

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

**I. EXECUTIVE SUMMARY**

Date of Incident:	October 7, 2018
Time of Incident:	4:45 PM
Location of Incident:	██████████ Chicago, IL 60619
Date of COPA Notification:	October 7, 2018
Time of COPA Notification:	8:47 PM

On October 7, 2018, at approximately 4:45 p.m., near the vicinity of ██████████, Chicago, Il 60619, Officer ██████████ #██████████ (“Officer ██████████”) was involved in an altercation with her partner ██████████ (“██████████”). ██████████ alleges that Officer ██████████ pushed her down the front porch stairs causing her to fall. Additionally, ██████████ on behalf of her five-year-old daughter, ██████████ (“██████████”), alleges that Officer ██████████ pushed ██████████ to the ground. The Civilian Office of Police Accountability (“COPA”) conducted a thorough investigation of the allegations and recommends they be Sustained.

**II. INVOLVED PARTIES**

Involved Officer #1:	██████████, Star # ██████████, Employee ID# ██████████ DOA: ██████████15, Rank: Police Officer, Unit of Assignment: ██████████ District, DOB: ██████████86, Female, Black.
Involved Individual #1:	██████████, DOB ██████████93, Female, Black.

**III. ALLEGATIONS**

Officer	Allegation	Finding/Recommendation
Officer ██████████	1. It is alleged by ██████████ that on ██████████ 2018, at approximately 4:45 p.m. at the location of ██████████ Ave., Chicago, Illinois 60619, Officer ██████████ pushed ██████████ down the front porch stairs causing her to fall in violation of Rules 1, 8, and 9.	Sustained/ 10 Day Suspension and Domestic Violence Counseling

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

	<p>2.It is alleged by [REDACTED] that on October 7, 2018, at approximately 4:45 p.m. at the location of [REDACTED] Ave., Chicago, Illinois 60619, Officer [REDACTED] pushed [REDACTED], a minor ([REDACTED] years old) to the ground in violation of Rules 1, 8, and 9.</p>	<p>Sustained/ 15 Day Suspension and Domestic Violence Counseling</p>
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**IV. APPLICABLE RULES AND LAWS**

Rules

**Rule 1:** Violation of any law or ordinance.

**Rule 2:** Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.

**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

**720 ILCS 5/12-3.2:** Domestic Battery  
**720 ILCS 5/12-3:** Battery

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

**a. Interviews**

COPA conducted [REDACTED] **audio recorded statement** on October 10, 2018.<sup>3</sup> [REDACTED] stated that on October 7, 2018, she and Officer [REDACTED] spoke on the phone about their estranged relationship. [REDACTED] stated that she told Officer [REDACTED] she would go to her house and return Officer [REDACTED] necklace. [REDACTED] stated that once she arrived at Officer [REDACTED] home, both she and Officer [REDACTED] started to yell at each other. [REDACTED] stated she was still in her vehicle when Officer [REDACTED] told her to put her necklace in the mailbox. [REDACTED] stated that she went onto Officer [REDACTED] porch because she saw Officer [REDACTED] in the window. [REDACTED] stated that the two began to have a verbal argument and Officer [REDACTED] called [REDACTED] mother to the house. [REDACTED] stated her mother came to Officer [REDACTED] home with [REDACTED] and started yelling at her. [REDACTED] stated Officer [REDACTED] took her phone and her purse and told her she would not get her items back until she returned hers. [REDACTED] stated that she and Officer [REDACTED] started to fight and push each other. [REDACTED] stated [REDACTED] started to cry and began to push Officer [REDACTED] to protect [REDACTED]. [REDACTED] stated that in the midst of the fight, Officer [REDACTED] pushed her down the front porch stairs.

<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> Attachment 5

█████ stated that she then left and went to her house to change her clothes. █████ stated that she returned to Officer █████ home and used a stranger's phone to call one of her friends and Officer █████. █████ stated that Officer █████ told her she was not at home. █████ stated she then called the police in hopes that they could help retrieve her items. █████ stated that she told the police that she and Officer █████ were friends who got into a mutual verbal and physical fight. █████ stated that the police officers spoke to █████ who told them that Officer █████ pushed her and █████. █████ stated that she told the police on scene that neither she nor her daughter were harmed and that she did not call the police for the fight but instead to get her items returned. █████ stated that Officer █████ pushed █████ in an attempt to get her out of the way because █████ was charging at Officer █████ to protect █████. █████ stated that after filing the police report she went home. █████ stated that later that evening she returned to Officer █████ home to help find Officer █████ necklace that she had thrown in the grass. █████ stated that after finding and returning the necklace, Officer █████ returned her items. █████ stated that she and Officer █████ spoke about the incident and agreed that it should not have gotten as serious as it did. █████ stated that after the day of the incident, Officer █████ told her that she and █████ lied in the report and that she was going to lose her job because of it. █████ stated that she told Officer █████ that she would do whatever it took to fix the misunderstanding.

COPA conducted accused Officer █████ audio statement on March 12, 2019.<sup>4</sup> Officer █████ stated that she has known █████ for over a year and was previously involved in a romantic relationship with █████. Officer █████ stated that during the time she and █████ were dating, they took trips together, met each other's families, and spent time with █████ daughter, █████. Officer █████ stated that she would spend time with █████ both alone and in the presence of █████. Officer █████ stated she helped █████ with her homework and would take her on outings. Officer █████ stated █████ knew her well. Officer █████ stated that she and █████ ended their relationship on September 30, 2018 and were no longer dating on October 7, 2018. Officer █████ stated that prior to October 7, 2018, she saw █████ on October 1, 2018, when █████ came to her home. Officer █████ stated that while she told █████ to leave, █████ refused to leave and started pushing her. Officer █████ stated that █████ ripped her necklace off her neck and kept the necklace.

Officer █████ stated that when she saw █████ on October 7, 2018, she was off duty. Officer █████ stated the location of the alleged incident was her home. Officer █████ stated that on October 7, 2018, █████ texted her that she was coming to her home to return the necklace she broke the week before. Officer █████ stated █████ came to her home at approximately 1:15 p.m. Officer █████ stated that she did not answer the door when █████ knocked and instead texted her that she was not home. Officer █████ stated that she told █████ to put the necklace in the mailbox. Officer █████ stated that █████ refused to leave and waited outside of her home for approximately 2 hours. Officer █████ stated that since the breakup, she ignored █████ and believes this was the reason █████ came to her home. Officer █████ stated she called █████ sister and mother to let them know that █████ was at her house. Officer █████ stated that █████ mother came to her house with █████.

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<sup>4</sup> Attachment 22, 23

Officer [REDACTED] stated she waited until [REDACTED]'s mother was present to exit her house. Officer [REDACTED] stated that [REDACTED] stayed in the car while [REDACTED]'s mother tried to reason with [REDACTED] to leave. Officer [REDACTED] stated that she was standing on the front steps of her home while [REDACTED] was talking to her mother. Officer [REDACTED] stated that she saw her friend [REDACTED] (" [REDACTED] ") in her car a couple houses down the block so she went and spoke to her. Officer [REDACTED] stated that she does not know what [REDACTED] saw. Officer [REDACTED] stated that [REDACTED] mother left after about 30 minutes without [REDACTED], leaving [REDACTED] with [REDACTED]. Officer [REDACTED] stated she told [REDACTED] to give her the necklace and leave. Officer [REDACTED] stated that while it was not the best decision, she took [REDACTED] phone from her hand to exchange the phone for her necklace. Officer [REDACTED] stated she then turned around to go into her house and [REDACTED] followed close to her. Officer [REDACTED] stated [REDACTED] pulled on her jacket to stop her from going into her house. Officer [REDACTED] stated she then moved her arm back to knock [REDACTED]' arm off from her body and that was when [REDACTED] fell. Officer [REDACTED] stated [REDACTED] used her arm to hold onto the banister for balance. Officer [REDACTED] stated [REDACTED] fell from the second or third step of her five-step porch. Officer [REDACTED] stated that she did see [REDACTED] fall and then get up right away. Officer [REDACTED] stated that she then went into her home.

Officer [REDACTED] stated that when [REDACTED] fell, [REDACTED] was either on the front sidewalk or the grass. Officer [REDACTED] stated she went into her home and left for the gym soon after. Officer [REDACTED] stated that when she left, [REDACTED] was gone. Officer [REDACTED] stated that [REDACTED] continued to call and text her. Officer [REDACTED] stated [REDACTED] wanted her phone and she told her that when [REDACTED] returned her necklace she would return her phone. Officer [REDACTED] stated that she eventually returned home to get ready for work. Officer [REDACTED] stated that while at home, [REDACTED] called her in an emotional state because her family was siding with Officer [REDACTED]. Officer [REDACTED] stated she told [REDACTED] she wanted her necklace and she would return [REDACTED]' phone. Officer [REDACTED] stated that she then waited for [REDACTED] to come to her home with the necklace. Officer [REDACTED] stated she was waiting inside of her car because was going to go into work soon after. Officer [REDACTED] stated [REDACTED] came to her driver's side window and the two exchanged property. Officer [REDACTED] stated that [REDACTED] then texted her that when she got to work she would hear something.

Officer [REDACTED] stated that when she arrived at work, her Lieutenant informed her that [REDACTED] made a battery report. Officer [REDACTED] stated that she does not know why [REDACTED] would say that she pushed her. Officer [REDACTED] stated she at no time touched [REDACTED]. Officer [REDACTED] further stated that [REDACTED] is an advanced [REDACTED]-year-old and mature for her age. Officer [REDACTED] stated that it is possible that [REDACTED] used her arms to tell her to stop touching [REDACTED]. Officer [REDACTED] stated that while she did not recall, it was possible that [REDACTED] was near her enough to have touched or brushed up against her. Officer [REDACTED] stated she never saw [REDACTED] fall to the ground. Officer [REDACTED] stated that she has had contact with [REDACTED] since October 7, 2018. Officer [REDACTED] stated she had to obtain an order of protection against [REDACTED] because [REDACTED] continued to pursue her, including showing up at her house with [REDACTED] early on October 8, 2018. Officer [REDACTED] stated that on October 8, 2018, she called the police and obtained a police report for criminal trespass.

COPA conducted witness Sergeant [REDACTED]'s Star # [REDACTED] ("Sergeant [REDACTED]"), audio statement on March 19, 2019.<sup>5</sup> Sergeant [REDACTED] stated that she was dispatched to the location of [REDACTED] for a domestic disturbance. Sergeant [REDACTED] stated that when she arrived at the location, [REDACTED], [REDACTED], and a friend of [REDACTED] was present. Sergeant [REDACTED] stated that after her arrival, Officers [REDACTED] and [REDACTED] and Lieutenant [REDACTED] arrived. Sergeant [REDACTED], reading her initiation report, stated that [REDACTED] told her Officer [REDACTED] struck her about the body a week before. Sergeant [REDACTED] further stated that [REDACTED] said Officer [REDACTED] pushed her down the stairs and hit her over the head with her purse on October 7, 2018. [REDACTED] further told Sergeant [REDACTED] that Officer [REDACTED] took her cell phone and her purse. Sergeant [REDACTED] stated that [REDACTED] noted that [REDACTED] videotaped the incident. Sergeant [REDACTED] further stated that [REDACTED] told her that Officer [REDACTED] also pushed her to the ground. Sergeant [REDACTED] stated that she did not have any reason not to believe [REDACTED] or [REDACTED]'s statements.<sup>6</sup>

COPA conducted witness Lieutenant [REDACTED]'s, Star # [REDACTED] ("Lieutenant [REDACTED]") audio statement on March 14, 2019.<sup>7</sup> Lieutenant [REDACTED] stated that on October 7, 2018, he was on duty. Lieutenant [REDACTED] stated that on that date he was summoned to [REDACTED] by Sergeant [REDACTED] for a domestic disturbance involving an off-duty police officer. Lieutenant [REDACTED] stated that through further investigation, he learned that the involved officer was Officer [REDACTED]. Lieutenant [REDACTED] stated that Sgt. [REDACTED] informed him that [REDACTED] was in a relationship with Officer [REDACTED] and the two got into a heated argument that became physical. Lieutenant [REDACTED] stated he was further informed that Officer [REDACTED] pushed and battered [REDACTED]. Lieutenant [REDACTED] stated a civilian witness and [REDACTED] corroborated [REDACTED] statement. Lieutenant [REDACTED] stated that while he did not recall seeing the video, the police report does state that a civilian witness took a video. Lieutenant [REDACTED] stated that he and Sergeant [REDACTED] spoke to [REDACTED] who stated that [REDACTED] got into an argument and that Officer [REDACTED] pushed [REDACTED] and her. Lieutenant [REDACTED] stated that he did not see any bruises or injuries on [REDACTED] or [REDACTED]. Lieutenant [REDACTED] stated both [REDACTED] and [REDACTED] were calm. Lieutenant [REDACTED] stated that he took [REDACTED] and [REDACTED]'s statements at face value and had no reason not to believe the statements. Lieutenant [REDACTED] stated that on the day of the incident, he did not speak to Officer [REDACTED] because there was no answer at her front door. Lieutenant [REDACTED] stated he also knocked on the homes next to Officers [REDACTED]' home and no one answered. Lieutenant [REDACTED] stated that prior to the day of the incident, he did not know Officer [REDACTED]. Lieutenant [REDACTED] stated that after the day of incident, while he has not encountered Officer [REDACTED], he has heard of more reports involving Officer [REDACTED].

COPA conducted witness Officer [REDACTED]'s, Star # [REDACTED] ("Officer [REDACTED]") audio statement on March 18, 2019.<sup>8</sup> Officer [REDACTED] stated that on October 7, 2018, he and his partner, Officer [REDACTED] ("Officer [REDACTED]"), responded to the location of [REDACTED] for a domestic disturbance involving an off-duty police officer and a civilian. Officer [REDACTED] stated that upon arriving at the location he recalled seeing [REDACTED], [REDACTED] and Sergeant [REDACTED]. Officer [REDACTED] did not recall seeing any other civilian witnesses. Officer [REDACTED] stated that he learned that [REDACTED] got into a domestic altercation with an off-duty police officer.

<sup>5</sup> Attachment 25

<sup>6</sup> Sgt. [REDACTED], off the record, informed COPA that she was aware that Officer [REDACTED] and [REDACTED] were involved in a second domestic violence incident on December 12, 2018.

<sup>7</sup> Attachment 24

<sup>8</sup> Attachment 27

Officer ██████ stated that ██████ told him that she went to ██████ home to return a necklace. Officer ██████ stated ██████ told him she first got into a verbal altercation with ██████ on the phone prior to arriving at ██████ home and that the altercation became physical once she arrived. Officer ██████ stated that ██████ specifically told him, Officer ██████ pushed her causing her to fall down the stairs. Officer ██████ stated that ██████ stated, “██████” a civilian, recorded the incident. Officer ██████ stated that he did not recall hearing whether Officer ██████ became physical with anyone other than ██████. Officer ██████ stated that Sergeant ██████ and Lieutenant ██████ spoke to ██████. Officer ██████ stated that he did not see any injuries on ██████ and ██████ and they refused medical attention. Officer ██████ stated that ██████ demeanor was calm, and ██████'s demeanor was sad. Officer ██████ stated that he did not know Officer ██████ and had not responded to the location in the past. Officer ██████ stated that on October 7, 2018, he did not know ██████ and did not have any reason not to believe her statements to him.

COPA conducted witness Officer ██████, Star # ██████ audio statement on March 18, 2019.<sup>9</sup> Officer ██████ stated that on October 7, 2018, he and Officer ██████ responded to the residence located at ██████ for a domestic disturbance. Officer ██████ stated that upon arrival Sergeant ██████ was already on scene speaking to ██████. Officer ██████ stated that ██████ relayed that she was in a domestic dispute with her girlfriend, Officer ██████ regarding a necklace. Officer ██████ stated that ██████ further told him, she and Officer ██████ got into a verbal and physical altercation which led to Officer ██████ pushing her and ██████. Officer ██████ stated that ██████ relayed that Officer ██████ took her cellphone, car keys, and purse. Officer ██████ stated that he did not see any injuries on ██████ or ██████ and they refused medical treatment. Officer ██████ stated that ██████ did not give any indications that she was lying about the statements that she made. Officer ██████ stated that he has not had any interaction with Officer ██████. Officer ██████ stated that he authored the police report and it was written accurately to the best of his knowledge.

COPA conducted witness ██████ (“██████”) audio statement on March 22, 2019.<sup>10</sup> ██████ stated that on October 7, 2018, she was at the location of ██████ to hang out with Officer ██████. ██████ stated that when she arrived at the address, she observed ██████ and ██████ mother standing on the sidewalk. ██████ stated that she did not hear any conversations between ██████ and her mother. ██████ stated she did not see ██████. ██████ stated that Officer ██████ came to her vehicle and said that ██████ was upset. ██████ stated that she knew that ██████ and Officer ██████ had a dating relationship and decided to stay inside of her vehicle because she did not want to be involved. ██████ stated she waited in her vehicle for less than thirty minutes before Officer ██████ told her she was leaving her home. ██████ stated that when she left, she did not see ██████. ██████ stated that she has known Officer ██████ for 13 years. ██████ stated that prior to October 7, 2018, she had met ██████ at a gathering. ██████ stated that she did not take any photo or video on the date of the incident. ██████ stated that ██████ might have thought that she had because she had her phone in her hand.

<sup>9</sup> Attachment 26

<sup>10</sup> Attachment 28

**b. Digital Evidence**

Sergeant [REDACTED]'s **Body Worn Camera ("BWC")**<sup>11</sup> depicts her arriving at the location of [REDACTED]. The residence is a brown brick home with a five-step staircase leading to the top of the front door. When Sergeant [REDACTED] arrives, [REDACTED] is sitting at the top of the staircase with a female friend. [REDACTED] explains to Sergeant [REDACTED] that she called the police because she has been trying to get her phone, wallet, and driver's license from Officer [REDACTED] for hours. [REDACTED] continues to say that Officer [REDACTED] pushed her down the stairs in front of her daughter. Sergeant [REDACTED] asks [REDACTED] to walk to the squad car with her because she wants to verify that no one has an order of protection. Sergeant [REDACTED] asks [REDACTED] whether she got a police report done when Officer [REDACTED] pushed her. [REDACTED] responds that she did not because Officer [REDACTED] told her she is a police officer and it would be [REDACTED] word against hers. Sergeant [REDACTED] calls Lieutenant [REDACTED] to the scene. Sergeant [REDACTED] then asks [REDACTED] to tell her what happened.

[REDACTED] states that Officer [REDACTED] called her while she was at church and told her that she was going to go to her house and tell her mother about what has been going on between them. [REDACTED] stated she told Officer [REDACTED] not to go to her house and that she would come to her house. [REDACTED] stated that when she arrived at Officer [REDACTED] home, Officer [REDACTED] told her over the phone that she wasn't home, although [REDACTED] could see her through the window. [REDACTED] states Officer [REDACTED] called her mother to tell her that [REDACTED] wouldn't leave her alone. [REDACTED] states she exited her car to put Officer [REDACTED]'s battery pack and necklace in her mailbox. [REDACTED] states Officer [REDACTED] began cursing at her and [REDACTED] began to have a verbal altercation with her. [REDACTED] states that she then went to her car and Officer [REDACTED] came onto the porch to continue yelling at her. [REDACTED] states her mother came to the home and she began a verbal altercation with her mother. [REDACTED] states that Officer [REDACTED] came to her car and took her car keys and purse. [REDACTED] states Officer [REDACTED] also took her cellphone from her jacket pocket. [REDACTED] state her mother left, leaving [REDACTED] with [REDACTED]. [REDACTED] states Officer [REDACTED] stated to her, "Bitch, I'll beat you up in front of your daughter."<sup>12</sup>

[REDACTED] states Officer [REDACTED] used her purse to hit her over the head and then she pushed her down the stairs. [REDACTED] states that she got up crying, took [REDACTED], and demanded her phone back from Officer [REDACTED]. [REDACTED] states that a week prior she and Officer [REDACTED] got into a fist fight. [REDACTED] states that Officer [REDACTED] uses her police authority against her. [REDACTED] gave Sergeant [REDACTED] permission to talk to [REDACTED] without her present.

As Sergeant [REDACTED] exits her car, Lieutenant [REDACTED] arrives. Sergeant [REDACTED] and Lieutenant [REDACTED] knock on Officer [REDACTED]'s door and two neighboring houses. The neighbor at [REDACTED] answers the door but states that she did not see or hear any commotion. Sergeant [REDACTED] and Lieutenant [REDACTED] then talk to [REDACTED] who stated that a girl named, "[REDACTED]" pushed her mother off the stairs causing her to fall into the grass obtaining a large scratch. [REDACTED] states her mother wanted her phone which Officer [REDACTED] would not return and instead continued to curse at her. [REDACTED] continues and tells Sergeant [REDACTED] that Officer [REDACTED] also pushed her to the ground. [REDACTED] states that Officer [REDACTED] did not say anything to her and [REDACTED]

<sup>11</sup> Attachment 38

<sup>12</sup> Attachment 38 at 9:19

helped her get off the ground. [REDACTED] states that Officer [REDACTED] pushed her on purpose. [REDACTED] takes Lieutenant [REDACTED] and Sergeant [REDACTED] to the spot on the sidewalk where Officer [REDACTED] pushed her. [REDACTED] identifies Officer [REDACTED] as a woman with dreads. Sergeant [REDACTED] asked [REDACTED] whether she saw Officer [REDACTED] push [REDACTED] and she nodded her head.

Officer [REDACTED]'s BWC<sup>13</sup> depicts [REDACTED] telling Sergeant [REDACTED] the narrative of the incident. Officer [REDACTED] takes [REDACTED] information for the police report. [REDACTED] tells Officer [REDACTED] that she has pain in her rib. [REDACTED] states that she did not leave after putting Officer [REDACTED]'s items in the mailbox because Officer [REDACTED] told her she had called [REDACTED] mother who was on her way. [REDACTED] stated that before Officer [REDACTED] pushed her off the stairs she stated, "bitch, get off of my property."<sup>14</sup> Officers [REDACTED] and [REDACTED] explained to [REDACTED] the domestic incident paperwork and how to get an order of protection. [REDACTED] told Officer [REDACTED] that Officer [REDACTED] has been an officer for three years. [REDACTED] further told Lieutenant [REDACTED] that she met Officer [REDACTED] at Walmart and the two have been in a relationship for a year and a half. [REDACTED] stated that she did not care about Officer [REDACTED] pushing her down the stairs and only wanted her items returned. Lieutenant [REDACTED] explains to [REDACTED] that they must move forward now that they know Officer [REDACTED] pushed her. [REDACTED] further told Officer [REDACTED] that Officer [REDACTED] did push [REDACTED], but she did not want to make a big deal about it. Officer [REDACTED] explained to [REDACTED] that the fact that she called the police and told them what Officer [REDACTED] did, is a serious matter.

Officer [REDACTED]'s BWC<sup>15</sup> depicts the same footage captured on Sergeant [REDACTED]'s and Officer [REDACTED]'s BWC.

Photographs of text messages<sup>16</sup> provided by Officer [REDACTED] show that Officer [REDACTED] told [REDACTED] to put her items in her home mailbox because she was not home. [REDACTED] told Officer [REDACTED] that she does not believe that Officer [REDACTED] is not home and told Officer [REDACTED] to come to her car and get her items. In the days that follow, [REDACTED] attempted to reconcile with Officer [REDACTED] by apologizing for filing a police report.

### c. Documentary Evidence<sup>17</sup>

The **Initiation Report** submitted by Sergeant [REDACTED] on October 7, 2018, indicates that [REDACTED] alleged that her girlfriend, Officer [REDACTED] struck her about the body a week prior and that on October 7, 2018, [REDACTED] struck her in the head with a purse, breaking the strap, and took her cell phone, and purse.<sup>18</sup> [REDACTED] also alleged that Officer [REDACTED] pushed her, causing her to fall to the ground. [REDACTED] related that witness, [REDACTED] videotaped the incident. [REDACTED] refused medical treatment for herself and [REDACTED]

<sup>13</sup> Attachment 38

<sup>14</sup> Attachment 38.PO [REDACTED] at 11:57

<sup>15</sup> Attachment 38

<sup>16</sup> Attachment 30

<sup>17</sup> On February 28, 2006, Officer [REDACTED] was arrested for a domestic battery. The case was disposed Nolle Prosequi. [REDACTED]

<sup>18</sup> Attachment 20



Original Case Incident Report RD# [REDACTED]<sup>9</sup> provides a summary of the incident as reported to the officers.

## VI. ANALYSIS

### a. Legal Standard

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

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is more likely than not that the conduct occurred and violated Department policy. See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28

### b. COPA finds that the allegations against Officer [REDACTED] are Sustained.

The burden of proof COPA used in its analysis is the preponderance of the evidence standard. It is alleged by [REDACTED] that Officer [REDACTED] pushed her down the front porch stairs causing her to fall. Additionally, [REDACTED] on behalf of her daughter, [REDACTED], alleges that Officer [REDACTED] pushed [REDACTED] to the ground. After analyzing the evidence, COPA determined the allegations are supported by sufficient evidence to justify findings of Sustained.

Evidence shows that Officer [REDACTED] and [REDACTED] were involved in a romantic relationship in which they travelled together and spent time with [REDACTED] daughter, [REDACTED]. On the date of the incident, Officer [REDACTED] and [REDACTED] were no longer in a relationship and [REDACTED] went to Officer

<sup>19</sup> Attachment 4

█' home to return her personal items. In the midst of the return of the items, Officer █ and █ got into a verbal and physical altercation in which Officer █ pushed █ down the stairs and █ to the ground.

In weighing the credibility of Officer █, █, and █, it is more likely than not that the incident occurred as reported by █ and █ to the responding officers on scene. Body worn camera captured █ and █'s immediate outcry hours after the incident. Most compelling is the statement from █ to the responding officers describing how Officer █, an adult she knew and had spent time with, pushed her on purpose and showing them the location where she fell. █ also described how Officer █ hit and cursed at her mother. In the days that followed, █ and Officer █ reconciled, and COPA finds that as a result of that reconciliation, █ attempted to minimize Officer █'s actions on the date of the incident in her statement to COPA.

In altercations in which there is a lack of digital evidence capturing the alleged incident, more often than not, it is the word of the one individual against the other. However, in this instance, █'s statement provided corroborative evidence to show that the version of events as reported by █ on the date of the were probably true. While █ and Officer █ attempted to minimize Officer █' actions in their statements to COPA, Officer █ admitted to pushing █ and that it was possible that she "touched" █. Officer █ as a member of the Chicago Police Department, should not be engaging in unjustified physical altercations with any individual and her actions brought discredit upon the Department. For the aforementioned reasons, COPA recommends the finding of Sustained for Allegation 1 and 2.

**VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**

**a. Officer █**

**i. Complimentary and Disciplinary History**

Officer █ complimentary history reflects that she has had 8 honorable mentions.

Officer █ does not have any prior disciplinary history.

**ii. Recommended Penalty, by allegation**

- 1. Allegation No. 1, 10 Day Suspension and Domestic Violence Counseling.
- 2. Allegation No. 2, 15 Day Suspension and Domestic Violence Counseling.

**VIII. CONCLUSION**

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

Officer	Allegation	Finding/Recommendation
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Officer [REDACTED]	<p>1.It is alleged by [REDACTED] that on October 7, 2018, at approximately 4:45 p.m. at the location of [REDACTED] Illinois 60619, you pushed [REDACTED] down the front porch stairs causing her to fall in violation of Rules 1,8, and 9.</p>	Sustained/ 10 Day Suspension and Domestic Violence Counseling
	<p>2.It is alleged by [REDACTED] that on October 7, 2018, at approximately 4:45 p.m. at the location of [REDACTED] Illinois 60619, you pushed [REDACTED], a minor ([REDACTED] years old), to the ground in violation of Rules 1,8, and 9.</p>	Sustained/ 10 Day Suspension and Domestic Violence Counseling

[REDACTED]

*Deputy Chief Administrator – Chief Investigator*

Date

5-13-19

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	[REDACTED]
<b>Investigator:</b>	[REDACTED]
<b>Supervising Investigator:</b>	[REDACTED]
<b>Deputy Chief Administrator:</b>	[REDACTED]