

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of both Incidents:	December 1, 2015
Time of First Incident:	8:30 am
Location of First Incident:	██
Time of Second Incident:	4:30 pm
Location of Second Incident:	██
Date of IPRA Notification:	December 1, 2015
Time of IPRA Notification:	5:11 pm

Officer ██████████ was married to, but separated from, Ms. ██████████. While ██████████ was at ██████████, she encountered Officer ██████████ and a verbal altercation ensued.

In her statement to IPRA ██████████ alleged the conduct listed below. During the investigation IPRA/COPA could not locate sufficient evidence to determine if the alleged conduct occurred and therefore the allegations are **not sustained**.

II. PROCEDURAL HISTORY

On February 26, 2012, IPRA was notified, by Sgt. ██████████, of an incident that had just occurred and opened log 1052141. On April 30, 2012, IPRA administratively closed 1052141 after being unable to obtain an affidavit from ██████████.

On November 17, 2015, IPRA was notified a second time, by Sgt. ██████████, of the February 26, 2012, incident and opened log 1078091.²

On December 1, 2015, IPRA was notified of this incident. IPRA closed 1078091 and investigated both February 26, 2012, and the December 1, 2015, incidents under 1078263.

Once the original investigation under 1078263 was completed, it was submitted to the Department for Command Channel Review (CCR). During CCR the Department identified concerns related to the closure status of 1052141 and the merged investigations of both incidents.³ After discussions with the Department, it was determined that COPA would reopen 1052141 and

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

² This notification was made after Sgt. ██████████ received an anonymous outcry reporting the indecent. In a phone conversation with ██████████ on November 23, 2015, IPRA confirmed that the only instance in which ██████████ was injured by Officer ██████████ throwing a bag at her, occurred on February 26, 2012.

³ Att. 32.

1078263, investigate the February 26, 2012, incident under 1052141 and the December 1, 2015, incident under 1078263.

On April 29, 2019, both 1052141 and 1078263 were reopened.

III. INVOLVED PARTIES

Involved Officer #1:	Officer ██████████ / Star # ██████ / Employee ID# ██████ / DOA: ██████, 1993 / Unit: ██████ / DOB: ██████ 1968 / Male / Hispanic
Involved Individual #1:	██████████ / DOB: ██████, 1980 / Female / Black

IV. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
First Incident		
Officer ██████████	<ol style="list-style-type: none"> 1. Engaging Ms. ██████ in a verbal altercation, in violation of Rule 9. 2. Referring to Ms. ██████ as a “nigger” or words of similar effect, in violation of Rule 9. 3. Referring to Ms. ██████ as a “bitch” or words of similar effect, in violation of Rule 9. 4. Referring to Ms. ██████ as a “whore” or words of similar effect, in violation of Rule 9. 5. Referring to Ms. ██████ as a “slut” or words of similar effect, in violation of Rule 9. 6. Referring to Ms. ██████ as a “Englewood rat” or words of similar effect, in violation of Rule 9. 7. Repeatedly pushing Ms. ██████, in violation of Rule 8. 	<p>Not Sustained.</p>

	8. Preventing Ms. [REDACTED] from leaving the house, in violation of Rule 8.	Not Sustained.
	9. Placing a knife underneath Ms. [REDACTED] neck while stating “I want to rip your eyes out” or words of similar effect, in violation of Rules 8 and 9.	Not Sustained.
	10. Striking Ms. [REDACTED] right arm and wrist with a roasting pan, in violation of Rule 8.	Not Sustained.
	11. Threatening to kick the doors of Ms. [REDACTED] mother’s residence, in violation of Rule 9.	Not Sustained.

Second Incident

Officer [REDACTED]	12. Threatening Ms. [REDACTED], via telephone, stating “o’h you better not complain against me” or words of similar effect, in violation of Rule 9.	Not Sustained.
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V. APPLICABLE RULES AND LAWS

Rules

1. Rule 8: Prohibits disrespect to or maltreatment of any person, while on or off duty.
2. Rule 9: Prohibits engaging in an unjustified verbal or physical altercation, whether on or off duty.

VI. INVESTIGATION⁴

a. Interviews

In a **statement to IPRA⁵** on December 15, 2015, Ms [REDACTED] stated she has been in a relationship with Officer [REDACTED] since February 1999, and they married in August 2011.⁶ [REDACTED] explained that Officer [REDACTED] and she are separated, and she stays either with her mother or grandmother, while the children primarily reside at the former joint residence ([REDACTED]).⁷

⁴ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁵ As discussed in Section II above, this statement was taken under 1078263 and contains recounting of two distinct incidents. Atts. 11 (audio) and 12 (transcript), relevant pages from 3 to 24 (Att. 12).

⁶ [REDACTED] and Officer [REDACTED] began to cohabitate in February 2000. Att. 12, at 3 and 4.

⁷ [REDACTED] explained that she initiated the separation because she did not want to be verbally and emotionally abused by Officer [REDACTED] in front of her children. *Id* at 15.

explained despite this separation she has daily interactions with the children at the .⁸

explained that on December 1, 2015, after dropping her daughter off at school, she went to .⁹ explained she went to the location to pickup clothing for an appointment she had scheduled.¹⁰ Upon her arrival at the location, she entered the residence and began searching for items, when she encountered Officer , who was asking where were the children.¹¹ Officer accused of trying to take and keep the children from him.¹² Officer accusations came as was attempting to remove clothing and other items from the residence, which required her to pass through the kitchen.¹³ While both Officer and were in the kitchen, Officer grabbed a knife, shook it at .¹⁴ , to show she was unafraid, remained still and stated she was going to leave.¹⁵ Officer threatened to rip out eyes, placed a knife to her neck, and informed she was not going to leave.¹⁶ Officer pressed the knife against neck for approximately three seconds, then used the knife to stab a cutting board.¹⁷ attempted to exit the residence via the door in the kitchen; however Officer prevented her from exiting.¹⁸ walked towards the front door to leave the residence. Officer followed her and aggressively pushed her away from the front door, while demanding talk to him.¹⁹ told Officer there was nothing to talk about and that she wanted to leave.²⁰ returned to the kitchen grabbed a roasting pan with items in it.²¹ Officer attempted to take the roasting pan from and struck her right wrist in the process, causing soreness and slight swelling.²² then fled the residence and went to her appointment.²³

After the appointment, returned to her mother's residence and informed her mother and grandmother what occurred. She picked up her son, and went to pick her daughter up from school.²⁴ After picking up her daughter, went to the District Station to file a complaint against Officer .²⁵ Once at the station, informed a sergeant [now known to be Sgt.] of what occurred and was asked to wait for an Evidence Technician (ET) to come

⁸ explained that she transports the children to school daily. *Id.* at 6.

⁹ explained that the night of November 30, 2015, both children and she spent the night at her mother's residence. *Id.* at 6 to 8.

¹⁰ believed that Officer would not be at the location based on her understanding of his work schedule. *Id.* at 7.

¹¹ explained while she did not reside at the location, she still had keys and access. *Id.* at 7. Additionally, explained that the separation was informal and there was no custodial agreement in place related to their children. *Id.* at 22 to 24.

¹² *Id.* at 9.

¹³ *Id.* at 9 and 10.

¹⁴ *Id.* at 10.

¹⁵ *Id.* at 10 and 12.

¹⁶ described the knife as long carving knife *Id.* at 10 and 12.

¹⁷ *Id.* at 12 and 13.

¹⁸ *Id.* at 13.

¹⁹ explained that she believed Officer wanted to discuss her ending the relationship. *Id.* at 13 and 15.

²⁰ *Id.* at 14.

²¹ *Id.* at 16.

²² *Id.* at 16 and 17.

²³ explained that the appointment was to assist her in locating housing. *Id.* at 17.

²⁴ *Id.* at 17 and 18.

²⁵ *Id.* at 18.

photograph her.²⁶ Initially, █████ waited for the ET but eventually had to leave to take her daughter to a music lesson.²⁷ After dropping her daughter off at her lesson, █████ returned to the station to be photographed by the ET.²⁸ █████ explained that while she was at the station, Officer █████ called her informed her that he had picked their daughter up from her lesson and wanted to pick up their son.²⁹ █████ informed Officer █████ that she was at the station and he could come pick up their son from her at that location.³⁰ At some point during this conversation, Officer █████ threatened █████ about filing a complaint and expressed concern that she was trying to get him arrested.³¹ █████ added that while she was waiting for the ET,³² Officer █████ arrived at the station but never entered the building.³³ While Officer █████ was picking up the children, he threatened to kick the door in at █████ mother's residence.³⁴ Finally, █████ explained that during both interactions with Officer █████, he called her several names, including "nigger," "bitch," "whore," "slut," "rat," "true rat Englewood."³⁵

In **statements to IPRA** and **COPA** on April 19, 2016,³⁶ and November 13, 2019,³⁷ respectively, **Accused Officer █████** stated that he has been in a relationship with █████ since late 1999, they married in August 2011, but separated in the fall of 2015, and have two children in common.³⁸ Officer █████ explained that in the summer of 2015, █████ and he attended marital counseling sessions to address the strain on their marital relationship.³⁹

Officer █████ explained that on December 1, 2015, he had pretty good recollection of the day. He was at home making a sandwich before work, when █████ and he began to argue.⁴⁰ Officer █████ admitted that he held a knife the during the argument and was moving his hands while talking, but that he was using the knife to spread mayonnaise on bread.⁴¹ █████ was initially standing eight to ten feet to Officer █████ left, but eventually moved within two to three feet to his right, all while engaging in the argument.⁴² During the argument █████ explained that she was taking items, to include a roasting pan with a pile of their son's clothing stacked in the upturned lid, from the residence.⁴³ Officer █████ responded to █████ attempts to remove their son's

²⁶ *Id.* at 18.

²⁷ *Id.* at 18 and 19.

²⁸ *Id.* at 18 to 20.

²⁹ *Id.* at 20.

³⁰ *Id.* at 20.

³¹ Officer █████ stated words to the effect of "oh, you better not complain against me. This is gonna be bad. Oh, you're not gonna get nothing. I'm gonna take everything from you." *Id.* at 19 and 20.

³² The ET never photographed █████. *Id.* at 20 and 21.

³³ *Id.* at 20.

³⁴ *Id.* at 20 and 21.

³⁵ *Id.* at 16.

³⁶ As discussed in Section II above, this statement was taken under 1078263 and contains recounting of two distinct incidents. Atts. 19 (audio) and 20 (transcript), relevant pages from 15 to 52 (Att. 20).

³⁷ Officer █████ waived his right to counsel (Att. 38). His statement on November 13, 2019, provided no additional details. Att. 39.

³⁸ Officer █████ explained that █████ decision to leave their residence was voluntary and that there is no formal agreement regarding the children or the residence. Att. 20, pgs. 6 to 8, 11, 12 and 27.

³⁹ *Id.* at 9 to 11.

⁴⁰ Officer █████ could not recall the exact genesis or content of the arguing. *Id.* at 19 and 20.

⁴¹ *Id.* at 20 and 21.

⁴² *Id.* at 21 and 35.

⁴³ *Id.* at 21.

clothing by stating “you’re not taking my son’s clothes. You’re not taking his clothes” while grabbing the clothing from the roasting pan.⁴⁴ As Officer ██████ removed the clothing from the roasting pan the lid fell to the ground.⁴⁵ As the lid fell, ██████ alleged Officer ██████ hit her in the arm.⁴⁶ Officer ██████ explained that he was only reaching for the clothing and had no desire to reach for or keep the roasting pan.⁴⁷ After obtaining their son’s clothing from the roasting pan, Officer ██████ walked to their son’s bedroom, deposited the clothing, finished packing his lunch, and left the residence for work.⁴⁸

Officer ██████ explained that during their arguments, ██████ and he would direct profanities towards each other.⁴⁹ Officer ██████ could not specifically recall if he referred to ██████ as a “bitch,” “slut,” or “whore” but did admit it was a possibility; however, he was clear he did not refer to ██████ as a “nigger,” or “an Englewood rat”.⁵⁰ Further, Officer ██████ was clear he never placed the knife to ██████ neck nor made any threats of any kind to ██████ and that he had placed the knife on the counter as ██████ got closer to him.⁵¹ Officer ██████ was clear that during their argument he did not push ██████ in any manner.⁵² Additionally, Officer ██████ explained that during their argument ██████ made no attempts to leave the residence or end the argument and that he never made any attempts to prevent her from leaving the residence or a room within the residence.⁵³

After returning home from work, Officer ██████ contacted ██████ to arrange picking up their children. He learned that ██████ was at the ██████ District Station filing a complaint against him.⁵⁴ Officer ██████ informed ██████ he did not want to pick the children up at the station because he was unsure of what exactly ██████ was reporting to the Department members.⁵⁵ Eventually, Officer ██████ agreed to pick the children up at the station and drove to the station.⁵⁶ Upon Officer ██████ arrival at the station, ██████ and the children exited the building, the children entered his vehicle, he provided ██████ with gas money, and drove away while ██████ returned into the station.⁵⁷ Officer ██████ denied threatening ██████ about her filing a complaint but acknowledge he may have asked ██████ if she was in fact filing a complaint against him.⁵⁸ Finally, Officer ██████ denied ever threatening to kick the doors in at ██████ mother’s residence.⁵⁹

⁴⁴ *Id.* at 23 and 24.

⁴⁵ *Id.* at 25.

⁴⁶ *Id.* at 25.

⁴⁷ *Id.* at 25.

⁴⁸ *Id.* at 26.

⁴⁹ *Id.* at 32 and 33.

⁵⁰ *Id.* at 32 and 33.

⁵¹ Officer ██████ denied stabbing the cutting board but did explain it was possible that he slammed the knife down forcefully. *Id.* at 36 and 37.

⁵² *Id.* at 41.

⁵³ *Id.* at 42 and 43.

⁵⁴ *Id.* at 45.

⁵⁵ *Id.* at 46.

⁵⁶ *Id.* at 46.

⁵⁷ Officer ██████ explained that ██████ had informed him that she did not have money for gas. *Id.* at 46 and 50.

⁵⁸ *Id.* at 48.

⁵⁹ Officer ██████ explained that he has positive relationship with ██████ family to include her mother. *Id.* at 40 and 41.

b. Documentary Evidence

An **Initiation Report**⁶⁰ and an **Original Case Incident Report**⁶¹ detail that [REDACTED] went to the [REDACTED] District Station to file a complaint against Officer [REDACTED]. [REDACTED] relayed that she and Officer [REDACTED] are currently separated and that she went to their former shared residence [REDACTED] to retrieve clothing. While at the residence, Officer [REDACTED] and she engaged in a verbal altercation over the status of their relationship. As the altercation escalated, Officer [REDACTED] pushed [REDACTED]. [REDACTED] walked away to her son's bedroom and Officer [REDACTED] followed, blocked her path and informed [REDACTED] that she was not leaving. [REDACTED] was able to exit the bedroom and walked to the kitchen while being followed by Officer [REDACTED]. [REDACTED] informed Officer [REDACTED] she did not want to speak with him. Once both entered the kitchen, Officer [REDACTED] grabbed a large knife held it to [REDACTED] neck. Officer [REDACTED] then stabbed the knife into a cutting board, while stating "I want to rip your eyes out." Additionally, [REDACTED] alleged that during the altercation, Officer [REDACTED] struck her right hand with a roasting pan causing her pain and discomfort. [REDACTED] declined offers of medical treatment and was provided the required domestic violence information. Finally, [REDACTED] alleged that Officer [REDACTED] threatened to go to the location [REDACTED] was residing (her mother's residence) and kick in the doors.

VII. 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

⁶⁰ Att. 4.

⁶¹ Att. 5.

“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.

VIII. ANALYSIS

COPA finds that Allegations #1 to 6 against Officer ██████ are **not sustained**. While it is undisputed that a verbal altercation occurred, COPA was unable to determine the genesis, context and exact nature of the altercation. Therefore, COPA cannot determine if the verbal altercation as alleged occurred, and if so, if it was unjustified.

COPA finds that Allegations #7 to 12 against Officer ██████ are **not sustained**. COPA was unable to locate any evidence, other than ██████ statement, that supports the allegations. No medical attention was sought, nor photographs taken of Ms. ██████. No other witnesses were identified to be interviewed. Alternatively, COPA was unable to locate any evidence, other than Officer ██████ statement, that refute the allegations. Therefore, COPA cannot determine if any of these allegations occurred.

IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
First Incident		
Officer ██████	<ol style="list-style-type: none"> 1. Engaging Ms. ██████ in a verbal altercation, in violation of Rule 9. 2. Referring to Ms. ██████ as a “nigger” or words of similar effect, in violation of Rule 9. 3. Referring to Ms. ██████ as a “bitch” or words of similar effect, in violation of Rule 9. 4. Referring to Ms. ██████ as a “whore” or words of similar effect, in violation of Rule 9. 5. Referring to Ms. ██████ as a “slut” or words of similar effect, in violation of Rule 9. 6. Referring to Ms. ██████ as a “Englewood rat” or words of similar effect, in violation of Rule 9. 	<p>Not Sustained.</p> <p>Not Sustained.</p> <p>Not Sustained.</p> <p>Not Sustained.</p> <p>Not Sustained.</p> <p>Not Sustained.</p>

	<p>7. Repeatedly pushing Ms. [REDACTED], in violation of Rule 8.</p> <p>8. Preventing Ms. [REDACTED] from leaving the house, in violation of Rule 8.</p> <p>9. Placing a knife underneath Ms. [REDACTED] neck while stating “I want to rip your eyes out” or words of similar effect, in violation of Rules 8 and 9.</p> <p>10. Striking Ms. [REDACTED] right arm and wrist with a roasting pan, in violation of Rule 8.</p> <p>11. Threatening to kick the doors of Ms. [REDACTED] mother’s residence, in violation of Rule 9.</p>	<p>Not Sustained.</p> <p>Not Sustained.</p> <p>Not Sustained.</p> <p>Not Sustained.</p> <p>Not Sustained.</p>
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Second Incident

<p>Officer [REDACTED]</p>	<p>12. Threatening Ms. [REDACTED], via telephone, stating “o’h you better not complain against me” or words of similar effect, in violation of Rule 9.</p>	<p>Not Sustained.</p>
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Approved:

[REDACTED]

November 19, 2019

 Andrea Kersten
 Deputy Chief Administrator – Chief Investigator

 Date

Appendix A

Assigned Investigative Staff

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