

III. ALLEGATIONS

| Officer | Allegation | Finding / Recommendation |
|--------------------|---|--------------------------|
| Officer ██████████ | <p>1. On or about June 12, 2016 at approximately 12:00 AM at or near ██████████, Officer ██████████ grabbed the arm of ██████████ in violation of Rule 9.</p> | Sustained / 12 days |
| | <p>2. On or about June 12, 2016 at approximately 12:00 AM at or near ██████████, Officer ██████████ forcefully dragged ██████████ by the arm in violation of Rule 9.</p> | Sustained / 5 days |
| | <p>3. On or about June 24, 2016 at approximately 8:00 AM at or near ██████████, Chicago IL Officer ██████████ pushed ██████████ onto a bed in violation of Rule 9.</p> | Sustained / 5 days |
| | <p>4. On or about June 24, 2016 at approximately 8:00 AM at or near ██████████, Chicago IL Officer ██████████ pushed ██████████ into a wall in violation of Rule 9.</p> | Sustained / 5 days |
| | <p>5. On or about June 24, 2016 at approximately 8:00 AM at or near ██████████, Chicago IL Officer ██████████ threatened ██████████ by stating words to the effect of "I'll be here when the movers come, and I'll have my guns," in violation of Rule 9.</p> | Not Sustained |

IV. APPLICABLE RULES AND LAWS

Rules

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

V. INVESTIGATION²

a. Interviews

On August 29, 2016, ██████████³ came to the IPRA office to make a complaint against her former civil partner, Chicago Police Officer ██████████. According to Ms. ██████████, she and Officer ██████████ were having problems in their relationship and he became abusive. She stated that there were multiple incidents of escalating abuse and described two of them in detail.

The first incident she described took place on June 12, 2016.⁴ Ms. ██████████ and Officer ██████████ were at a barbeque hosted by Officer ██████████'s brother and his wife, ██████████ (hereafter ██████████). Later in the evening, Ms. ██████████ attempted to speak with ██████████ about the problems she and Officer ██████████ were having in order to seek her advice. Ms. ██████████ related that Officer ██████████ overheard the conversation, grew angry, grabbed Ms. ██████████ by the arm, and forcefully pulled her to his car. Ms. ██████████ stated that Officer ██████████ put her in the car, and they left the party against Ms. ██████████'s will. According to Ms. ██████████, his grip on her arm was tight enough to cause bruising.⁵

The second incident she described took place in their shared home at ██████████ ██████████, Chicago, IL. Ms. ██████████ related that she decided to move out of the state of Illinois. As she was packing and arranging to have movers come, she went into the guest bedroom to gather her things. Officer ██████████ told her that this was not her house or her room. Ms. ██████████ related that he then grabbed her and threw her onto the bed. When she got up, he pushed her into the door frame. After she left the bedroom, she told him the movers were coming the next day and he should not be at the house. He told her "I'll be here when the movers come, and I'll have my guns." After Officer ██████████ left the house that day, Ms. ██████████ called the police and made a report for domestic abuse. She later sought and obtained a temporary order of protection. That order was later replaced with a mutual no contact order.

Ms. ██████████ mentioned that on June 20, 2016 she found a note stuck to a case of beer in the fridge stating "Warning! Will Kill... Your relationship!!" Ms. ██████████ found this letter to be

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ Att. 28

⁴ It should be noted that Ms. ██████████ and Officer ██████████ went to the barbeque the evening of June 11, 2016. However, this incident occurred after midnight, making the date June 12, 2016.

⁵ Ms. ██████████ provided COPA with pictures she took of her arm where she was bruised from Officer ██████████ grabbing her. See Att. 35 & 51.

threatening.⁶ Additionally, Ms. ██████ stated that Officer ██████ was having issues with possible post-traumatic stress since being wounded by a gunshot while on duty on March 14, 2016. It was after the incident on March 14, 2016 that Officer ██████'s verbal and physical abuse seemed to intensify. Ms. ██████ stated she has now moved out of the state of Illinois.

On August 8, 2019, Officer ██████⁷ gave his statement to COPA. Officer ██████ said that Ms. ██████ had a severe drinking problem while they were married. He stated that on June 12, 2016, he and Ms. ██████ were at a barbeque at his brother ██████'s house. Ms. ██████ became very drunk and was speaking in a rude and vulgar manner. Officer ██████'s sister-in-law, ██████, asked her to leave. Officer ██████ alleged that Ms. ██████ was too intoxicated to drive and could barely walk. Officer ██████ claimed he helped her walk and put her in his truck to take her home. Officer ██████ stated that this incident convinced him to end the relationship.

He also recalled the events that occurred on June 24, 2016. Officer ██████ stated that the previous night, he stayed at his parents' house to ease tensions while Ms. ██████ moved out. He came to the house that morning to pick up some necessities as well as his portable gun safe in order to bring them to his parents' house. According to Officer ██████, Ms. ██████ was upset that he did not come home the previous night. Officer ██████ stated that she accused him of infidelity and physically struck him with rapid punches in the arms numerous times. This altercation took place in the bedroom. Officer ██████ denied striking Ms. ██████ in any way but stated he shouted at her to stop, grabbed his belongings, and left. Officer ██████ related that the note on the case of beer was chastisement of Ms. ██████ to not drink as it was bad for their relationship. Officer ██████ denied ever making threatening statements to Ms. ██████.

b. Digital Evidence

Photographs⁸ were taken by ██████, which depicted her injuries from the June 12, 2016 incident. The photo shows visible bruising on Ms. ██████'s right forearm. Accompanying the photos were text messages to Ms. ██████'s relatives. The texts from Ms. ██████ describing the photograph say, "When ██████ says it's time to leave and yanks me out of his brother's house." The text message is dated Sunday, June 12 at 12:36 PM.

⁶ COPA declined to serve allegations for the note. Based on the text of the note, it was not clear the note was addressed to Ms. ██████ or that it was a threatening note.

⁷ Att. 50

⁸ Att. 35 & Att. 51



c. Documentary Evidence

The **Initiation Report**⁹ from Sgt. [REDACTED] listed the complainant as [REDACTED], who was complaining of a domestic battery by Officer [REDACTED]. The narrative states that after a verbal altercation, Officer [REDACTED] grabbed Ms. [REDACTED], shoved her onto a bed, and pushed her into a wall. The report notes that no visible injuries were reported, and medical attention was declined.

⁹ Att. 4

The **General Offense Case Report** (██████████)¹⁰ documents that Unit ██████ responded to call from ██████████ complaining of a domestic abuse by her husband Officer ██████. Officers arrived at 9:20 AM. Ms. ██████ complained of being grabbed by the shoulders, pushed onto a bed, and pushed into a bedroom door. She also complained of Officer ██████ verbally threatening her while mentioning his guns. Ms. ██████ had no visible injuries and refused relocation.

The **Petition for Order of Protection**¹¹ was filed by ██████████ on June 24, 2016. The narrative of the petition describes verbal abuse beginning in September 2015. She also describes specific instances of physical and verbal abuse on June 9, 2016, June 12, 2016, June 13, 2016, and June 24, 2016. The descriptions of the incidents on June 12 and June 24 are substantially similar to the descriptions given in her statement. Ms. ██████ described that on June 9, 2016 an incident occurred during which Officer ██████ grabbed her by the waist and restrained for approximately one minute after an argument in the laundry room. The entry for June 13, 2016 was her description of the “warning will kill” note she found on a case of beer in the refrigerator.

An **Agreed No Contact Order**¹² was filed in the Circuit Court of Cook County Domestic Relations Division on July 15, 2016. This order terminated the Emergency Order of Protection by agreement and entered an Agreed Mutual No Contact Order.

A **Petition for Dissolution of Civil Union**¹³ was filed by ██████████ in the Circuit Court of Cook County Domestic Relations Division on August 4, 2016. Officer ██████ in his petition asks the court to dissolve the civil union without a transfer of property or maintenance payments made to either party, citing irreconcilable differences between the parties. There are not allegations of physical abuse or alcohol abuse plead.

The **Case Incident Report** (██████████)¹⁴ from July 13, 2016 documents that Beat ██████ responded to call by ██████████ for a violation of the Order of Protection by ██████. Officer ██████ allegedly changed the locks on the door of ██████████ and disabled the alarm on the door. Ms. ██████’s daughter, ██████████, witnessed Officer ██████ driving by the residence. Ms. ██████ refused to press charges.¹⁵

VI. 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;

¹⁰ Att. 8

¹¹ Att. 21

¹² Att. 24

¹³ Att. 44

¹⁴ Att. 52

¹⁵ It should be noted that this incident was not discussed in Ms. ██████’s interview in August 2016 with IPRA and no affidavit was obtained.

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.

VII. ANALYSIS

a. Credibility Assessment

In this case, there are two competing narratives. [REDACTED] alleges verbal and physical abuse by Officer [REDACTED], and Officer [REDACTED] denies the allegations of Ms. [REDACTED], alleging alcohol abuse and erratic behavior by Ms. [REDACTED]. Ms. [REDACTED] identified two possible witnesses, a neighbor named [REDACTED] and Officer [REDACTED]'s sister-in-law [REDACTED]. Neither party was willing to speak with COPA investigators.

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory. In this case, Officer [REDACTED]'s account is vastly different than Ms. [REDACTED]'s, requiring COPA to determine the credibility of both parties.

i. [REDACTED]'s Account

A preponderance of the evidence demonstrates that Ms. [REDACTED]'s account of the incidents is more credible.

After the incident on June 12, 2016, Ms. ██████ took pictures of her injuries and texted them to relatives.¹⁶ In the accompanying texts, she stated that the injuries were inflicted by Officer ██████ and that they occurred at his brother's house. She later provided copies of those texts and pictures to COPA. The injuries depicted in those pictures are consistent with the physical altercation described by Ms. ██████.¹⁷

After the incident on June 24, 2016, Ms. ██████ called the police and provided them with her statement about the incident. She then obtained an order of protection. The petition for the order of protection listed multiple instances of escalating abuse, including the instances of physical abuse on June 12, 2016 and June 24, 2016.¹⁸ When Ms. ██████ later gave a sworn statement to COPA, her statement was consistent both within itself and with her prior statements to the police and the court via her order of protection petition.

Finally, Ms. ██████ moved out of the state of Illinois shortly after the incident on June 24, 2016. Ms. ██████'s words and actions were consistent with someone who was in fear of domestic abuse. Further, there is no apparent motive for her to fabricate her story.

ii. Officer ██████'s Account

A preponderance of the evidence demonstrates that Officer ██████'s account of the incidents is *not* credible.

Officer ██████'s account of the June 12, 2016 incident states that Ms. ██████ became highly intoxicated at the barbeque and began to act inappropriately to the point she was asked to leave. He stated that she had a habitual problem with alcohol abuse and he merely helped her walk to his truck because she was not fit to drive. This story does not explain the bruises on her arm. The story also lacks any corroboration. According to Officer ██████, ██████ asked Ms. ██████ to leave after she became drunk and helped escort her to Officer ██████'s truck. However, COPA was unable to corroborate this statement.

Officer ██████'s account of the June 24, 2016 incident also does not fit with the facts. Officer ██████ claims that when he came to ██████ that morning, Ms. ██████ struck him multiple times without provocation and because she believed him to be having an affair. Despite this, he did not call the police; Ms. ██████ did. In fact, Officer ██████ never made a police report regarding this incident.

Officer ██████ alleged that Ms. ██████ had a problem with alcohol. However, Officer ██████'s statement that Ms. ██████ had a problem with alcohol abuse is unsubstantiated by any piece of evidence. Officer ██████ filed a petition for dissolution of civil union and did not allege alcohol or physical abuse in the petition. Conversely, Ms. ██████ called the police on Officer ██████ twice. Both times generated a case report, and on each case report her condition was listed as "sober." Finally, as the accused party, Officer ██████ has a motive to make self-serving statements.

¹⁶ Att. 35

¹⁷ Att. 51

¹⁸ Att. 21

For these reasons, the evidence demonstrates that it is more likely than not that the incidents did not occur the way they were described in Officer ██████'s statement.

COPA finds that **Allegations 1 and 2**¹⁹ that on June 12, 2016 Officer ██████ grabbed ██████ by the arm and forcibly dragged her by the arm are **Sustained**. As discussed above, COPA finds Ms. ██████ is the more credible witness. The pictures she took on the day of the incident are evidence of injury consistent with a forceful grab of the arm. Officer ██████ admits that he physically assisted Ms. ██████ from his brother's house. However, the disputed facts are about how and why. Due to Ms. ██████'s credibility, her consistency in her statements, the lack of corroboration for Officer ██████'s account, and the photographic evidence, COPA finds that Ms. ██████'s description of the events is more likely. Based on a preponderance of the evidence, COPA finds that these allegations are **Sustained**.

COPA finds that **Allegations 3 and 4** that Officer ██████ pushed Ms. ██████ onto a bed and into a wall are **Sustained**. While there is no physical evidence of injury, Ms. ██████'s account of the incident is credible. Ms. ██████ has related the events of that day to the police, the court, and COPA. All three accounts were consistent. Officer ██████'s account of the events, in which Ms. ██████ attacked him, are not credible give the reasons previously stated. Ms. ██████ called the police immediately following the incident to make a report. COPA does not find it likely or credible that Ms. ██████ physically attacked Officer ██████ given that he did not document that allegation in any way. Therefore, these allegations are **Sustained**.

COPA finds that **Allegation 5** that Officer ██████ stated, "I'll be here when the movers come, and I'll have my guns," is **Not Sustained**. Ms. ██████ states that she took Officer ██████'s statement as a threat. However, Officer ██████ stated he was at the residence that morning in order to move his guns to his parents' house and denies making the comment that Ms. ██████ claims he made. Given that Ms. ██████ is the more credible witness, COPA finds that it is more probable than not that he made the statement. However, COPA does not find that there is sufficient evidence to prove that the statement was a threat. While COPA believes that Ms. ██████ was certainly experiencing fear in that moment, it is possible that Officer ██████ was referring to removing his guns from the home. Because of this possibility, COPA cannot sustain this allegation based on a preponderance of the evidence and the allegation is **Not Sustained**.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer ██████

i. Complimentary and Disciplinary History

- 1. Complimentary:** 1 Problem Solving Award, 2 Deployment Operations Center Awards, 1 Superintendent's Honorable Mention, 1 Presidential Election Deployment Award, 2 Attendance

¹⁹ The original allegations served on Officer ██████ stated that the June 12, 2016 incident occurred at 7PM. This was a clerical error and the incident actually occurred on June 12 at 12:00AM. Officer ██████ was subsequently served corrected allegations and he waived his option to come in for an additional statement, see Attachment 54.

Recognition Awards, 4 Emblem of Recognition for Physical Fitness, 9 Department Commendations, 78 Honorable Mentions, 1 Police Blue Star Award, 7 Complimentary Letters, 1 NATO Summit Service Award, 1 Superintendents Award of Valor, 1 Life Saving Award, 1 Crime Reduction Award, 1 Police Medal and 1 Unit Meritorious Performance Award

2. Disciplinary: None

ii. Recommended Penalty, by Allegation

- 1. Allegation No. 1: 12 days
- 2. Allegation No. 2: 5 day
- 3. Allegation No. 3: 5 days
- 4. Allegation No. 4: 5 days

Officer ██████ failed to take responsibility for his conduct. Domestic violence is a serious offense, especially when committed by a police officer who is responsible for ensuring the safety of the public. COPA has taken into account the delay in the investigation as well as Officer ██████'s complimentary and disciplinary history when making the recommendations above.

IX. CONCLUSION

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

| Officer | Allegation | Finding / Recommendation |
|----------------|--|--------------------------|
| Officer ██████ | 1. On or about June 12, 2016 at approximately 7:00 PM at or near ██████, Officer ██████ grabbed the arm of ██████ in violation of Rule 9. | Sustained / 12 days |
| | 2. On or about June 12, 2016 at approximately 7:00 PM at or near ██████, Officer ██████ forcefully dragged ██████ by the arm in violation of Rule 9. | Sustained / 5 days |
| | 3. On or about June 24, 2016 at approximately 7:00 PM at or near ██████, Chicago IL Officer | Sustained / 5 days |

Appendix A

Assigned Investigative Staff

| | |
|------------------------------------|----------------|
| Squad#: | [REDACTED] |
| Investigator: | [REDACTED] |
| Supervising Investigator: | [REDACTED] |
| Deputy Chief Administrator: | Andrea Kersten |