

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	June 12, 2016
Time of Incident:	2:45 AM
Location of Incident:	Harrah’s Casino Joliet, 151 N. Joliet St, Joliet, IL 60432
Date of COPA Notification:	June 12, 2016
Time of COPA Notification:	4:35 AM

It is alleged that on June 12, 2016, Officer ██████████ pushed his live-in girlfriend, Officer ██████████ in the chest at Harrah’s Casino in Joliet. It is also alleged that on the same day Officer ██████████ was intoxicated while off-duty. A Harrah’s Casino employee observed the physical altercation between Officers ██████████ and ██████████ and alerted Harrah’s security personnel, who then alerted Joliet police. Joliet police took ██████████ into custody and alerted Chicago Police Department, 6th District. A detailed analysis of COPA’s findings is discussed below.

II. INVOLVED PARTIES

Involved Officer #1:	██████████ # ██████████ employee ID# ██████████ Date of Appointment: ██████████, 2010, Police Officer, Unit of Assignment: ██████████ Detailed to Unit ██████████ DOB: ██████████, 1984, Male, white
Involved Officer #2:	██████████ # ██████████ Employee ID# ██████████ Date of Appointment: ██████████ 2009, Police Officer, Unit of Assignment: ██████████ DOB: ██████████, 1980, Female, Hispanic

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.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	1. The reporting party alleged that the accused officer pushed the victim on the chest. 2. The reporting party alleged that the accused officer was intoxicated while off duty.	Sustained/10 day suspension Sustained/5 day suspension

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 8 – Disrespect to or maltreatment of any person, while on or off duty.
2. Rule 15 – Intoxication while on or off duty.

Special Orders

S08-01-02 (E)(1)(B) – Allegations of Impairment – On or Off Duty²

V. INVESTIGATION

a. Interviews

In a **statement** with COPA, **Accused Police Officer** [REDACTED] # [REDACTED] stated that he and Officer [REDACTED] had been involved in a dating relationship for approximately five years at the time of the incident. Officer [REDACTED] stated that the incident occurred after his sister’s wedding. Officer [REDACTED] stated that he had consumed two to three beers and a White Russian at his sister’s reception from 7:00pm until 10:15pm. He stated was not served any alcoholic beverages from approximately 10:15 pm until 11 pm. Officer [REDACTED] stated that after the reception he and Officer [REDACTED] were driven to the casino, which was approximately five minutes away, by his mother. Officer [REDACTED] then went to his sister’s room with plans that the officers would meet on the casino floor. Officer [REDACTED] stated that was on the casino floor for approximately 20 minutes, calling and waiting for Officer [REDACTED]. Officer [REDACTED] stated that once Officer [REDACTED] arrived on the casino floor, he pushed her on her chest out of frustration. Officer [REDACTED] described the contact as a “shove on the left shoulder area twice.”⁴ After he pushed her, Officer [REDACTED] stated Officer

² Attachment 31

³ Attachment 27

⁴ Attachment 27 at approximately 24:00 minutes.

██████████ was upset and put her arm up to create space. Officer ██████████ stated two family members got in between the two of them and he immediately apologized. Officer ██████████ stated that he was then approached by Harrah's security and taken to a back room, and later taken into custody by the Joliet Police Department. Officer ██████████ stated he cooperated with Harrah's Casino security and the Joliet Police Department. The Joliet police officer brought him to the police station. Officer ██████████ declined to press charges and did not have any injuries. Joliet police officers released Officer ██████████ without charges and he took a taxi to his sister's home.

Officer ██████████ stated that while at the casino prior to the incident, from approximately 11pm until 2 am, he consumed approximately two to three more beers. Officer ██████████ denied being intoxicated at the time of the incident.

Officer ██████████ that there have been no physical altercations between him and Officer ██████████ since this incident. Officer ██████████ stated that he and Officer ██████████ attend church together in order to ensure that no similar incidents occur in the future.

In a **statement** with COPA, **Police Officer ██████████ #██████████** stated that on the night of the incident, she and Officer ██████████ attended his sister's wedding. Officer ██████████ stated that she did not recall how much alcohol Officer ██████████ consumed but she has seen him intoxicated before and, that evening he displayed signs of being intoxicated at the wedding. Officer ██████████ said that Officer ██████████ had slurred speech and was dancing all over the place, uncharacteristically.⁶ After the wedding, Officer ██████████ stated she and Officer ██████████ carpooled to the casino and someone else drove. At the casino, Officer ██████████ stated Officer ██████████ was upset because he thought she left him. Officer ██████████ stated that when the incident occurred, she and Officer ██████████ were in a heated argument but she could not recall what it was about or what was said. Officer ██████████ stated she believed Officer ██████████ pushed her once on the casino floor but after reviewing the video, she admitted it was twice. After the push, Officer ██████████ stated that a family member intervened and Officer ██████████ apologized almost immediately.

Officer ██████████ stated that she was not injured as a result of the incident and did not want to press charges. Officer ██████████ stated that they discussed the incident the next day and that she did not wish to sign any complaints against Officer ██████████. Officer ██████████ stated that that was an isolated incident that had not happened before and has not happened since.

b. Digital Evidence

Surveillance video from the Harrah's Casino Joliet⁷ depicts Officer ██████████ push Officer ██████████ twice. Officer ██████████ is propelled backwards by the contact but does not fall. Two individuals intervene by placing themselves in between Officers ██████████ and ██████████ and there is no further contact. Casino security arrives and Officer ██████████ talks with the security officer both by himself and with Officer ██████████. Officer ██████████ is then taken to a secure area within the casino.

⁵ Attachment 25 & 26

⁶ Attachment 25

⁷ Attachment 15

c. Documentary Evidence

Lieutenant ██████████ # ██████ completed an **Initiation Report**,⁸ in which she reported that Lieutenant ██████ of the Joliet Police Department contacted her to notify her of a domestic incident involving Officer ██████ and Officer ██████. Lieutenant ██████ told Lieutenant ██████ that Officer ██████ pushed Officer ██████ during the incident, which occurred at Harrah's Casino and was recorded by surveillance cameras. Officer ██████ cooperated with Lieutenant ██████ and Officer ██████ did not complain of any injuries and did not have any visible injuries.

Case Report ██████████ from the Joliet Police Department (JPD) is a Domestic Battery report.⁹ The Case Report lists ██████████ as the suspect and ██████████ as the victim. The Case Report indicates that Officer ██████ was detained for shoving a female twice on Harrah's property. JPD spoke with ██████████ who stated that she and ██████████ consumed alcohol at the casino and engaged in a verbal altercation that turned physical when ██████████ pushed her twice near the chest/shoulder area. Officer ██████ did not complain of injury, told the reporting officer that Officer ██████ was not trying to injure her, and that she would not sign a criminal complaint regarding the incident. The Case Report also indicates that because there was no injury and no signed complaint, there was no arrest relative to this incident.

VI. ANALYSIS

I. 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.

⁸ Attachment 4

⁹ Attachment 12

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.

COPA finds, by preponderance of the evidence, that Allegation 1 against Police Officer ██████████ that he pushed Police Officer ██████████ on the chest, is **Sustained**. Officer ██████████ admitted to pushing Officer ██████████ out of frustration on the night of the incident. Officer ██████████ admitted the same and the incident is depicted on the surveillance video from the Harrah's Casino.

COPA finds that the Allegation against Police Officer ██████████ that he was intoxicated while off duty, is **Sustained**. Alcohol intoxication is defined as when a person's mental or physical functioning is substantially impaired as a result of the use of alcohol.¹⁰ Officer ██████████ admitted to drinking at least seven alcoholic beverages that evening. Officer ██████████ stated that although she was not aware how many alcoholic beverages Officer ██████████ consumed, in her experience seeing him intoxicated in the past, he was behaving as if he was intoxicated. Officer ██████████ stated that Officer ██████████ had slurred speech and was dancing a lot, which was out of character. Officer ██████████ reluctantly admitted that Officer ██████████ was intoxicated. She also stated that he had never pushed her before.

Although Officer ██████████ denies being intoxicated. His behavior of slurred speech, uncharacteristically dancing and pushing Officer ██████████ is evidence of substantial mental and physical impairment. Therefore, COPA finds, by a preponderance of evidence, that Officer ██████████ was intoxicated.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer ██████████

Officer ██████████ complimentary, training and disciplinary history were considered in recommending discipline in this case. COPA finds that Officer ██████████ was intoxicated and pushed Officer ██████████ on the chest. Officer ██████████ received a 3-day suspension for Court Irregularities in log 1078432 on December 13, 2015.

While Officer ██████████ does not have a significant disciplinary history, COPA finds his conduct, which occurred in a public place and resulted in him being taken into police custody, to be particularly problematic. Additionally, he was intoxicated at the time of occurrence. Furthermore, Officer ██████████ failed to take full accountability for his actions. Specifically, he minimized his conduct towards Officer ██████████ and denied being intoxicated. Accordingly, COPA recommends a 10 day suspension for Allegation 1 and a 5 day suspension for Allegation 2.

¹⁰ Special Order S08-01-02(E)(1)(b)

VIII. CONCLUSION

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

Officer [REDACTED]	<ol style="list-style-type: none">1. The reporting party alleged that the accused officer pushed the victim on the chest.2. The reporting party alleged that the accused officer was intoxicated while off duty.	Sustained/10 day suspension Sustained/5 day suspension
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Approved:

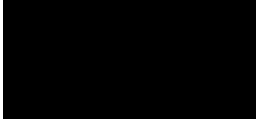
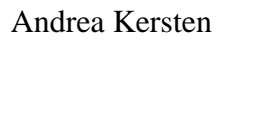
[REDACTED]

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date: September 30, 2019

Appendix A

Assigned Investigative Staff

Squad#:	6
Investigator:	
Supervising Investigator:	
Deputy Chief Administrator:	Andrea Kersten