

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	December 16, 2017
Time of Incident:	7:50pm
Location of Incident:	██████████
Date of COPA Notification:	January 8, 2018
Time of COPA Notification:	7:20pm

On December 16, 2017, Officers ██████████, ██████████, and ██████████ responded to a well-being check at the residence of Officer ██████████. Officer ██████████ ex-wife, ██████████, initiated the well-being check because she was concerned for the safety of their son, ██████████, who has at Officer ██████████ home for his court ordered visitation. ██████████ stated to the police officers via cell phone, while on speaker mode, and through Face Time that Officer ██████████ yells and threatens her son. ██████████ also told the officers that her son, ██████████ was exposed to multiple unsecure guns in the home. Officers responded to Officer ██████████ home, but failed to make proper notifications regarding this incident. COPA finds that the responding officers had a duty to inform a higher-ranking member of the department.

II. INVOLVED PARTIES

Accused Officer #1:	██████████, star # ██████████, employee ID# ██████████, Date of Appointment – ██████████, 2001, Police Officer, Date of Birth – ██████████, 1967, Male, Hispanic
Accused Officer #2:	██████████, star # ██████████, employee ID# ██████████, Date of Appointment – ██████████, 2003, Police Officer, Date of Birth – ██████████, 1972, Male, Hispanic
Accused Officer #3:	██████████, star # ██████████, employee ID# ██████████, Date of Appointment – ██████████, 2002, Police Officer, Date of Birth – ██████████, 1971, Male, White
Subject #1:	██████████, 48, Female, Black

Subject #2: [REDACTED], 9, Male

III. ALLEGATIONS

Officer	Allegation	Finding
Officer [REDACTED]	It is alleged that on December 16, 2017, Officer [REDACTED] failed to notify a supervisor after hearing allegations of domestic misconduct by a department member.	Sustained
Officer [REDACTED]	It is alleged that on December 16, 2017, Officer [REDACTED] failed to notify a supervisor after hearing allegations of domestic misconduct by a department member.	Sustained
Officer [REDACTED]	It is alleged that on December 16, 2017, Officer [REDACTED] failed to notify a supervisor after hearing allegations of domestic misconduct by a department member.	Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. Chicago Police Rule 6: Prohibits the disobedience of an order or directive, whether written or oral.

General Orders

1. Chicago Police Department General Order G04-04

V. INVESTIGATION¹

a. Interviews

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

In an interview with COPA on February 22, 2018, **Complainant** [REDACTED] alleged that on the date in question she called the police to perform a well-being check on her son, [REDACTED], who was visiting her ex-husband Officer [REDACTED], per their separation agreement. [REDACTED] stated that she shares joint custody of her son with Officer [REDACTED] and that her son visits with Officer [REDACTED] on Officer [REDACTED] days off.

[REDACTED] related that she received a phone call from [REDACTED] where he stated that he had locked himself in the bathroom because his father, Officer [REDACTED], had accused him of taking his cell phone and was having a temper tantrum. [REDACTED] also stated that [REDACTED] told her that while trying to help his father find his phone, he found loaded handguns in the house and that Officer [REDACTED] told [REDACTED] that he has a gun in every room in the house.

[REDACTED] told her son that she wanted to speak to Officer [REDACTED]. When [REDACTED] exited the bathroom Officer [REDACTED] immediately saw that [REDACTED] was speaking to her. [REDACTED] stated that she heard Officer [REDACTED] explode in anger by yelling and cursing at [REDACTED] for speaking to her. [REDACTED] told her son to go to his bedroom to escape from Officer [REDACTED] anger. While in the bedroom [REDACTED] stated that [REDACTED] told her that he also found shell casings and a box filled with cash. [REDACTED] stated that the phone died after that and she made numerous attempts to call her son back. [REDACTED] then related that she called 911 to ask for a wellbeing check because she felt that there was an imminent threat in the home due to Officer [REDACTED] anger and the unsecure guns. [REDACTED] stated that when [REDACTED] finally called her back she heard the door-bell ring in the background and police officers were outside. [REDACTED] stated that she heard Officer [REDACTED] voice and demeanor change when he spoke to the officers. [REDACTED] stated that Officer [REDACTED] began telling the officers that everything was fine. [REDACTED] grew upset with the officers when they decided to leave without making a police report. She urged [REDACTED] to show the officers where the guns were. [REDACTED] stated that as soon as [REDACTED] pointed to where the gun was in his father's bedroom, the officers immediately turned off their cameras and she overheard the officers say words to effect of 'we don't need to see anything more'.²

In an interview with COPA on April 3, 2018, Officer [REDACTED] stated that he was working alone, in full uniform and in a marked squad car when he received a call over his OEMC radio for a well-being check at [REDACTED]. Officer [REDACTED] stated that he arrived at the address the same time as Officers [REDACTED] and [REDACTED]. Officer [REDACTED] stated that he was met by the subject [REDACTED] whom he knew was a member of the department from working with [REDACTED] in the [REDACTED] District. Officer [REDACTED] testified that he did not know [REDACTED] well. Officer [REDACTED] stated that [REDACTED] was upset with his son about a missing cell phone. Officer [REDACTED] related that he observed no signs of abuse to [REDACTED] son [REDACTED].

Officer [REDACTED] stated that when he walked into [REDACTED] home, [REDACTED] was holding a cell phone with his mother, [REDACTED], on the other line. Officer [REDACTED] stated that the [REDACTED]

² Attachment 20

said that Officer ██████ was just yelling at ██████. After viewing his body worn camera from the date in question, Officer ██████ was asked why a sergeant was not called after hearing ██████ state that Officer ██████ cursed and threatened ██████. Officer ██████ stated that it was a wellbeing check and that he therefore did not need too. Officer ██████ opined that in his mind it never turned into a domestic and that at the time he did not hear the allegations from ██████ that Officer ██████ cursed or threatened ██████. Officer ██████ stated that ██████ looked fine and did not tell Officer ██████ that he was being abused.

Officer ██████ could not remember if he ever spoke to ██████ alone, away from his father. Officer ██████ stated that he walked to ██████ bedroom but did not remember why he did so. Officer ██████ did not see any weapons in the residence.³

In an interview with COPA on April 3, 2018, Officer ██████ stated that he was working in full uniform in a marked squad car with Officer ██████. Officer ██████ stated that on the date in question he and ██████ responded to a well-being check at ██████. Officer ██████ stated that he did not know Officer ██████ was a member of the department until he entered the residence by Officer ██████. Officer ██████ recalled speaking with ██████ over FaceTime. Officer ██████ stated that he believed that ██████ said ██████ told her that he was being abused by Officer ██████ and that there were weapons in the house, and that Officer ██████ was yelling and scaring ██████. Officer ██████ recalled asking ██████ if he was ever touched by Officer ██████ or hit by a belt, to which ██████ replied in the negative. Officer ██████ stated that he could not recall if he ever spoke with ██████ alone or without the presence of his father.

Officer ██████ recalled ██████ asking the officers to search the house for weapons to which Officer ██████ informed ██████, while she was over the phone that the officers would need a search warrant. Officer ██████ stated that ██████ eventually led him to his bedroom and that he saw a weapon in the closet of the ██████ room secured in a holster. Officer ██████ stated that the gun was high enough so that ██████ could not reach it.

Officer ██████ explained later in his interview that he believed he did notify a supervisor over his radio but could not recall why or who he notified.⁴

In an interview with COPA on April 3, 2018, Officer ██████ stated that on the date in question he was working Beat ██████ with Officer ██████ in full uniform. He stated that he responded to a well-being check. He stated Officer ██████ let him and his partner into the residence and that he did not know that Officer ██████ was a police officer until he entered the home. Officer ██████ related that he heard from ██████ that Officer ██████ was yelling, threatening and cursing at ██████ and that yelling, threatening and cursing could mean a lot of

³ Attachment 19 & 24

⁴ Attachment 18 & 23

different things. Officer ██████ could not recall whether he spoke to ██████ alone out of the presence of his father. Officer ██████ related that he did not hear any specific threat.

Officer ██████ went on to state that he did not know that a sergeant needed to be called when a member of the department is involved in a domestic dispute. Moreover, Officer ██████ stated that he has not read a general order in 15 years.⁵

b. Digital Evidence

The **body worn camera of Officer ██████** is four minutes long and starts in the living room of Officer ██████ home. ██████ can be seen holding a cell phone while ██████ can be heard speaking to the responding officers about Officer ██████ conduct toward his son. During the video Officer ██████ states that he wants to speak to the responding officers away from ██████, and Officers ██████ and ██████ walk down a hallway with Officer ██████. Officer ██████ stays with ██████, but does not speak to him. Officer ██████ then stops his body worn camera⁶.

The **body worn camera of Officer ██████** is approximately twelve minutes long. It starts with Officer ██████ driving a squad car on his way to ██████. When he arrives at the residence he and another officer walk toward the front door and are immediately greeted by Officer ██████ who is off duty. Officer ██████ informs Officer ██████ that they received a call from ██████ that she wanted to make sure ██████ was okay. Officer ██████ identified Officer ██████ as someone he knew, and they acknowledge each other by shaking hands and patting each other on the back. ██████ came into the living room with the officers and explained that Officer ██████ was really angry and was yelling at him over a cell phone that Officer ██████ believed ██████ had taken. Officer ██████ admitted to raising his voice and accusing ██████ of taking his phone. ██████ can be heard arguing with Officer ██████. Officer ██████ can be heard saying that “It’s perfectly normal to me if you want to yell at your kid” (4:41).⁷

████████ then states that ██████ called her and told her that Officer ██████ cursed and threatened him. Officer ██████ denied ██████ allegations and told all of the officers that he is a stripped Chicago Police Officer and expounds more on why he believed ██████ took his phone. Officer ██████ again stated that he is only guilty of raising his voice. ██████ interjects through the cell phone and stated that Officer ██████ does not just yell, he “shakes the house” (6:04). ██████ then explained that ██████ is nine years old, and that he is afraid of Officer ██████ because he intimidates and threatens him. ██████ goes on to allege that when police are called Officer ██████ straightens himself up and talks appropriately but when police are not their Officer ██████ displays a temper. Officer ██████ and ██████ argued back and forth about Officer ██████ temper. Officer ██████ asked about the status of their relationship and Officer ██████ answered and stated that ██████ is upset because she believes that Officer ██████ uses ██████ trust fund. Officer ██████ tells ██████ that he can hang up on his mother because “you’re fine, we’re here, and will be leaving shortly” to ██████ dismay. She reiterates that

⁵ Attachment 17 & 22

⁶ Attachment 26

⁷ Attachment 26

the officers have no idea what Officer ██████ sounds like when the doors are close. Officer ██████ then looked at Officer ██████ and asked him where he knows him from. ██████ stated that Officer ██████ is about to be terminated due to his racist rants. Officer ██████ can be heard saying that “if she’s got issues she’s going to have to deal with her lawyer later”.

Officer ██████ orders his son to stay in the front of the house and requested that the officers come walk with him. Officer ██████ and ██████ walk with Officer ██████ to ██████ room and Officer ██████ starts talking to Officer ██████ about ██████ trust fund while Officer ██████ walked around ██████ room. ██████ walked into his room and started talking with Officer ██████ about golf. Officer ██████ and Officer ██████ struck up a conversation about where Officer ██████ works and they begin to speak about other Chicago Police personnel that they know. Officer ██████ then turned off his camera.⁸

There are two videos from the **body worn camera of Officer ██████**. The first video is essentially identical to Officer ██████ body worn camera video. The second video is two minutes and eleven seconds long and showed Officer ██████ walking back to Officer ██████ residence. Officer ██████ along with all the other officers follow Officer ██████ and ██████ back into the residence. The group walks into Officer ██████ room and ██████ walks into Officer ██████ bedroom closet and points to where Officer ██████ gun is located. Officer ██████ sees the gun and Officer ██████ says that it is time to get out of his closet. The Officers then proceed to walk out of the residence. Officer ██████ can be seen speaking to Officer ██████ that ██████ alleged that there was some type of gun inside the house but where she said it was it wasn’t there. Officer ██████ remarks that he believes ██████ trying to stir up some type of something.⁹

c. Documentary Evidence

An **Original Case Incident Report (OCIR)** was drafted on December 22, 2017. The OCIR was titled Domestic Related Incident and referenced the incident that occurred on December 16, 2017. This report was written by Detective ██████ and was based from a Child Abuse Hotline Notification made by ██████ where she stated that ██████ was exposed to multiple unsecure guns in Officer ██████ home and called 911 to request a child welfare check. The report dictates that she overheard an ██████ district officer say “no, we do not need to see anything”.¹⁰

d. Physical Evidence

Event Queries from the Office of Emergency Management and Communications (OEMC) for December 16, 2017, show that ██████ called 911 at 7:51pm. The remarks explain that

⁸ Attachment 26

⁹ Attachment 26

¹⁰ Attachment 9

while [REDACTED] was speaking with her 9-year-old son over the phone when Officer [REDACTED] began cursing and threatening her son.¹¹

R/I reviewed the **Radio Transmissions** from Office of Emergency Management and Communications (OEMC) of this incident. R/I did not hear any of the accused officers call for a sergeant on December 16, 2017.¹²

VI. ANALYSIS

COPA recommends a **Sustained** finding against officers [REDACTED], [REDACTED], and [REDACTED] who are alleged to have failed to notify a supervisor after hearing allegations of a domestic incident involving an off-duty department member.

Section III(B) of General Order G04-04, of the Chicago Police Department provides that:

If a Chicago Police Department member is involved in the domestic incident, the responding member will request that a member who is of higher rank than the Department member involved in the domestic incident be assigned from the district of occurrence as the investigating supervisor. If an *exempt* member is involved in the domestic incident, the *field supervisor* of the district of occurrence will be assigned to the scene. If circumstances warrant, the *field supervisor* may request that the appropriate ranking *exempt* member also be assigned to the scene.

The Chicago Police general order makes it clear that if a member of the department gets involved in a domestic incident that the responding officers must request a member who is of a higher rank than the involved member.

Here the accused officers professed individually in their statements to COPA that they were responding to a call for a wellbeing check. The body worn cameras from the officers show that when the officers arrived inside of the residence for their preliminary investigation, they were met by [REDACTED], whose mother was communicating with the officers via cell phone, which was on speakerphone. The body worn cameras from the three officers, each show that they were present when [REDACTED] makes allegations that Officer [REDACTED] had been verbally abusive towards her son.

The body worn camera also shows that the officers were present when [REDACTED] alleged that Officer [REDACTED] threatened [REDACTED]. After hearing these allegations of domestic misconduct against Officer [REDACTED], COPA finds that at this point of the preliminary investigation, this matter shifted from a wellbeing check to a domestic dispute and that the officers should have, at a minimum, contacted a department member of higher rank than Officer [REDACTED], per general order G04-04. In this instance, the officers chose not to, and in doing so violated the aforementioned general order, thus COPA finds the allegations against Officer [REDACTED], Officer [REDACTED] and Officer [REDACTED] are **Sustained**, by a preponderance of the evidence.

¹¹ Attachment 26

¹² Attachment 25

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**a. Officer [REDACTED]****i. Complimentary and Disciplinary History**

COPA has reviewed both the disciplinary and complimentary history of the officer.

ii. Recommended Penalty, by Allegation**1. Allegation No. 1**

COPA recommends a 2 day suspension and retraining on the General Order G04-04 for Officer [REDACTED]. While the officers rely on the fact that they responded to a dispatch of wellbeing check, it is clear the officers were presented with, at the very least, an incident involving a domestic relationship between a department member and his son. [REDACTED] specified that her son called her because he feared his father. The officer's response was cursory and minimal at best. For example, Officer [REDACTED] BWC was only activated for four minutes. Officer [REDACTED] is heard commenting "It's perfectly normal to me if you want to yell at your kid."

COPA is conscious that the officers may not have viewed this situation as a "domestic incident" or may not have been familiar enough with the general order to know a supervisor should have been called. However, any lack of training did not excuse their obligation to call a higher-ranking department member. The purpose for the general order is to avoid what happened here, where officers with the same rank made the final decision as to whether a domestic incident involving a fellow department member required investigation. The responding officers entered the house, listened to conflicting stories from [REDACTED] and Officer [REDACTED] about the nature of the encounter the unilaterally decided the complaint was not valid.

a. Officer [REDACTED]**i. Complimentary and Disciplinary History**

COPA has reviewed both the disciplinary and complimentary history of the officer.

ii. Recommended Penalty, by Allegation**1. Allegation No. 1**

For the same reasons articulated above, COPA recommends a 2 day suspension and retraining on General Order G04-04 for Officer [REDACTED].

a. Officer [REDACTED]**i. Complimentary and Disciplinary History**

COPA has reviewed both the disciplinary and complimentary history of the officer.

ii. Recommended Penalty, by Allegation

1. Allegation No. 1

For the same reasons articulated above, COPA recommends a 2 day suspension and retraining on General Order G04-04 for Officer [REDACTED].

VIII. CONCLUSION

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

Allegation	Finding
Officer [REDACTED] It is alleged that on December 16, 2017, Officer [REDACTED] failed to notify a supervisor after hearing allegations of domestic misconduct by a department member.	Sustained
Officer [REDACTED] It is alleged that on December 16, 2017, Officer [REDACTED] failed to notify a supervisor after hearing allegations of domestic misconduct by a department member.	Sustained
Officer [REDACTED] It is alleged that on December 16, 2017, Officer [REDACTED] failed to notify a supervisor after hearing allegations of domestic misconduct by a department member.	Sustained

Approved:

[REDACTED]

January 30, 2019

[REDACTED]
Deputy Chief Administrator

Date

Appendix A

Assigned Investigative Staff

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