	8:30 am

On November 13, 2017, CPD Sgt. [REDACTED] was arrested by the Metropolitan Nashville Police Department in Nashville, Tennessee, on charges of domestic assault and coercion of a witness following an incident involving Sgt. [REDACTED] and his wife, Mrs. [REDACTED]. During the incident, Sgt. [REDACTED] allegedly pulled Mrs. [REDACTED] out of his vehicle and caused injuries to her chest and arm. Criminal charges against Sgt. [REDACTED] were dismissed after Mrs. [REDACTED] declined to return to Nashville to testify against Sgt. [REDACTED]. COPA investigated the allegations against Sgt. [REDACTED] and determined that Sgt. [REDACTED] was not justified in using force to remove Mrs. [REDACTED] from his vehicle and that Sgt. [REDACTED] unjustified use of force resulted in injuries to Mrs. [REDACTED].

**II. INVOLVED PARTIES**

Involved Officer #1:	[REDACTED] Star # [REDACTED] Employee ID # [REDACTED] Date of Appointment [REDACTED] 1986, Unit of Assignment [REDACTED] Date of Birth [REDACTED] 1964, Male, [REDACTED]
Involved Individual #1:	[REDACTED] Date of Birth [REDACTED] 1958, Female, [REDACTED]

**III. ALLEGATIONS**

Officer	Allegation	Finding / Recommendation
Sgt. [REDACTED]	1. It is alleged that on November 13, 2017, at approximately 1:01 a.m., near the intersection of Broadway and Ninth Avenue in Nashville, Tennessee, you struck [REDACTED] about the body.	Sustained / Suspension – 30 Days

<sup>1</sup> Sgt. [REDACTED] was assigned to Unit [REDACTED] at the time of the incident under investigation. During the pendency of this investigation, Sgt. [REDACTED] was detailed to Unit [REDACTED]

<p>2. It is alleged that on November 13, 2017, at approximately 1:01 a.m., near the intersection of Broadway and Ninth Avenue in Nashville, Tennessee, you forcefully pulled [REDACTED] from a vehicle, causing injury.</p>	<p>Sustained / Suspension – 30 Days</p>
<p>3. It is alleged that on November 13, 2017, at approximately 9:00 a.m., you spoke with [REDACTED] by telephone while [REDACTED] was at the Vanderbilt University Medical Center in Nashville, Tennessee, and you coerced [REDACTED] to make false statements to a member or members of the Metropolitan Nashville Police Department recanting [REDACTED] prior account of being assaulted and battered by you on November 13, 2017.</p>	<p>Not Sustained</p>
<p>4. It is alleged that on November 13, 2017, at approximately 9:00 a.m., you spoke with [REDACTED] by telephone while [REDACTED] was at the Vanderbilt University Medical Center in Nashville, Tennessee, and you coerced [REDACTED] to stop cooperating in your prosecution by authorities in Davidson County, Tennessee.</p>	<p>Not Sustained</p>

**IV. APPLICABLE RULES AND LAWS**

Rules

**Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.

**Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

State Laws

**1. Tennessee Code Annotated § 39-13-11.** Domestic assault.

**2. Tennessee Code Annotated § 39-16-507.** Coercion of a witness.

## V. INVESTIGATION<sup>2</sup>

### a. Interviews<sup>3</sup>

██████████ the wife of Sgt. ██████████ provided an audio-recorded statement to MNPD Detective ██████████ on November 13, 2017.<sup>4</sup> Mrs. ██████████ told the detective that she had become angry at her husband, Sgt. ██████████ while they were driving on Broadway in Nashville. Mrs. ██████████ threw a cup of cold coffee at the windshield inside their vehicle, and Sgt. ██████████ stopped the vehicle. Sgt. ██████████ pushed Mrs. ██████████ while they were still in the vehicle, and then Sgt. ██████████ exited the vehicle, walked around to the passenger side, and forcibly pushed and then pulled Mrs. ██████████ out of the vehicle by her arm. Mrs. ██████████ landed on the street. Mrs. ██████████ sustained a scratch to her chest and she attributed the scratch to Sgt. ██████████. Mrs. ██████████ also reported that she was experiencing pain in her neck because of Sgt. ██████████ actions.

██████████ was interviewed by COPA on June 12, 2018.<sup>5</sup> Mrs. ██████████ told investigators that on November 12, 2017, she was visiting Nashville, Tennessee with her husband. Beginning at about 2:30 pm, they visited several bars on Lower Broadway, including B.B. King's, the Whiskey Barrell, and Jimmy Buffet's. Mrs. ██████████ was ordering and consuming wine by the glass during the afternoon and evening. Mrs. ██████████ did not remember how many drinks she had, but she was not intoxicated "beyond recognition."<sup>6</sup> Mrs. ██████████ also said that her husband drank a couple of beers during the day, but that he did not drink very much.

Shortly after midnight, Mrs. ██████████ began to lose control of her bladder, and she and Sgt. ██████████ went back to their truck, which was parked in a nearby public garage. Mrs. ██████████ explained that she was taking prescription medication that caused bladder-control problems; these problems sometimes occurred when she drank any type of beverage, including iced tea, and were not caused by excessive alcohol consumption. When the couple returned to the truck, Sgt. ██████████ insisted that Mrs. ██████████ sit on a folded blanket, but Mrs. ██████████ demurred, leading to an argument. Mrs. ██████████ attempted to pull the blanket out of the truck, while Sgt. ██████████ pushed the blanket into the truck. While struggling with the blanket, Mrs. ██████████ fell out of the truck, landing on the ground in the parking garage. Sgt. ██████████ later told Mrs. ██████████ that he had fallen on top of her. Mrs. ██████████ however, remembered falling but did not remember Sgt. ██████████ falling or landing on her.

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<sup>2</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>3</sup> COPA initiated this investigation after being advised of Sgt. ██████████ arrest by police in Nashville, Tennessee. ██████████ Sgt. ██████████ wife, was listed as the victim of domestic assault in the Nashville case. ██████████ initially declined to give a statement to COPA regarding her husband's arrest, and COPA sought and received an affidavit override from the Chief of the Bureau of Internal Affairs to continue this investigation. Several months later, ██████████ contacted COPA and provided the statement that is summarized in this report. See attachments 5, 6, 15, & 37.

<sup>4</sup> COPA obtained a copy of the audio-recorded statement from MNPD. Attachments 25 & 65.

<sup>5</sup> Attachments 71, 72, 73, & 75.

<sup>6</sup> ██████████ Tr. 17:22-23. Attachment 75.

After the argument and struggle over the blanket, Mrs. ██████ sat in the front passenger seat of the truck, and Sgt. ██████ drove the truck out of the garage onto Lower Broadway:

[H]e started saying things, like, “You’re a fuckin’ bitch, cunt. You piss in your pants.” Uh, “here you go in drunk cunt bitch mode.” And, I just – I was pissed. I took my hand up and I slammed, I just went like this, and his head was there. And he goes, “You fuckin’ bitch, you hit me.”<sup>7</sup>

Mrs. ██████ explained that she swung her arm up, saying, “Stop talking to me like that,”<sup>8</sup> and unintentionally hit Sgt. ██████ on the right side of the head. Mrs. ██████ also explained that she was so angry about the words Sgt. ██████ was saying that she took a cup of cold coffee and threw it against the truck’s passenger-side window. She emphasized that the coffee was cold and that she had not thrown it at Sgt. ██████. After Mrs. ██████ threw the coffee, Sgt. ██████ pulled the truck to the side of the road and stopped. Remaining in the driver’s seat, Sgt. ██████ used one hand to disengage Mrs. ██████ seatbelt while using his other hand to reach over and open the front passenger door. Sgt. ██████ then struck Mrs. ██████ three times on the left side of her chest and attempted to push her out of the truck. Mrs. ██████ did not know if her husband struck her with a closed fist or an open hand, but she remembered feeling excruciating pain from the blows. After striking Mrs. ██████, Sgt. ██████ exited the truck and walked around to the passenger’s side. Sgt. ██████ opened the passenger door, attempted to untangle Mrs. ██████ seatbelt, and pulled Mrs. ██████ by the right arm, throwing her out of the truck. Mrs. ██████ remembered landing on the street, face-down on her knees. Sgt. ██████ drove away, and Mrs. ██████ telephoned the CPD ██████ District office. Mrs. ██████ did not remember who she spoke with at the ██████ District, but that person advised her to call the police in Nashville, and she did.

Metropolitan Nashville Police Department (MNP) officers responded to Mrs. ██████ location and drove her to their station where she was interviewed by a detective. After Mrs. ██████ told the detective what had happened, the detective left the interview room and drove to Franklin, Tennessee – where Sgt. ██████ and Mrs. ██████ had rented an apartment – to attempt to interview Sgt. ██████. The detective later returned to the station and told Mrs. ██████ that Sgt. ██████ had not answered the door at the apartment. The detective then told Mrs. ██████ that MNP) would seek a warrant for Sgt. ██████ arrest. MNP) officers then assisted Mrs. ██████ in obtaining a guest room at a hotel. After checking into the hotel between 5:00 am and 6:00 am, Mrs. ██████ began to experience pain in her chest and difficulty breathing. Staff from the hotel called an ambulance, and Mrs. ██████ was transported to the emergency room at the Vanderbilt University hospital. Mrs. ██████ told the emergency room doctor what had happened, and the doctor ordered x-rays and fluid replacement. She was later told that the x-rays were clear, and she was discharged with a prescription for anti-inflammatory medication.

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<sup>7</sup> *Id.* at 8:1-6.

<sup>8</sup> *Id.* at 8:10-11.

While at the emergency room, Mrs. ██████ called Sgt. ██████ to see where he was and what was happening. Sgt. ██████ told Mrs. ██████ that he was at their apartment in Franklin. During the telephone call, “He just told me, I had to tell everybody how drunk I was. That, that I caused this, or he could get in trouble.”<sup>9</sup> Mrs. ██████ did not recall how she responded to Sgt. ██████ but she did remember calling the MNPD again after her conversation with Sgt. ██████

I felt that I didn’t want them to think I was wasting their time, or making this up. I said, “I honestly didn’t make this up. And, I wasn’t wasting your time. I wouldn’t of called you, if I didn’t need you.”<sup>10</sup>

Mrs. ██████ remembered that Sgt. ██████ told her that he might lose his job based on her allegations, but Mrs. ██████ declined to answer investigators questions about the details of what Sgt. ██████ said to her on the morning of November 13, 2017.<sup>11</sup>

Approximately two weeks after the incident in Nashville, Mrs. ██████ had a scheduled medical appointment with her regular doctor. She told her doctor about the Nashville incident, and she told the doctor that she was still experiencing pain in her chest. The doctor told Mrs. ██████ that the x-ray performed in Nashville might not have captured the extent of her injury, but that a bone scan might show more details. The doctor performed the bone scan and told Mrs. ██████ that there were multiple cracked ribs on her left side. Mrs. ██████ declined to share her medical records with COPA, citing her interest in maintaining privacy, but she allowed investigators to examine a letter signed by her doctor that confirmed a “left rib fracture” based on a bone scan performed on November 27, 2017.<sup>12</sup> Mrs. ██████ was sure that the injuries to her ribs were caused by the incident in Nashville and that nothing had happened during the subsequent two weeks that could have caused the injuries.

Mrs. ██████ continued to reside with Sgt. ██████ in their Chicago home after the incident in Nashville. Sgt. ██████ was arrested and charged with domestic assault in Nashville, but Mrs. ██████ did not return to Nashville for the scheduled court date:

At that point, I just, uh, I was exhausted. I didn’t know what was gonna happen. It meant me going back down there. I had talked, at length, to the district attorney about everything, and I just chose not to go. It was too much.<sup>13</sup>

Mrs. ██████ said that her husband had never pressured her regarding her decision not to testify against him, and that it was her own decision not to testify. Mrs. ██████ also did not recall if the police in Nashville had photographed her injuries and did not recall any scratches or

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<sup>9</sup> *Id.* at 15:4-6.

<sup>10</sup> *Id.* at 15:10-13.

<sup>11</sup> *Id.* at 32:9-33:11.

<sup>12</sup> Mrs. ██████ later provided a copy of the letter to COPA. The letter is summarized in section V.c of this report. *See* Attachment 76.

<sup>13</sup> *Id.* at 48:22-49:2.

bruises – only the pain she had experienced in her chest. Mrs. ██████ ended her statement by saying:

You know, I didn't want it to happen. I don't know why it happened. I'm not trying to get anybody in trouble, or anything. But, I feel that I gotta be heard, because I just feel like I have to be heard. I'm not here to cause, like I said, trouble, or, or to have someone lose a job, or anything like that, but I feel, I just need to say what happened. Because, I did not make it up. And, it did happen. I didn't, I'm sorry it happened.<sup>14</sup>

Sgt. ██████ was interviewed by COPA on April 10, 2018.<sup>15</sup> Sgt. ██████ said that on Sunday, November 12, 2017, he was visiting Nashville with his wife, ██████. The couple had rented an apartment in Nashville, where they frequently traveled to visit their daughters who were attending college. At about 2:00 pm, Sgt. ██████ drove with his wife to B.B. King's Blue's Club on Broadway in Nashville. Sgt. ██████ recalled that Mrs. ██████ ordered and consumed four glasses of wine with her dinner, while Sgt. ██████ had not consumed any alcohol. After finishing dinner, the ██████ walked to the nearby Whiskey Bent Saloon. At the saloon, Sgt. ██████ paid for two additional glasses of wine that were consumed by Mrs. ██████ and Mrs. ██████ ordered and paid for even more wine that she also consumed. Sgt. ██████ did not know exactly how many additional glasses of wine that Mrs. ██████ consumed, but he estimated between four and eight glasses. Sgt. ██████ consumed one bottle of beer at the saloon, and this was the only alcohol that Sgt. ██████ consumed during their weekend in Nashville. Sometime between 10:00 pm and 11:00pm, the ██████ left the Whiskey Bent Saloon and walked down the street to the Margaritaville Restaurant. At the restaurant, Mrs. ██████ attempted to order a glass of wine, but the waiter refused to serve her because she intoxicated. They then walked back to the Whiskey Bent Saloon, where Mrs. ██████ ordered and consumed more wine.

Sgt. ██████ recalled that he left the Whiskey Bent Saloon with Mrs. ██████ between 12:15 am and 12:30 am. Before leaving the saloon, Mrs. ██████ urinated in her pants. When the last band finished playing, the ██████ walked back to their truck, which was parked in a nearby garage. Sgt. ██████ placed a blanket on the passenger seat and told Mrs. ██████ that she had to sit on the blanket. Mrs. ██████ became angry and tried to move the blanket, and Sgt. ██████ reached into the truck to hold the blanket in place. Mrs. ██████ then grabbed Sgt. ██████ and scratched his neck. Sgt. ██████ pulled back after being scratched, and they both fell out of the truck, with Sgt. ██████ landing on top of Mrs. ██████.<sup>16</sup> Sgt. ██████ then locked the truck's doors to keep Mrs. ██████ out. Sgt. ██████ unlocked only the driver-side door, entered the truck, and began to drive away, leaving Mrs. ██████ behind. However, Sgt. ██████ stopped after driving a short distance, and Mrs. ██████ approached

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<sup>14</sup> *Id.* at 58:10-18.

<sup>15</sup> Attachments 54 & 62.

<sup>16</sup> Sgt. ██████ said that he photographed a scratch on his neck the following morning and that he would share the photograph with COPA. *See* Attachment 61.

the truck. Sgt. ██████ allowed Mrs. ██████ into the truck after she agreed to sit on the blanket and they began to drive towards their apartment.

While driving on Broadway towards the expressway, Mrs. ██████ began “running her mouth”<sup>17</sup> and then struck Sgt. ██████ once on the right side of his head with the back of her left hand. After striking Sgt. ██████ Mrs. ██████ picked up a cold cup of coffee that had been sitting in the truck. Mrs. ██████ threw the coffee at Sgt. ██████ and at the inside of the truck’s windshield.<sup>18</sup> Because of the coffee on the windshield Sgt. ██████ had difficulty seeing the road, and he pulled to the curb and stopped on Broadway:

At that point, I put the car in park, and I reached over and simultaneously, I unbuckled her seatbelt, and open the car door. . . . At the same time, while doing this, I began to push her out of the vehicle. Yes, I pushed her out of the vehicle.

At no point, did I strike my wife. I never have, and I don’t strike my wife.

. . .

I, I had had it. I’ve been abused before, I have numerous police reports, and this was just more of her drunken behavior. And, I finally was not going to be subjected to this abuse, or batteries anymore. At which point, I started pushing her out of the truck. She ended up getting hung up on the seatbelt, and she was like half in in the truck, half out, hanging out of the truck.

At that point, I exited the truck, from the driver’s side, walked around to the passenger side, where she was still hung up in the seatbelt. I got her untangled from the seatbelt, pulled her the rest of the way out of the truck, and then, took her purse, threw it on the ground, slammed the door shut and said, “Get home by yourself. Take an Uber.”<sup>19</sup>

Sgt. ██████ further described how he attempted to push Mrs. ██████ out of the truck, using his right hand to push on Mrs. ██████ left shoulder and side. Sgt. ██████ also explained that he grabbed Mrs. ██████ right arm when he pulled her out of the truck and that she landed on her side. “Yes, I didn’t gently place her down, but I didn’t throw her, I didn’t beat on her, I didn’t do any of that.”<sup>20</sup> After removing Mrs. ██████ from the truck, Sgt. ██████ drove away – pulling over again after a short distance to clean the coffee from his windshield – and then proceeding to his apartment in Franklin. Sgt. ██████ explained that he was acting in self-defense when he pushed Mrs. ██████ out of the truck, as he was attempting to prevent Mrs. ██████ from assaulting him again or from dangerously interfering with his driving.

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<sup>17</sup> Sgt. ██████ Tr. 18:8. Attachment 62.

<sup>18</sup> Sgt. ██████ said that he had taken a cell-phone video recording of the interior of the truck shortly after Mrs. ██████ threw the coffee and that he would share the video with COPA.

<sup>19</sup> Sgt. ██████ Tr. 20:21-21:13.

<sup>20</sup> *Id.* at 30:10-12.

Sgt. ██████ went to sleep when he returned to his apartment, waking up at approximately 6:30 am. When Sgt. ██████ woke up, he noticed that he had missed several calls during the night from a Nashville telephone number. Sgt. ██████ did not remember speaking with anyone from MNPDP during the night. Sgt. ██████ called the Nashville number and spoke with a MNPDP detective who asked him to come in for an interview. Sgt. ██████ agreed to go in for the interview, but then noticed that he had missed a call from Sgt. ██████ in the CPD's ██████ District. When Sgt. ██████ returned Sgt. ██████ call, Sgt. ██████ told him that MNPDP had obtained a warrant for his arrest. Sgt. ██████ then called the MNPDP detective again and told her that he wanted to speak with an attorney before agreeing to an interview. Sgt. ██████ then contacted an attorney, and the attorney instructed him to wait at the apartment while the attorney contacted the local district attorney.

While Sgt. ██████ waited for his attorney to call him back, Mrs. ██████ began to call him on the telephone, and they had a series of back-and-forth calls beginning at 9:24 am. Sgt. ██████ said that he had video-recorded the telephone calls on the advice of his attorney, using one of his cell phones to record the screen of his other cell phone.<sup>21</sup>

And, in these videos that's all I was telling her she had to do, was go show how much you had to drink, tell them what you did, and tell the whole truth, and they'll realize that this was nothing but a domestic disturbance between a married couple.

...

But, one thing will be clear, at no point, did I ever say the things that are alleged in the complaint. That princess, princess, like my wife, ██████ related that I said. And, I never said any of those. I never asked her to lie, or coerce. I never threatened to get her fired, or anything else.<sup>22</sup>

Sgt. ██████ explained that while he was sitting in his truck in the apartment parking lot, still on the telephone with his wife, police officers approached his truck with guns drawn and placed him under arrest.

Sgt. ██████ acknowledged that he could have called 911 and asked requested assistance from local police. Sgt. ██████ explained that he did not call 911 because his wife had recently been arrested for public intoxication, causing him to pay an attorney to defend her. "That is why I did not dial 911, when this incident occurred, because I didn't want to have to pay for another attorney, to get her out of jail, again."<sup>23</sup>

When confronted with the allegation that he struck his wife about the body, Sgt. ██████ denied having done so. When confronted with the allegation that he forcefully pulled his wife out of a vehicle, causing injury, Sgt. ██████ responded, "[A]fter she struck me, and

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<sup>21</sup> Sgt. ██████ provided the video-recordings of his telephone calls to COPA. See Attachments 56 & 64. These recordings also include additional conversation that occurred on subsequent days.

<sup>22</sup> Sgt. ██████ Tr. 46:7-11, 50:4-9.

<sup>23</sup> *Id.* at 42:19-22.

threw coffee on me, yes, I removed her from my vehicle, to prevent further abuse. And, this was due to her level of intoxication.”<sup>24</sup> Sgt. ██████ denied each allegation of coercion and directed investigators to the recordings he had made of his conversation with Mrs. ██████ in the aftermath of the incident under investigation. Sgt. ██████ concluded:

I’d like to say that this [is] an episode of domestic violence, where I was the victim of the domestic violence.

...

I removed my wife from my vehicle in self-defense, to prevent myself from receiving further battery, as well as being, having more, or anything else thrown on me, like the coffee.<sup>25</sup>

██████████ was interviewed by COPA on May 14, 2018.<sup>26</sup> Ms. ██████ identified herself as the twenty-two-year-old daughter of Sgt. ██████ and Mrs. ██████. In November of 2017, Ms. ██████ and her twin sister ██████ were living in Nashville, Tennessee, where they both attended Vanderbilt University. Ms. ██████ recalled that her parents came to visit on the weekend of Saturday, November 11, 2017. On Sunday, November 12, ██████ and ██████ attended a sorority event during the day and intended to go to dinner with their parents afterwards. They decided, however, to stay home and complete their homework while their parents went out to dinner on Broadway. As the evening progressed, Ms. ██████ received multiple text messages from her mother. Based on the number of text messages and the messages’ content, Ms. ██████ believed that her mother was drinking excessively. Ms. ██████ was later told by Sgt. ██████ that Sgt. ██████ and Mrs. ██████ had gone to different bars in downtown Nashville and that Mrs. ██████ had been refused service at Margaritaville because she was already intoxicated. When Ms. ██████ went to sleep that evening, she was still receiving a stream of text messages from her mother.

When Ms. ██████ woke up the next morning, her father sent her a video-recording showing coffee on the interior windshield of his truck. Ms. ██████ believed that Sgt. ██████ recorded the video at a gas station shortly after the incident occurred to document what Mrs. ██████ had done. Sgt. ██████ spoke to Ms. ██████ by telephone and told her that her mother became angry after Sgt. ██████ insisted that Mrs. ██████ sit on a blanket in the vehicle after Mrs. ██████ urinated on herself. Then while Sgt. ██████ was driving, Mrs. ██████ scratched the right side of Sgt. ██████ face and threw cold coffee on the windshield. Sgt. ██████ asked Mrs. ██████ to get out of the car, but she refused. Sgt. ██████ then unbuckled Mrs. ██████ seatbelt and pulled Mrs. ██████ out of the vehicle. As Sgt. ██████ pulled Mrs. ██████ out, she became stuck in her seatbelt. Sgt. ██████ did not tell Ms. ██████ any further details about the incident.

Ms. ██████ recalled witnessing her mother, on earlier occasions, strike her father while he was driving, grab the steering wheel, and throw coffee inside the car. She also recalled a different incident where Mrs. ██████ struck ██████ while ██████ was driving. Ms. ██████ said that her mother often became physically aggressive with Sgt. ██████ after

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<sup>24</sup> *Id.* at 83:15-18.

<sup>25</sup> *Id.* at 84:23-85:16.

<sup>26</sup> Attachments 67 & 70.

drinking and that Sgt. [REDACTED] often had to restrain Mrs. [REDACTED] to keep her from assaulting him. Ms. [REDACTED] also said that she had never witnessed her father strike her mother and that any injuries sustained by Mrs. [REDACTED] were likely caused by Sgt. [REDACTED] efforts to restrain Mrs. [REDACTED] while defending himself.

[REDACTED] was interviewed by COPA on December 18, 2017.<sup>27</sup> Ms. [REDACTED] identified herself as the twenty-two-year-old daughter of Sgt. [REDACTED] and Mrs. [REDACTED] and as the twin sister of [REDACTED]. Ms. [REDACTED] recalled that her parents had come to visit her and her sister in Nashville on the weekend of November 11, 2017. On Sunday that weekend, both sisters went to breakfast with their parents, but separated after breakfast to attend a sorority event and to complete their homework. During the day, Ms. [REDACTED] began receiving text messages from her mother with pictures from Broadway in Nashville. As the day went on, her mother's text messages took on a meaner tone, and Ms. [REDACTED] believed that her mother was drinking.

Sometime around 1:00 or 1:30 am on Monday, November 13, Ms. [REDACTED] received more than one incoming telephone calls from her mother, but she ignored the calls because she did not want to speak to her mother while her mother was intoxicated. The next morning, Ms. [REDACTED] saw that she had received a short video message during the night from her father purporting to show that Mrs. [REDACTED] had thrown coffee inside of Sgt. [REDACTED] truck. Ms. [REDACTED] then spoke with her father by telephone, and he said that Mrs. [REDACTED] had called the police and that a warrant had been issued for his arrest. Sgt. [REDACTED] explained that Mrs. [REDACTED] urinated on herself, struck Sgt. [REDACTED] while he was driving, and threw coffee on the windshield. Sgt. [REDACTED] then pulled Mrs. [REDACTED] out of his truck and drove away. Ms. [REDACTED] also recalled a different incident where her mother had struck her while she was driving, and yet another incident where she had seen her mother throw coffee inside a vehicle while her father was driving.

Ms. [REDACTED] said that her father later explained, in more detail, what had happened when he pulled Mrs. [REDACTED] from his truck. Mrs. [REDACTED] while intoxicated, resisted being pulled from the truck and got caught in the seatbelt. Because Mrs. [REDACTED] was intoxicated and because she became caught in the seatbelt, she fell to the ground when Sgt. [REDACTED] succeeded in pulling her out. When Ms. [REDACTED] later asked her mother about the incident, Mrs. [REDACTED] recounted being thrown out of the truck by Sgt. [REDACTED]. Mrs. [REDACTED] initially denied any drinking on the night of the incident and then denied being intoxicated.

#### **b. Digital Evidence**

Photographs of [REDACTED] taken by MNPD Detective [REDACTED] at 3:48 am on November 13, 2017, were obtained by COPA. The photographs depict a scratch to Mrs. [REDACTED] left upper chest and bruising to Mrs. [REDACTED] right upper arm.<sup>29</sup>

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<sup>27</sup> Attachments 80 & 81.

<sup>28</sup> Attachment 24.

<sup>29</sup> These injuries are also documented on a MNPD Domestic Violence Supplemental Form. Attachment 28.

An audio-recorded telephone conversation between MNPD Detective ██████████ and Sgt. ██████████ was turned over to COPA by MNPD.<sup>31</sup> Sgt. ██████████ tells the detective that he went out for dinner with his wife and then went to various bars on Broadway. When Sgt. ██████████ was driving home, Mrs. ██████████ struck him and threw coffee on him. Sgt. ██████████ described Mrs. ██████████ throwing the coffee as the final straw, and Sgt. ██████████ responded by stopping the vehicle and pushing Mrs. ██████████ out. Sgt. ██████████ also stated that he had only one beer during the afternoon, while Mrs. ██████████ drank at least eight glasses of wine throughout the afternoon and evening. Sgt. ██████████ also stated, “I’ve done nothing wrong. I never struck her at all. Yes, I pulled her out of the truck, and maybe what I should have done was pulled over and called 911, but if you look at her history, she cannot get arrested again. I just spent over \$2500 to take care of that last matter.”<sup>32</sup> Sgt. ██████████ then asks the detective if she intends to arrest him. After hearing the detective’s reply, Sgt. ██████████ says that he is going to retain an attorney.

During his COPA interview, Sgt. ██████████ and his attorney, ██████████ referred to **documents, photographs, video recordings, and audio recordings that Sgt. ██████████ had stored on a USB thumb drive**<sup>33</sup> and displayed on a computer in the interview room. After the interview, Sgt. ██████████ copied these items to the COPA computer in the presence of investigators and Mr. Pleines. These items were made part of this investigation. The dates and titles shown below correspond with the electronic file labels used by Sgt. ██████████ to create the directory on his USB thumb drive.

- 13 NOV 17 008: Audio and video recording, one-minute-and-seven-seconds in length, of Sgt. ██████████ cellular telephone during a telephone conversation with ██████████. The time “9:32 AM” is displayed on the face of the phone, and the name ██████████ is displayed to identify the caller. Both parties appear to be having difficulty hearing each other, and the call ends with Mrs. ██████████ asking Sgt. ██████████ to call her back.

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<sup>30</sup> Attachment 25. The audio recordings turned over to COPA by MNPD also include incomplete telephone calls and a call between MNPD Detective ██████████ and Sgt. ██████████ attorney, ██████████ discussing the charges against Sgt. ██████████ and the arrangements for Sgt. ██████████ surrender.

<sup>31</sup> The recording only captures Sgt. ██████████ end of the conversation, and the recording is not time- or date-stamped. Sgt. ██████████ statements on the recording are consistent with his own description of his telephone conversation with Detective ██████████ (described to COPA in Sgt. ██████████ interview on April 10, 2018) and with Detective ██████████ report (Attachment 30) regarding her conversation with Sgt. ██████████ on November 13, 2017. A second recording of a conversation between Sgt. ██████████ and Detective ██████████ was also turned over to COPA by MNPD. In the second recording, Detective ██████████ attempts to convince Sgt. ██████████ to come to the MNPD domestic violence office to make a statement, but Sgt. ██████████ insists that he is too tired and that he will come to the office in the morning. Sgt. ██████████ then agrees to meet with the detective at his apartment in Franklin, TN. See Attachment 25, Recording 160616\_0041.MP3.

<sup>32</sup> Attachment 25, Recording 171113\_0131.MP3, timestamp 4:13.

<sup>33</sup> Attachments 56 & 64. Sgt. ██████████ also provided six additional audio recordings where he confronts Mrs. ██████████ about her alcohol consumption and where Mrs. ██████████ makes disparaging remarks about Sgt. ██████████ parents, education, mental health, intelligence, and the police in general. Nothing directly relevant to the allegations in this investigation is discussed.

- 13 NOV 17 009: Audio and video recording, thirty-one seconds in length, of Sgt. [REDACTED] cellular telephone during a call to [REDACTED]. The time “9:34 AM” is displayed on the face of the phone, and the name [REDACTED] is displayed as the recipient of the outgoing call. Three loud beeps are audible, and the call is apparently dropped before any conversation occurs.
- 13 NOV 17 010: Audio and video recording, eight-minutes-and-eight-seconds in length, of Sgt. [REDACTED] cellular telephone during a telephone conversation with [REDACTED]. The time “9:36 AM” is displayed on the face of the phone at the beginning of the recording, and the number [REDACTED]<sup>34</sup> is displayed to identify the caller. Mrs. [REDACTED] says that she told the detective that she hit Sgt. [REDACTED] and threw coffee while Sgt. [REDACTED] was driving. Mrs. [REDACTED] then says, “You pushed me, and then you opened the door, and you pushed me in the street.” Sgt. [REDACTED] replies, “You’re right,” but then explains that he almost got into a traffic accident after Mrs. [REDACTED] threw the coffee and that he left Mrs. [REDACTED] at the curb and not on the street. Both parties continue to argue about Mrs. [REDACTED] being left in the street or on the sidewalk, and Mrs. [REDACTED] says that she remembers “hitting the asphalt.” Mrs. [REDACTED] then asks, “[REDACTED] what do you want me to do?” and Sgt. [REDACTED] replies, “You tell the truth.” Mrs. [REDACTED] says that she has already called the detective and asked that Sgt. [REDACTED] not be arrested, but the detective told her that it was now “out of my hands.” Sgt. [REDACTED] says that Mrs. [REDACTED] needs to “tell them what really happened.” Sgt. [REDACTED] also says, “You know the mistake I made, . . . when I pulled over, I should have called 911, but we know why I can’t do that.” Mrs. [REDACTED] asks what she should tell the detective, and Sgt. [REDACTED] replies, “Tell her how you hit me. . . . Tell her I kept driving. Tell her that then you threw the coffee all over. I’ve got a video of it that shows it. And then tell her, I was mad, and I was just trying to get even, that’s all.” Sgt. [REDACTED] and Mrs. [REDACTED] then discuss having Mrs. [REDACTED] speak with Sgt. [REDACTED] attorney, and the call ends.
- 13 NOV 17 011: Audio and video recording, twenty-two-minutes-and-thirty-six-seconds in length, of Sgt. [REDACTED] cellular telephone during a conversation with Mrs. [REDACTED]. The time “9:54 AM” is displayed on the face of the phone at the beginning of the recording, and the name [REDACTED] is displayed. Sgt. [REDACTED] tells Mrs. [REDACTED] that he is going to be “booked,” and Mrs. [REDACTED] replies, “I didn’t do this.” Mrs. [REDACTED] then asks what she should do, and Sgt. [REDACTED] replies, “I don’t care what you do.” Mrs. [REDACTED] then says that she’ll go to court and “rescind it.” A social worker who identifies herself as [REDACTED] from Vanderbilt Hospital then takes Mrs. [REDACTED] place on the call and speaks with Sgt. [REDACTED]. Sgt. [REDACTED] explains to the social worker, “I did nothing wrong here. The only thing that I did wrong was not call 911 when I pulled over last night.” Sgt. [REDACTED] also says, “I’ll admit I pulled her out of the car, but I did not throw her down.” Mrs. [REDACTED] then comes back on the line, and Sgt. [REDACTED] explains the procedures that he believes will be followed after his arrest. Sgt. [REDACTED] again tells Mrs. [REDACTED] to call the detective or the district attorney and to “tell the truth.” Mrs. [REDACTED] acknowledges that she threw coffee at the window of Sgt. [REDACTED] truck, and she asks if Sgt. [REDACTED] will pack her belongings and bring them to her so that she can go home.

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<sup>34</sup> This is the main telephone number for the Vanderbilt University Medical Center.

Sgt. ██████ declines, saying that he will be busy dealing with being arrested. The recording ends when police arrive, surround Sgt. ██████ truck, and take him into custody.

- 13 NOV 17 012:<sup>35</sup> Audio and video recording, twenty-five-minutes-and-fifteen-seconds in length, of Sgt. ██████ cellular telephone during a conversation with Mrs. ██████. The time “12:01 PM” is displayed on the face of the phone, and the name ██████ is displayed to identify the caller. Mrs. ██████ says that she only called the police because she was left alone after being pushed out of Sgt. ██████ truck, and she never wanted Sgt. ██████ to be arrested. Mrs. ██████ asks why Sgt. ██████ did not answer the phone when he was first called by the Nashville detective, and Sgt. ██████ says that he was asleep. Both parties again argue about whether Sgt. ██████ threw Mrs. ██████ into the street or pulled her from the vehicle onto the sidewalk in Nashville, and they also argue about how much Mrs. ██████ had to drink. Mrs. ██████ says that Sgt. ██████ was “beating on her left ribcage” and hitting her before throwing her out of the car. Sgt. ██████ denies hitting Mrs. ██████ and says that he was just pushing her out of the car and that she got “caught up on the seatbelt.” Mrs. ██████ acknowledges that she pushed Sgt. ██████ arm and that she spilled coffee in the truck, but she denies using “force” against Sgt. ██████. Sgt. ██████ admits that he threatened to turn over reports from prior incidents that occurred in Chicago to the DEA but denies making any of the threats listed in the felony complaint against him for coercion of a witness. Sgt. ██████ says that Mrs. ██████ hit him in the side of the head while they were in the truck in Nashville, but Mrs. ██████ denies doing this. Both parties again discuss the procedure that will be followed in court in Nashville, and the recording ends mid-conversation.
- 13 NOV 17 013: Audio and video recording, four-minutes-and-forty-three-seconds in length, that appears to be a continuation of the conversation described in the entry immediately above. Both parties continue to argue about what happened inside Sgt. ██████ truck in Nashville before Sgt. ██████ pulled Mrs. ██████ out of the truck. Sgt. ██████ insists that Mrs. ██████ did not tell “the whole truth” to the detective in Nashville about how she struck Sgt. ██████ and threw coffee at him before he reacted. The recording ends while the conversation between the parties appears to continue.
- 13 NOV 17 Coffee Throw in Truck 001:<sup>36</sup> Audio and video recording, eighteen seconds in length, showing the interior of a Ford truck with brown liquid on the windshield and dashboard. Sgt. ██████ says, “This is what she did to the truck again. Threw shit all over and hit me. I’m tired of it. I’m done. And this is it. She can get herself home. I don’t care.”
- Videos 052: Audio and video recording, eight-minutes-and-fifteen-seconds in length, of an argument between Sgt. ██████ and Mrs. ██████ in their home regarding prior events in Nashville. Mrs. ██████ says “yes” when Sgt. ██████ asks her if she struck him

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<sup>35</sup> During Sgt. ██████ interview with COPA, Sgt. ██████ said that this recording was made on November 15, 2017, after he drove home to Chicago from Nashville. *See* Attachments 54 & 62.

<sup>36</sup> During Sgt. ██████ interview with COPA, Sgt. ██████ said that this recording was made minutes after he pulled ██████ from his truck on November 13, 2017, in Nashville. *See* Attachments 54 & 62.

during the Nashville incident. She also agrees that she called Sgt. [REDACTED] to initiate the conversation where Nashville police alleged that Sgt. [REDACTED] coerced her, even though the complaint prepared by the Nashville detective says that Sgt. [REDACTED] initiated the telephone call. Mrs. [REDACTED] also says that a subsequent “bone scan” shows damage to her ribs caused by Sgt. [REDACTED] during the same incident. Sgt. [REDACTED] urges Mrs. [REDACTED] to “tell the truth” and to point out the errors and omissions in the Nashville report and complaints to the D.A. in Tennessee.

- Videos 053 Typical Behavior: Audio and video recording, four-minutes-and-twenty-eight-seconds in length. Neither Sgt. [REDACTED] nor Mrs. [REDACTED] are visible, but Mrs. [REDACTED] can be heard directing profanity at Sgt. [REDACTED] and insulting his parents, as well as making negative comments about the police in general.

Sgt. [REDACTED] also turned over copies of the following documents and photographs:

- B.B. King’s Blues Club receipt, 152 2<sup>nd</sup> Ave. N., Nashville, TN. The receipt is dated November 12, 2017, with the time 1:49 P.M. The receipt lists food items as well as four “Candoni PG” for \$8.75 each. During his interview with COPA on April 10, 2018, Sgt. [REDACTED] said that “Candoni PG” was pinot grigio, and that this receipt demonstrated that he had purchased four glasses of wine for [REDACTED]<sup>37</sup>
- Whisky Bent Saloon receipt, 306 Broadway, Nashville, TN. The receipt is dated November 12, 2017, with the time 4:02 P.M. The receipt lists “1 house pinot” for \$7.50 and “1 Blue Moon” for \$6.00. During his interview with COPA on April 10, 2018, Sgt. [REDACTED] said that this receipt demonstrated that he had purchased one bottle of beer for himself and one glass of wine for [REDACTED]<sup>38</sup>
- Whisky Bent Saloon receipt, 306 Broadway, Nashville, TN. The receipt is dated November 12, 2017, with the time 9:05 P.M. The receipt lists “1 house pinot” for \$7.50. During his interview with COPA on April 10, 2018, Sgt. [REDACTED] said that this receipt demonstrated that he had purchased one glass of wine for [REDACTED]<sup>39</sup>
- Letter from attorney [REDACTED] to Davidson County, TN, Assistant District Attorney [REDACTED] dated December 6, 2017. The letter states that Sgt. [REDACTED] attorney is enclosing copies of audio recordings of telephone conversations between Sgt. [REDACTED] and [REDACTED] that will disprove the charges of coercion against Sgt. [REDACTED]. The attorney also argues that Sgt. [REDACTED] is really the victim of abuse committed by [REDACTED]<sup>40</sup>

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<sup>37</sup> Attachment 57.

<sup>38</sup> Attachment 58.

<sup>39</sup> Attachment 59.

<sup>40</sup> Attachment 60.

- Two photographs of Sgt. ██████ depicting an apparent scratch to the left side of Sgt. ██████ neck. During his interview with COPA on April 10, 2018, Sgt. ██████ said that he took these photographs on the morning of November 13, 2017, and that he had been scratched by ██████ on the night of November 12, 2017.<sup>41</sup>

On December 12, 2017, CPD officers responded to the home of Sgt. ██████ and ██████ at ██████. At 7:21 pm, Sgt. ██████ called 911 to report a domestic disturbance involving his wife, ██████ who was allegedly wrecking the house.<sup>42</sup> COPA obtained body-worn camera (BWC) video and audio recordings from each of the responding officers. A BWC recording from Officer ██████ captured statements about the November 13, 2017, Nashville incident made by Sgt. ██████ and ██████ on December 12, 2017.<sup>44</sup> Mrs. ██████ tells the responding officers that Sgt. ██████ had recently been arrested in Nashville, but the charges were dismissed because Mrs. ██████ did not show up to testify against Sgt. ██████. Mrs. ██████ also said that Sgt. ██████ “threw me out of a car and broke my ribs.”<sup>45</sup> Sgt. ██████ also spoke to the officers about the Nashville incident:

One in the morning this took place, I put her out of the car after she hit me and threw . . . coffee.

...

The only marks that were on her, is she had red marks on her arm that were consistent with being pulled from a vehicle, which I did. I pulled her out of the vehicle. I wasn't going to stay there and continue to . . . get assaulted and battered.<sup>46</sup>

On June 17, 2018, Sgt. ██████ provided COPA with a copy of a Bank of America credit card statement<sup>47</sup> for a card issued to ██████. The statement is dated November 19, 2017, and it documents a charge of \$8.50 at the Whiskey Bent Saloon in Nashville, Tennessee, on November 12, 2017.

### c. Physical Evidence

Medical records obtained from Vanderbilt University Medical Center<sup>48</sup> document that ██████ was treated in the emergency department on November 13, 2017,

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<sup>41</sup> Attachment 61.

<sup>42</sup> A recording of Sgt. ██████ 911 call was obtained by COPA. Attachment 47. The events at ██████ on December 12, 2017, are also the subject of a separate investigation under Log Number 1087999. The December 12, 2017, incident is discussed in this report only with respect to statements made by Sgt. ██████ and Mrs. ██████ on December 12, 2017, regarding the November 13, 2017, incident in Nashville.

<sup>43</sup> Attachment 40.

<sup>44</sup> In-car-camera (ICC) and BWC recordings from the other responding CPD members, Officer ██████, Officer ██████ and Sgt. ██████ were also obtained by COPA. These recordings are consistent with the recording from Officer ██████ BWC. See Attachments 38, 39, 41, 42 & 43.

<sup>45</sup> Attachment 40, time stamp 2017-12-13 T01:25:26Z. It is noted that CPD BWC recordings are time-stamped in Universal Standard Time (UST).

<sup>46</sup> *Id.* at time stamp 2017-12-13 T01:38:31Z; T01:42:12Z.

<sup>47</sup> Attachment 74.

<sup>48</sup> Attachment 22.

beginning at 7:14 am. Mrs. ██████ told the emergency department physician that she had been assaulted by her husband at approximately 1:00 a.m. and that she was experiencing pain on the left side of her chest. Mrs. ██████ also reported abrasions to her left elbow and left chest wall that resulted from the assault, and these injuries were documented in the physician's notes. Notes also indicate that Mrs. ██████ "chest x-ray shows no acute abnormality such as rib fracture or pneumothorax."<sup>49</sup>

A copy of a **letter from Dr. ██████ at the Cancer Treatment Centers of America**,<sup>50</sup> addressed "To Whom This May Concern" and dated May 23, 2018, was provided to COPA by ██████. The letter documents that on November 24, 2017, Mrs. ██████ complained of severe left rib pain. "[B]one scan performed on 11/27/2017 confirmed left rib fracture."<sup>51</sup>

#### d. Documentary Evidence

An **initiation report**<sup>52</sup> prepared by CPD Lieutenant ██████ dated November 13, 2017, documents that ██████ called the CPD ██████ District at 1:35 am on November 13, 2017, and said that her husband, Sgt. ██████ had pulled her out of a vehicle onto the pavement and driven away following an argument about college tuition. Mrs. ██████ also said that she had called the MNPd and that MNPd officers had responded to the scene and completed a domestic violence report. Mrs. ██████ told Lt. ██████ that her neck was sore but that she had declined medical attention. Mrs. ██████ also said that neither she nor her husband was intoxicated.

A **follow-up initiation report**<sup>53</sup> prepared by CPD Lieutenant ██████ dated November 13, 2017, documents that MNPd Detective ██████ called the CPD ██████ District at 6:20 am on November 13, 2017, and relayed that an arrest warrant would be issued for CPD Sgt. ██████. The report further documents that Sgt. ██████ called Lt. ██████ and reported that he intended to turn himself in after obtaining an attorney. At 12:16 pm, Lt. ██████ received an email message from Detective ██████ documenting that Sgt. ██████ had surrendered himself at approximately 9:45 am.

**MNPd Incident Report** ██████<sup>54</sup> documents that officers were dispatched to 9<sup>th</sup> Avenue and Broadway in Nashville at 1:01 am on November 13, 2017, for a reported assault. The victim, ██████ told officers that her husband, ██████ had pulled her out of their vehicle by the arm, causing her to land on the road. Before being pulled from the vehicle, Mrs. ██████ had thrown a cold cup of coffee at the windshield when she became angry because of her husband's psychological abuse.

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<sup>49</sup> *Id.* at 7.

<sup>50</sup> Attachment 76.

<sup>51</sup> *Id.* Mrs. ██████ declined to consent to the release of any other records to COPA from the Cancer Treatment Centers of America.

<sup>52</sup> Attachment 5.

<sup>53</sup> Attachment 6.

<sup>54</sup> Attachment 7.

MNPD officers transported Mrs. [REDACTED] to their domestic violence division where Mrs. [REDACTED] injuries were photographed and where she was interviewed by detectives. Detectives contacted Sgt. [REDACTED] by phone, but he declined to meet with them. Detectives then went to the [REDACTED] apartment in Franklin, Tennessee, but Sgt. [REDACTED] did not answer the door. Detectives then sought a warrant for Sgt. [REDACTED] arrest and officers transported Mrs. [REDACTED] to a hotel.

An **MNPD Supplement Report**<sup>55</sup> documents that an MNPD officer was conducting a business check at the Hampton Inn located at 310 4<sup>th</sup> Avenue South when he was informed by the hotel clerk that a guest, later identified as [REDACTED] was alleging that she had been the victim of a domestic assault by her husband. The officer met with Mrs. [REDACTED] who told the officer that her husband, a CPD sergeant, had thrown her from a vehicle earlier that morning. Mrs. [REDACTED] said that she was now experiencing worsening pain from her injuries, and she was transported to Vanderbilt Hospital.

An **MNDP Domestic Violence Lethality Screen for First Responders form**<sup>56</sup>, dated November 13, 2017, documents the screening of victim [REDACTED] relative to offender [REDACTED]. The form documents that Mrs. [REDACTED] responded “yes” to the question, “Do you think he/she might try to kill you?” and “yes” to the question, “Does he/she have a gun or can he/she get one easily?” Mrs. [REDACTED] answered “no” to all the other screening questions.

An **MNPD Supplement Report Clearance form**<sup>57</sup> completed by MNPD Detective Brittany [REDACTED] documents the statement made by [REDACTED] to the detective, consistent with the incident report above. The Supplement Report Clearance narrative also documents that Detective [REDACTED] spoke with Sgt. [REDACTED] by telephone, and Sgt. [REDACTED] told the detective that he was too tired to come to the domestic violence office, but that he agreed to meet with the detective at his apartment in Franklin, Tennessee. Detective [REDACTED] documented that she went to the apartment, but Sgt. [REDACTED] did not respond to knocking on the apartment door or to additional telephone calls. The detective then swore out a warrant against Sgt. [REDACTED] for domestic assault. The detective later received a telephone call from Sgt. [REDACTED] and he said that he was retaining counsel. Sgt. [REDACTED] attorney later advised the detective that Sgt. [REDACTED] would not make a statement.

The Supplement Report Clearance narrative also documents that Detective [REDACTED] received a telephone call from [REDACTED] after her arrival at the Vanderbilt Hospital emergency room. Mrs. [REDACTED] told the detective that Sgt. [REDACTED] had contacted Mrs. [REDACTED] by telephone demanding that Mrs. [REDACTED] recant her statement to MNPD. Sgt. [REDACTED] told Mrs. [REDACTED] that he would lose his job if she failed to recant and that he would make sure Mrs. [REDACTED] lost her job if she failed to recant. Sgt. [REDACTED] also reportedly threatened to make sure that Mrs. [REDACTED] children hated her for the rest of her life and instructed Mrs. [REDACTED] to tell police that she had been drinking too much and that she had

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<sup>55</sup> Attachment 27.

<sup>56</sup> Attachment 29.

<sup>57</sup> Attachment 30. A copy of Detective [REDACTED] typed notes regarding this investigation was also obtained by COPA. The typed notes are consistent with Detective [REDACTED] report. Attachment 31.

struck Sgt. [REDACTED] first. Detective [REDACTED] then swore out a second warrant against Sgt. [REDACTED] for coercion of a witness.<sup>58</sup>

An **MNPD Arrest Report**<sup>59</sup> documents that [REDACTED] was arrested on outstanding warrants for domestic assault and coercion of a witness at 10:47 am on November 13, 2017. The report documents that Sgt. [REDACTED] was arrested by officers with the Franklin Police Department and turned over to the MNPD. Sgt. [REDACTED] was then transported to booking without incident.

**Davidson County, Tennessee, Criminal Court records**<sup>60</sup> document that Sgt. [REDACTED] appeared in court on charges of domestic assault and coercion of a witness on November 21, 2017 and again on December 11, 2017. On the December 11 date, both charges were dismissed.

## VI. ANALYSIS

COPA makes its factual and legal determinations using a preponderance-of-the-evidence standard. A proposition is proved by a preponderance of the evidence when it is found to be more probably true than not.<sup>61</sup>

Sgt. [REDACTED] and Mrs. [REDACTED] were the only people present in Sgt. [REDACTED] vehicle when Sgt. [REDACTED] allegedly assaulted Mrs. [REDACTED]. Both agree that Mrs. [REDACTED] made physical contact with Sgt. [REDACTED] first, although Mrs. [REDACTED] contends that she accidentally struck the side of Sgt. [REDACTED] head while gesturing and Sgt. [REDACTED] characterizes Mrs. [REDACTED] act as a deliberate blow. Both also agree that Mrs. [REDACTED] threw a cup of cold coffee in the vehicle prior to Sgt. [REDACTED] alleged assault against Mrs. [REDACTED] although they disagree whether Sgt. [REDACTED] was struck by the coffee. Sgt. [REDACTED] described pushing Mrs. [REDACTED] left shoulder and left side after stopping the vehicle – attempting to force her out – while Mrs. [REDACTED] described being struck in the left chest by Sgt. [REDACTED]. If Sgt. [REDACTED] account is credited, Sgt. [REDACTED] would be justified in using some force while he was driving to prevent Mrs. [REDACTED] from striking him again and to prevent her from creating a danger by interfering with his driving. But even examining these events in the light most favorable to Sgt. [REDACTED] he would not be justified in using force against Mrs. [REDACTED] after he stopped the vehicle and had the opportunity to step away and call for help.

It is undisputed that once Sgt. [REDACTED] safely stopped the vehicle, he reached over towards Mrs. [REDACTED] and attempted to push her out. In pushing Mrs. [REDACTED] Sgt. [REDACTED] struck her about the left side of her upper body. When Sgt. [REDACTED] was unable to push Mrs. [REDACTED] out of the vehicle from his position in the driver's seat, he chose to step out of the vehicle and walk around to the passenger side, to open the passenger door, and to pull Mrs. [REDACTED] out of the vehicle by her arm. Sgt. [REDACTED] – speaking with MNPD Detective [REDACTED] on the day of the incident, speaking with a social worker at Vanderbilt University

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<sup>58</sup> Copies of both Detective [REDACTED] affidavits and both arrest warrants were obtained by COPA and made part of this investigation. Attachments 33 & 34.

<sup>59</sup> Attachment 32.

<sup>60</sup> Attachment 36.

<sup>61</sup> Avery v. State Farm Mutual Automobile Insurance Co., 216 Ill. 2d 100, 191 (2005).

Medical Center on the day of the incident, and in his later statement to COPA – admitted that he considered calling 911 to let the local police deal with Mrs. ██████████ but chose instead to deal with Mrs. ██████████ himself. Sgt. ██████████ explained making this decision because he did not want to pay the legal bills that would result if Mrs. ██████████ was arrested and because he was frustrated by Mrs. ██████████ behavior. Sgt. ██████████ also made similar statements describing the Nashville incident both to his daughters and to CPD members who responded to a later domestic incident at his home in Chicago. Sgt. ██████████ also admits that the marks on Mrs. ██████████ arm were likely caused when Sgt. ██████████ pulled Mrs. ██████████ from the vehicle.

Sgt. ██████████ contends that his actions were taken in self-defense and that Mrs. ██████████ is responsible for the incident because she drank excessively and because she initiated physical contact with Sgt. ██████████. Rule 8 prohibits CPD members from engaging in disrespect to or maltreatment of any person, while on or off duty, and Rule 9 prohibits CPD members from engaging in any unjustified verbal or physical altercation with any person, while on or off duty. It is more likely than not that Sgt. ██████████ violated both rules when he initially attempted to push Mrs. ██████████ out of his vehicle and when he then exited the vehicle, walked around to the passenger side, and pulled Mrs. ██████████ out of the vehicle. Sgt. ██████████ was not obligated to remain in the vehicle while Mrs. ██████████ struck him in the head and threw cold coffee. But Sgt. ██████████ subsequent actions are best characterized as retaliation rather than self-defense because Sgt. ██████████ admittedly had every opportunity to step away and to call for assistance, yet he failed to avail himself of those opportunities. Sgt. ██████████ had no reason to believe that Mrs. ██████████ was about to assault him when he first attempted to push her out of his vehicle. Also, once Sgt. ██████████ exited the vehicle, he was certainly not in any danger of being assaulted by Mrs. ██████████ and it was his choice to walk around the vehicle and re-engage with her. Sgt. ██████████ himself later characterized his decision not to call 911 as a mistake. When Sgt. ██████████ chose to force Mrs. ██████████ out of the vehicle rather than calling for assistance from local police, he maltreated Mrs. ██████████ and engaged in an unjustified physical altercation with Mrs. ██████████. The fact that Mrs. ██████████ may have engaged in similar conduct at an earlier time is not relevant, as Mrs. ██████████ is not a member of the CPD and is not subject to CPD Rules and Regulations or the associated disciplinary mechanisms.

Further, Sgt. ██████████ admitted that he likely caused injuries to Mrs. ██████████ arm when he pulled her from his vehicle. Sgt. ██████████ admitted that he was not gentle when he pulled Mrs. ██████████ from the vehicle, and he admitted that Mrs. ██████████ injuries were consistent with being pulled from a vehicle. Sgt. ██████████ also admitted to pushing Mrs. ██████████ on her left side when he first attempted to eject her from his vehicle, and the scratch on Mrs. ██████████ left upper chest documented in MNPDP photographs and Vanderbilt University Medical Center records was likely caused by Sgt. ██████████. Because Sgt. ██████████ was not justified in pushing and pulling Mrs. ██████████ out of his vehicle and because it is more likely than not that Sgt. ██████████ caused injuries to Mrs. ██████████ arm and chest<sup>62</sup> while pulling her out of his vehicle, COPA finds **Allegations 1 and 2 against Sgt. ██████████ are Sustained.**

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<sup>62</sup> Mrs. ██████████ has also alleged that Sgt. ██████████ blows broke some of her ribs. Chest x-rays documented in Mrs. ██████████ medical records from the night of the incident did not indicate any fractures. Mrs. ██████████ produced a letter from a different physician documenting that a bone scan, performed approximately two weeks after this incident, that did indicate rib fractures. But Mrs. ██████████ declined to consent to the release of further records

Allegations 3 and 4 against Sgt. ██████ deal with threats that Sgt. ██████ allegedly made to coerce Mrs. ██████ to recant her prior statement to MNPd and to stop cooperating in MNPd's criminal investigation. Mrs. ██████ initially declined to speak with COPA investigators regarding the entire Nashville incident, and COPA served allegations against Sgt. ██████ after obtaining an affidavit override. Later, Mrs. ██████ chose to speak with COPA investigators and described the verbal and physical altercation that occurred in Sgt. ██████ vehicle. But Mrs. ██████ declined to answer investigators' questions about what Sgt. ██████ said to her during their telephone conversation while she was being treated at Vanderbilt University Medical Center. Sgt. ██████ provided COPA with recordings of conversations he had by telephone with Mrs. ██████ in the aftermath of the Nashville incident. In these recordings, Sgt. ██████ urges Mrs. ██████ to re-contact the MNPd and to "tell the truth."<sup>63</sup> Sgt. ██████ does not make any threats in these recorded conversations and does not ask Mrs. ██████ to stop cooperating with the MNPd investigation. In one recorded conversation, Sgt. ██████ acknowledges that he said he would forward reports about Mrs. ██████ prior behavior in Chicago to the DEA, but Sgt. ██████ contends that he never conditioned forwarding, or not forwarding, such a report on Mrs. ██████ recanting her statement to the MNPd. COPA cannot be certain that the recordings turned over by Sgt. ██████ include all of Sgt. ██████ conversations with Mrs. ██████ during the relevant times. Because Mrs. ██████ has chosen not to answer questions regarding these specific allegations and because of a lack of other relevant evidence, COPA finds **Allegations 3 and 4 against Sgt. ██████ are Not Sustained.**

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from the physician who performed the bone scan. Further, Mrs. ██████ acknowledged that she fell in the parking garage while struggling with Sgt. ██████ over a blanket. Mrs. ██████ did not remember Sgt. ██████ falling on top of her when she fell, while Sgt. ██████ described falling on top of Mrs. ██████. If Mrs. ██████ ribs were fractured, the fracture could have occurred when she fell in the parking garage, and both Sgt. ██████ and Mrs. ██████ described that fall as accidental. Based on these facts, COPA lacks evidence to attribute the alleged rib injuries to Sgt. ██████. COPA's recommended finding of "Sustained" to Allegation 2 is based on the documented scratch to Mrs. ██████ chest and the documented bruising to Mrs. ██████ arm.

<sup>63</sup> See recordings summarized *supra* Section V.b.

## VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

### a. Sergeant [REDACTED]

#### i. Complimentary and Disciplinary History

Sgt. [REDACTED] has had no sustained disciplinary charges fully adjudicated within the time period specified by the relevant collective bargaining agreement. However, as an aggravating factor, Sgt. [REDACTED] was already under investigation for another domestic violence allegation involving [REDACTED] (Log# 1085650) at the time of this incident. COPA's findings and disciplinary recommendation are currently pending with Department.<sup>64</sup> Sgt. [REDACTED] has received 2 Department Commendations, 39 Honorable Mentions, and 27 other awards and complimentary letters.

#### ii. Recommended Penalty, by Allegation

##### 1. Allegation No. 1

Any person convicted of a misdemeanor crime of domestic violence is prohibited from possessing firearms by federal law.<sup>65</sup> A police officer convicted of a misdemeanor crime of domestic violence is not exempt from this prohibition and being prohibited from possessing a firearm would typically end the career of a police officer.<sup>66</sup> In this case, Sgt. [REDACTED] was arrested and charged with a misdemeanor crime of domestic violence. Although the criminal charges were dismissed, COPA has found by a preponderance of evidence that Sgt. [REDACTED] engaged in conduct that could have resulted in his conviction. The allegations have not been proven beyond a reasonable doubt<sup>67</sup> – as would be required in a criminal proceeding – and COPA is not recommending that Sgt. [REDACTED] be separated from the CPD. However, the fact that a criminal conviction for the same act would cause such a severe penalty demonstrates the seriousness of Sgt. [REDACTED] misconduct and militates towards a serious penalty. In the incident under investigation, a preponderance of evidence shows that Sgt. [REDACTED] struck his wife about the body as alleged in Allegation No. 1. The evidence also shows that Sgt. [REDACTED] engaged in this conduct when retaliating against his wife after she struck him and threw coffee in his truck. Considering both Sgt. [REDACTED] complimentary history and Sgt. [REDACTED] conduct during the incident under investigation, COPA recommends a 30-day suspension.

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<sup>64</sup> It is irrelevant whether Log# 1085650 ultimately results in any sustained findings of this conduct. An officer under investigation for serious and similar allegations of misconduct should exercise heightened judgement.

<sup>65</sup> 18 U.S.C. § 922(g)(9) (2012).

<sup>66</sup> See Rules and Regulations of the Chicago Police Department, Art. VIII (2015) (“As a condition of remaining entitled to the salary and benefits of a police officer who is fit for duty, all sworn members of the Department must be legally able to fully exercise the police powers of a police officer, which of necessity includes being able to lawfully carry a firearm”).

<sup>67</sup> *Victor v. Nebraska*, 511 U.S. 1, 5 (1994) (citing *In re Winship*, 397 U.S. 358 (1970)). In a criminal proceeding, Sgt. [REDACTED] would also have the privilege against compelled self-incrimination. Here, Sgt. [REDACTED] was compelled to make a statement about the incident under investigation to COPA.

**2. Allegation No. 2**

During the same incident discussed above in Allegation No. 1, a preponderance of evidence shows that Sgt. [REDACTED] also forcefully pulled his wife from his vehicle, causing injury to her arm and chest. For the same reasons discussed above, this type of conduct by a sworn law-enforcement officer is particularly consequential. The evidence also shows that Sgt. [REDACTED] engaged in this conduct when retaliating against his wife after she struck him and threw coffee in his truck. Considering both Sgt. [REDACTED] complimentary history and Sgt. [REDACTED] conduct during the incident under investigation, COPA recommends a 30-day suspension, to be served concurrently with the 30-day suspension recommended for Allegation No. 1.

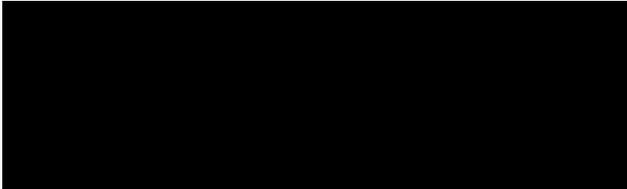
**VIII. CONCLUSION**

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

Officer	Allegation	Finding / Recommendation
Sgt. [REDACTED]	1. It is alleged that on November 13, 2017, at approximately 1:01 a.m., near the intersection of Broadway and Ninth Avenue in Nashville, Tennessee, you struck [REDACTED] about the body.	Sustained / Suspension – 30 Days
	2. It is alleged that on November 13, 2017, at approximately 1:01 a.m., near the intersection of Broadway and Ninth Avenue in Nashville, Tennessee, you forcefully pulled [REDACTED] from a vehicle, causing injury.	Sustained / Suspension – 30 Days
	3. It is alleged that on November 13, 2017, at approximately 9:00 a.m., you spoke with [REDACTED] by telephone while [REDACTED] was at the Vanderbilt University Medical Center in Nashville, Tennessee, and you coerced [REDACTED] to make false statements to a member or members of the Metropolitan Nashville Police Department recanting [REDACTED] prior account of being assaulted and battered by you on November 13, 2017.	Not Sustained
	4. It is alleged that on November 13, 2017, at approximately 9:00 a.m., you spoke with [REDACTED] by telephone while [REDACTED] was at the Vanderbilt University	Not Sustained

Medical Center in Nashville, Tennessee, and you coerced [REDACTED] to stop cooperating in your prosecution by authorities in Davidson County, Tennessee.

Approved:



Tracie Smith  
*First Deputy Chief Administrator*

February 23, 2019

Date



Sydney Roberts  
*Chief Administrator*

February 23, 2019

Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	█
<b>Investigator:</b>	██████████
<b>Supervising Investigator:</b>	██████████████████
<b>Deputy Chief Administrator:</b>	Andrea Kersten