

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

**I. EXECUTIVE SUMMARY**

Date of Incident:	May 23-24, 2016
Time of Incident:	8:30 pm – 1:00 am
Location of Incident:	██████████ Chicago, IL 60624
Date of IPRA Notification:	May 24, 2016
Time of IPRA Notification:	7:58 pm

This incident involves a domestic altercation between CPD Officer ██████████ and his wife, Mrs. ██████████. The incident started as an argument and escalated to a physical altercation in their home, during which both parties were on the floor scuffling with each other. Mrs. ██████████ made numerous allegations about what happened during the incident, several of which are Sustained.

**II. INVOLVED PARTIES**

Involved Officer #1:	██████████ # ██████████ Emp. # ██████████ Date of Appointment ██████████ 2000, Police Officer, Unit ██████████ Date of Birth ██████████ 1972, male, black
Involved Individual #1:	██████████ 1986, female, black

**III. ALLEGATIONS**

Officer	Allegation	Finding / Recommendation
Officer ██████████	1. It is alleged that Officer ██████████ referred to ██████████ as a “bitch,” “dumb ass,” “stupid as fuck,” in violation of Rule 9.	Sustained / 5 days
	2. It is alleged that Officer ██████████ directed profanities towards ██████████ and her daughter ██████████ in violation of Rule 9.	Sustained / 5 days
	3. It is alleged that Officer ██████████ scratched ██████████ on the eye, in violation of Rule 8.	Not Sustained

<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.

4. It is alleged that Officer ██████ grabbed ██████ in violation of Rule 8.	Sustained / 25 days
5. It is alleged that Officer ██████ pushed ██████ to the floor, in violation of Rule 8.	Not Sustained
6. It is alleged that Officer ██████ tussled with ██████ on the floor, in violation of Rule 8.	Sustained / 25 days
7. It is alleged that Officer ██████ kicked ██████ on the arm, in violation of Rule 8.	Sustained / 25 days

**IV. APPLICABLE RULES AND LAWS**

Rules

1. Rule 8 – Disrespect to or maltreatment of any person, while on or off duty.
2. Rule 9 – Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

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

**a. Interviews<sup>3</sup>**

In a statement to IPRA on May 24, 2016,<sup>4</sup> ██████ related that, at the time of the interview, she and Officer ██████ have been married for eight years and had four children. Their oldest daughter (██████) was not Officer ██████ biological child. On May 23, 2016, Mrs. ██████ ran out of gas in her car and her husband met her at the gas station to help. He appeared to be upset that he had to do so. Officer ██████ told Mrs. ██████ to pick up the children from her aunt’s house and that he would pick up a pizza for dinner. Mrs. ██████ got the children and went home. Hours passed without word from Officer ██████. At approximately 8:00 pm, Mrs. ██████ called her husband to find out where he was. He said he was at his sister’s house, but Mrs. ██████ knew that his sister was at church at the time. They argued on the phone and Mrs. ██████ hung up on him.

When Officer ██████ arrived home, they got into an argument about Mrs. ██████ finding women’s phone numbers and a bottle of Cialis in a suitcase Officer ██████ had used for a trip to the Dominican Republic that Mrs. ██████ was not on. She accused him of cheating on her and lying. Officer ██████ called her a “bitch” and a “dumbass” and said that she was “stupid.”<sup>5</sup> Officer ██████ looked through Mrs. ██████ purse to try to find the phone numbers and repeatedly

<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> Mrs. ██████ declined to allow her children to be interviewed for this investigation. Att. 14.

<sup>4</sup> Att. 6, 29. Mrs. ██████ was interviewed at Rush University Medical Center while she received medical care following this incident.

<sup>5</sup> Att. 29, page 11, lines 8-9.

screamed at her to give him “my fucking paperwork.”<sup>6</sup> Mrs. ██████ screamed at him to stay away from her. ██████ heard this and sent a text message to Mrs. ██████ aunt, ██████. The argument between the ██████ continued. Officer ██████ repeatedly tried to grab Mrs. ██████ phone out of her hand. Mrs. ██████ left their bedroom and went to wake and dress the children so they could go to ██████ home for the night. Officer ██████ yelled at Mrs. ██████ not to take his children and said something to the effect of, “You can get your fucking ass out and take your damn daughter with you,”<sup>7</sup> referring to ██████<sup>8</sup>

████████ arrived at the house with Mrs. ██████ mother, ██████ and another aunt, ██████. They confronted Officer ██████ over his behavior and argued with him. ██████ told Mrs. ██████ that she had called the police but Mrs. ██████ asked her to call back and cancel the call because the police were not needed. Officer ██████ continued to forbid Mrs. ██████ from taking the three ██████ children from the home, so Mrs. ██████ decided to stay. She sent ██████ with her mother and aunts. The altercation between Officer ██████ and Mrs. ██████ had not become physical at that point. The ██████ continued their argument for a while after the ██████ left the home but eventually moved to separate places in the house.

Approximately one hour later, Mrs. ██████ called her friend to tell her what was happening. Officer ██████ overheard Mrs. ██████ talking about finding Cialis in his suitcase and got upset. He entered the room Mrs. ██████ was in and grabbed the phone that was up to her ear, scratching her near the eye in the process. Mrs. ██████ did not believe that Officer ██████ scratched her on purpose. Mrs. ██████ hung up the phone and began yelling at Officer ██████. Their daughter ██████ woke up and got upset. Officer ██████ then said that Mrs. ██████ should leave the house with the children. They started to dress the children but Officer ██████ changed his mind again and told the children to go back to bed. Officer and Mrs. ██████ then went downstairs and continued their argument. Mrs. ██████ had a shopping bag of new clothing. Officer ██████ threw the clothing onto the floor. He called her a “bitch” and “stupid as fuck” during this time.<sup>9</sup> In retaliation, Mrs. ██████ threw Officer ██████ clothing, which had been in a suitcase from his recent trip, onto the floor. This caused a bottle of cologne to fall to the floor and break. She also called him a “liar” and a “cheater.”<sup>10</sup>

Officer ██████ grabbed Mrs. ██████ by the shoulders/upper arms, which caused her to fall to the floor where the two began “tussling.”<sup>11</sup> Officer ██████ was over her, but not on top of her, holding her to the floor. Mrs. ██████ scratched Officer ██████ and pulled at his shirt to get him off of her. After Officer ██████ finally got to his feet, he called a woman on the phone and spoke to her in front of Mrs. ██████ to taunt her. Mrs. ██████ yelled at Officer ██████ and called him names until he hung up the phone. Mrs. ██████ grabbed his phone and started walking upstairs. Officer ██████ followed her to the landing and they tugged at the phone back and forth. Officer ██████ knocked Mrs. ██████ to the floor with his elbow, but she could not describe how

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<sup>6</sup> Att. 29, page 11, lines 19-22.

<sup>7</sup> Att. 29, page 13, lines 20-21.

<sup>8</sup> According to Mrs. ██████ did not previously know that Officer ██████ was not her biological father and this statement caused her distress and confusion about why she was being treated differently from her siblings.

<sup>9</sup> Att. 29, page 28, lines 19-20.

<sup>10</sup> Att. 29, page 29, line 3.

<sup>11</sup> Att. 29, page 25, line 18.

that was done. Mrs. ██████ grabbed Officer ██████ shirt, which she had already ripped during the earlier scuffle, and pulled him down with her. They continued pulling and scratching at each other before they were able to regain their footing and stand. As Officer ██████ was standing, he kicked Mrs. ██████ on the arm.<sup>12</sup> Mrs. ██████ then went upstairs and stayed away from Officer ██████ for the rest of the night.

Mrs. ██████ and her ██████ children left the house the next morning and went to her family's home. She went to Rush University Medical Center for treatment of the injuries she sustained, which include bruises of her arms and legs and a scratch to her eye. Prior to this incident, Mrs. ██████ said there were approximately three incidents during their seven-year marriage, all in the year prior to this, where Officer ██████ pushed her or blocked her from leaving the house, but she never sustained bruises or injuries in those prior incidents.

In a statement to IPRA on June 2, 2016,<sup>13</sup> ██████ related that she received a text message from ██████ telling her that Mrs. ██████ (her niece) and Officer ██████ were fighting. She showed the message to ██████ (Mrs. ██████ mother and ██████ sister) and they decided to go to the ██████ residence. ██████ (████████ other sister) went with them. When they arrived, she said Mrs. ██████ was crying and appeared distressed, but ██████ did not see any bruises or injuries. Officer ██████ appeared to be angry and was blocking the stairs to prevent Mrs. ██████ from going upstairs to get their three ██████ children, although he permitted Mrs. ██████ to leave with ██████. ██████ started arguing with Officer ██████. ██████ took ██████ outside and put her in the car. She called the police when she heard yelling from inside. Mrs. ██████ came outside with ██████. ██████ told them that she called the police. Mrs. ██████ got upset and asked her to cancel the call because nothing was going on. ██████ called 911 again and told them that they no longer needed the police. Mrs. ██████ stayed at the house and the ██████ brought ██████ with them. At the time of the interview, ██████ had not returned home to see Officer ██████ with the rest of her siblings because she was upset about what happened between her parents.

In a statement to IPRA on June 13, 2016,<sup>14</sup> ██████ provided essentially the same account as ██████ did. She was not a witness to the physical altercation between the ██████. She saw Mrs. ██████ after she returned home from the hospital early in the morning of May 25, 2016, and observed that her left elbow was bruised.

In a statement to IPRA on June 13, 2016,<sup>15</sup> ██████ provided the same account of her involvement in this incident as her sisters did. Prior to ██████ receiving a text message from ██████ Mrs. ██████ called ██████ twice and told her she had found women's names and phone numbers in Officer ██████ luggage. Mrs. ██████ was whispering into the phone when she called the second time and abruptly hung up the phone when Officer ██████ entered the room. ██████ then showed her the text message from ██████ and they

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<sup>12</sup> Mrs. ██████ described that Officer ██████ was wearing a t-shirt, underwear, and a pair of boots throughout this incident.

<sup>13</sup> Att. 16, 30.

<sup>14</sup> Att. 20, 32

<sup>15</sup> Att. 23, 31

went to the [REDACTED] home, where [REDACTED] got into an argument with Officer [REDACTED] about his behavior. Mrs. [REDACTED] face was flushed as if she had been crying. [REDACTED] stayed inside with Officer [REDACTED] while Mrs. [REDACTED] was outside with [REDACTED] and [REDACTED]. Mrs. [REDACTED] then told her mother that she was going to stay in the house for the night. Mrs. [REDACTED] brought the rest of her children to the [REDACTED] home the following day and stayed there. She told her mother that she and Officer [REDACTED] physically fought. [REDACTED] saw bruises on Mrs. [REDACTED] arms but did not see any injury to her eye where Mrs. [REDACTED] said she was scratched. The only thing Mrs. [REDACTED] told [REDACTED] about the bruises was that Officer [REDACTED] had “grabbed”<sup>16</sup> her.

[REDACTED] also talked about a prior incident in February or March 2016 that she did not witness. Mrs. [REDACTED] told her that she and Officer [REDACTED] had been in an argument about cleaning the house and pulled and snatched at each other. According to [REDACTED] Officer [REDACTED] put Mrs. [REDACTED] in “a choke hold”<sup>17</sup> during that incident. [REDACTED] advised them to seek counseling. [REDACTED] also reported some tension when Officer [REDACTED] started dating Mrs. [REDACTED] because of the 14-year age difference between them and the fact that Mrs. [REDACTED] was 19 years old at the time. Once they got married, Mrs. [REDACTED] had three children in three years and [REDACTED] worried that she was not going to school and doing things she wanted to do. [REDACTED] told [REDACTED] that Officer [REDACTED] had said that Mrs. [REDACTED] could take her daughter and leave but that his kids were staying. [REDACTED] asked why Officer [REDACTED] would refer to the children differently like that.

In a statement to IPRA on October 4, 2016,<sup>18</sup> Officer [REDACTED] related that he and his wife had been having problems for a while before this incident in May 2016. According to Officer [REDACTED] frequently accused him of cheating on her and being the cause of the downfalls in her life. On May 23, 2016, Officer [REDACTED] went to pick up their children from Mrs. [REDACTED] grandparents’ house. While he was there, Mrs. [REDACTED] called him and said she ran out of gas. Officer [REDACTED] met her at the gas station to help her. Mrs. [REDACTED] then went to her grandparents’ house to get the children while Officer [REDACTED] went to get a pizza for dinner. After getting the pizza, Officer [REDACTED] went to his parents’ house but did not stay with them because they were leaving. While he was talking to their neighbor across the street, Mrs. [REDACTED] called and asked where he was. She accused him of being with another woman.

When Officer [REDACTED] arrived at home, he and Mrs. [REDACTED] got into an argument during which she called him a “lying, cheating motherfucker”<sup>19</sup> and said that she’d found a phone number and a bottle of Cialis in the suitcase that he had taken on a trip to Punta Cana.<sup>20</sup> The argument continued for a while and [REDACTED] their oldest daughter, called Mrs. [REDACTED] mother ([REDACTED] to tell her about it. [REDACTED] arrived at the house with her sisters, [REDACTED] and [REDACTED] Officer [REDACTED] briefly argued with [REDACTED] before she and her sisters went

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<sup>16</sup> Att. 31, page 51, line 9.

<sup>17</sup> Att. 31, page 9, line 1. Neither Mrs. [REDACTED] nor Officer [REDACTED] reported this incident in their statements to IPRA. It is not clear if this is one of the incidents Mrs. [REDACTED] referred to when she talked about her husband pushing her or blocking her path.

<sup>18</sup> Att. 38, 39.

<sup>19</sup> Att. 39, page 14, line 15.

<sup>20</sup> Officer [REDACTED] said that he took the Cialis on the trip on accident because he confused it for his cholesterol medication.

outside. Mrs. [REDACTED] who was in a different room from Officer [REDACTED] at this point, used her cell phone to record herself saying, “stop hitting me, stop hitting me.”<sup>21</sup> According to Officer [REDACTED] Mrs. [REDACTED] was not talking to anyone on the phone at that point but was making a voice recording to make it seem as if he “was doing something to her.”<sup>22</sup> [REDACTED] and her sisters came back inside and retrieved [REDACTED] to take her home with them.

Sometime after they left, Officer [REDACTED] was in the living room. Mrs. [REDACTED] entered the room and removed items from his suitcase, which had been sitting on the couch since he returned from a trip two weeks earlier. Mrs. [REDACTED] threw his clothing and a bottle of cologne to the floor. According to Officer [REDACTED] she then came to the chair where he was sitting and hit him on the face and chest. He grabbed her upper arms to stop her. She was still able to rip the shirt and underwear that he was wearing. Officer [REDACTED] tried to stand but he and Mrs. [REDACTED] both fell to the floor. While on the floor, Officer [REDACTED] turned over to try to get away from his wife, who was on top of him continuing to hit him.<sup>23</sup> When he was finally able to get away from her, she returned to the suitcase and continued throwing his clothing on the floor. In retaliation, Officer [REDACTED] threw some clothing that Mrs. [REDACTED] had just purchased for herself on the floor. Officer [REDACTED] referred to the look on Mrs. [REDACTED] face when he did that as “priceless,”<sup>24</sup> which he further described as meaning that her facial expression was asking him not to throw her clothes on the floor, which he continued to do. Mrs. [REDACTED] then picked up her clothing and went upstairs. They did not have any further contact that evening. Mrs. [REDACTED] left the family home with their three [REDACTED] children the following morning.

At some point during the argument, Mrs. [REDACTED] wanted to take all four children with her and leave the home. Officer [REDACTED] would not allow her to take the three [REDACTED] children. He did not recall saying specifically that she could “take your damn daughter with you,” referring to [REDACTED] but he acknowledged that he may have told her to “get your fucking ass out.”<sup>25</sup> According to Officer [REDACTED] he treats [REDACTED] the same way he treats his biological children but said that Mrs. [REDACTED] family “babies”<sup>26</sup> [REDACTED]

Prior to this incident, Officer [REDACTED] described their marriage as “a challenge,”<sup>27</sup> said that they had “good times,”<sup>28</sup> and said the problems they had were “little whining things that – that we shouldn’t have to deal with.”<sup>29</sup> When asked about his relationship with [REDACTED] Officer [REDACTED] said that his mother-in-law did not like when he started dating Mrs. [REDACTED] because

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<sup>21</sup> Att. 39, page 18, line 14. Officer [REDACTED] was not asked how he knew Mrs. [REDACTED] did this if they were in separate rooms, nor did he volunteer that information.

<sup>22</sup> Att. 39, page 34, lines 13-14. When asked why Officer [REDACTED] thought Mrs. [REDACTED] was not talking to anyone, he said that she did not hold the phone up to her ear. Officer [REDACTED] apparently made a gesture to demonstrate how she was holding the phone but did not verbally describe it for the audio recording.

<sup>23</sup> Officer [REDACTED] described himself and his wife as both being 5’5”. CPD records reveal that he is 215 lbs.

<sup>24</sup> Att. 39, page 23, line 22.

<sup>25</sup> Att. 39, page 32, lines 14-17.

<sup>26</sup> Att. 39, page 62, line 9. It should be noted that, while Officer [REDACTED] referred to himself as “the only dad [REDACTED] knows” (page 6, lines 1-2), at several points in his interview he referred to [REDACTED] as “her” (meaning Mrs. [REDACTED] daughter before correcting himself and saying “my” or “our” daughter. See page 16, line 3; page 18, lines 9-11.

<sup>27</sup> Att. 39, page 46, line 18.

<sup>28</sup> Att. 39, page 47, line 16.

<sup>29</sup> Att. 39, page 47, lines 18-19.

██████████ was romantically interested in Officer ██████████ herself. Officer ██████████ denied scratching Mrs. ██████████ eye or snatching a phone out of her hand. He also denied kicking her on the arm at any point during the incident.<sup>30</sup> When asked about the portion of the incident that Mrs. ██████████ alleged happened on the landing of the stairs, Officer ██████████ denied that they were on the floor. Officer ██████████ acknowledged that he may have called Mrs. ██████████ a “bitch,” a “dumbass,” and “stupid as fuck” during the incident. He was unaware of Mrs. ██████████ sustaining any injuries from this incident and reported that he sustained some scratches. Mrs. ██████████ stayed with her family between the time of the incident and the date of Officer ██████████ IPRA statement, and they alternated weeks with the children. When asked if there were previous physical altercations between them that would include hitting, Officer ██████████ said, “no, no.”<sup>31</sup> When asked immediately after that if Mrs. ██████████ had ever tried to hit him, Officer ██████████ said, “I’ve been hit before, yeah.”<sup>32</sup> He then went on to describe his responsibility as a Chicago Police Officer to diffuse situations and not get involved in domestic battery situations.

### b. Digital Evidence

**Evidence Technician photographs**<sup>33</sup> of Mrs. ██████████ show redness to the outside corner of her right eye and eyelid; bruises to her right upper arm, left elbow, and right thigh; and scratches to her left hand.

Mrs. ██████████ provided **photographs**<sup>34</sup> to IPRA that showed redness to her right eye and bruises to her arm, leg, and hand.

██████████ provided a printout of the **text message**<sup>35</sup> ██████████ sent to her saying, “██████████ mom dAd [sic] fighting emergency mom is saying stop to him please help!!!”

### c. Physical Evidence

**Medical records**<sup>36</sup> from Rush University Medical Center reveal that Mrs. ██████████ reported that her husband hit her on the face, back, arms, and legs. She provided essentially the same account of the incident to the emergency department staff as she did to IPRA. An x-ray of her left elbow revealed no fracture or dislocation. There was no diagnosis or observation of injury noted in the records.

**Office of Emergency Management and Communications** records<sup>37</sup> reveal that ██████████ called 911 at 8:57 pm because off-duty Officer ██████████ was screaming at his wife, the caller’s niece, and not letting her leave the house with the children. ██████████ mistakenly provided the address of ██████████ and said she would be waiting outside. Beats ██████████ and ██████████ were dispatched at 9:02 pm to ██████████ ██████████ called again at 9:08 pm,

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<sup>30</sup> Officer ██████████ stated that he was wearing a t-shirt and underwear during the incident, and that he was barefoot.

<sup>31</sup> Att. 39, page 72, line 2.

<sup>32</sup> Att. 39, page 72, line 5.

<sup>33</sup> Att. 26

<sup>34</sup> Att. 12

<sup>35</sup> Att. 18

<sup>36</sup> Att. 33 (pages 67-68 and 79-80), Att. 42 (pages 4-6)

<sup>37</sup> Att. 10, 27, 28, 46

corrected the address, and said the situation was resolved and police were not needed. At 9:10 pm, the dispatcher corrected the address to [REDACTED] and informed Beats [REDACTED] and [REDACTED] that the caller was trying to cancel the request. According to the Event Query, at 9:11 pm, Beat [REDACTED] used their PDT to report that they could not find the caller.

#### d. Documentary Evidence

**Original Case Incident Report** [REDACTED]<sup>38</sup> and the **Initiation Report**<sup>39</sup> prepared by Sgt. [REDACTED] contain essentially the same account of the incident as Mrs. [REDACTED] provided in her IPRA statement.

## 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;
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.

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<sup>38</sup> Att. 9

<sup>39</sup> Att. 13



## VII. ANALYSIS

██████████ alleged that her husband verbally and physically abused her during this incident. Although there were no witnesses to a large portion of the incident, she sustained bruises that corroborate some of the allegations.

Officer ██████████ acknowledged that he may have called his wife a “bitch,” a “dumb ass,” and “stupid as fuck” during the incident. He also did not deny that he directed profanities toward her and her daughter, ██████████. Although Officer ██████████ and Mrs. ██████████ were involved in an argument, there is no justification for speaking to his wife and daughter in this manner. Therefore, COPA finds that **Allegations 1 and 2** are **Sustained**.

As for the allegations of physical abuse, Officer ██████████ and Mrs. ██████████ provided similar accounts of the fight but painted each other as the aggressor. Mrs. ██████████ alleged that Officer ██████████ grabbed her arms and pushed her to the floor. Officer ██████████ admitted that he grabbed her arms and that they fell to the floor but denied pushing her. They both described a grabbing and pushing scuffle once they were on the floor. Mrs. ██████████ said that this happened twice, but Officer ██████████ only referenced them being on the floor once and said that the only physical altercation was in the living room, not on the stairs. Officer and Mrs. ██████████ also differed about exactly what happened while they were on the floor regarding who was on top of whom, which would reveal who was in control of the situation. Either way, both parties said that their scuffle continued while they were on the floor. Mrs. ██████████ sustained bruises to both arms that are consistent with being grabbed and held in a firm grip. Officer ██████████ account that he grabbed her to prevent her from hitting him but that she was still able to do so while he was holding her is not credible. Mrs. ██████████ acknowledged that she scratched at Officer ██████████ and pulled at his clothing, causing it to rip, and stated that she did this in an effort to get him away from her. By Officer ██████████ own account, he turned over while they were on the floor, which would put him in control of the situation at least at some point. As Officer ██████████ himself noted in his IPRA interview, he has a responsibility to diffuse situations and not get involved in personal domestic altercations. He clearly failed to meet that responsibility during this incident. Due to Mrs. ██████████ bruises and Officer ██████████ report of not sustaining any injuries beyond minor scratches, COPA finds that Officer ██████████ was more likely the aggressor in this situation. Therefore, **Allegation 4**, that Officer ██████████ grabbed Mrs. ██████████ and **Allegation 6**, that Officer ██████████ tussled with Mrs. ██████████ on the floor, are **Sustained**.

Regarding the scratch to the eye, Mrs. ██████████ said that she believed it was an accident. Officer ██████████ denied grabbing the phone out of Mrs. ██████████ hand and said she did not hold the phone up to her ear when she appeared to be making an audio recording. The Evidence Technician photographs show some redness to the outside corner of Mrs. ██████████ eye, but it is not clear whether that was due to a scratch. Mrs. ██████████ mother reported that she could not see any injury to her eye even after Mrs. ██████████ directed her attention to it. COPA therefore finds that **Allegation 3** is **Not Sustained**.

In Mrs. ██████████ account of how they got on the floor, she said that she fell after Officer ██████████ grabbed her. Officer ██████████ also said that they fell when he lost his footing. Because it

is not clear whether this was an actual push to the floor or if they simply fell, COPA finds insufficient evidence to prove or disprove whether Officer █████ pushed his wife to the floor. **Allegation 5** is therefore **Not Sustained**.

Finally, Mrs. █████ described Officer █████ kicking her on the arm as he was standing up from their scuffle on the stairs and she was still laying on the floor. Officer █████ denied that he kicked Mrs. █████ However, COPA finds Mrs. █████ version of the events to be consistent and credible. Additionally, Mrs. █████ reported to medical providers that she had severe pain on one arm, which ultimately required an x-ray to determine whether she had sustained any fractures. This injury is consistent with being kicked on the arm. Therefore, COPA finds by a preponderance of the evidence that Officer █████ kicked Mrs. █████ **Allegation 7** is **Sustained**.

## VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

### a. Officer █████

#### i. Complimentary and Disciplinary History

Officer █████ has been a member of the Chicago Police Department since █████ 2000. In that time, he has received 12 Honorable Mentions and 6 Complimentary Letters. In the last seven years, the only discipline he received was a SPAR in June 2019 for indebtedness to the city. There was no disciplinary action for this infraction.

#### ii. Recommended Penalty, by Allegation

##### 1. Allegation No. 1 – 5 days

COPA recommends a suspension of 5 days for Allegation 1. The argument in which Officer █████ called his wife a “bitch,” a “dumbass,” and “stupid as fuck” is what precipitated this entire event and caused the physical altercation.

##### 2. Allegation No. 2 – 5 days

COPA recommends a suspension of 5 days for Allegation 2. The argument in which Officer █████ directed profanities at his wife and daughter is what precipitated this entire event and caused the physical altercation.

##### 3. Allegation No. 4 – 25 days

COPA recommends a suspension of 25 days for Allegation 4. Officer █████ bruised Mrs. █████ when he grabbed her on the arms, and there was no justification for him to have done so. This action either started or escalated the physical altercation between the two when Officer █████ should have diffused the situation.

##### 4. Allegation No. 6 – 25 days

COPA recommends a suspension of 25 days for Allegation 6. Once the [REDACTED] were on the floor, Officer [REDACTED] continued the physical altercation by tussling with his wife. Again, there was no justification for this furtherance of the fight. As he himself stated, he had a responsibility to diffuse the situation rather than continue it.

**5. Allegation No. 7 – 25 days**

COPA recommends a suspension of 25 days for Allegation 7. Once the [REDACTED] were on the floor, Officer [REDACTED] continued the physical altercation by tussling with his wife. Again, there was no justification for this furtherance of the fight. As he himself stated, he had a responsibility to diffuse the situation rather than continue it.

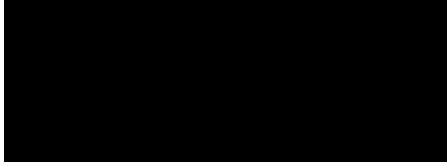
**IX. CONCLUSION<sup>40</sup>**

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

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	1. It is alleged that Officer [REDACTED] referred to [REDACTED] as a “bitch,” “dumb ass,” “stupid as fuck,” in violation of Rule 9.	Sustained / 5 days
	2. It is alleged that Officer [REDACTED] directed profanities towards [REDACTED] and her daughter [REDACTED] in violation of Rule 9.	Sustained / 5 days
	3. It is alleged that Officer [REDACTED] scratched [REDACTED] on the eye, in violation of Rule 8.	Not Sustained
	4. It is alleged that Officer [REDACTED] grabbed [REDACTED] in violation of Rule 8.	Sustained / 25 days
	5. It is alleged that Officer [REDACTED] pushed [REDACTED] to the floor, in violation of Rule 8.	Not Sustained
	6. It is alleged that Officer [REDACTED] tussled with [REDACTED] on the floor, in violation of Rule 8.	Sustained / 25 days
	7. It is alleged that Officer [REDACTED] kicked [REDACTED] on the arm, in violation of Rule 8.	Sustained / 25 days

<sup>40</sup> Add additional rows for additional allegations and/or involved officers.

Approved:



August 23, 2019

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Andrea Kersten  
*Deputy Chief Administrator – Chief Investigator*

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Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	█
<b>Major Case Specialist:</b>	██████████
<b>Supervising Investigator:</b>	██████████
<b>Deputy Chief Administrator:</b>	Andrea Kersten