

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	May 14, 2015, May 16, 2015, & July 26, 2016
Time of Incident:	Approximately 7:57 a.m., 1:00 p.m., 9:30 a.m.
Location of Incident:	████████████████████ Chicago, Illinois 60616 ████████████████████ Chicago, Illinois 60616
Date of COPA Notification:	July 26, 2016
Time of COPA Notification:	10:03 a.m.

On July 26, 2016, ██████████ called the Independent Police Review Authority (IPRA) and alleged that Chicago Police Department (CPD) member ██████████ ██████████ made racially derogatory comments on three separate occasions on the above listed dates.^{1, 2} COPA investigated these allegations and reached Not Sustained findings.

INVOLVED PARTIES

Involved Officer #1:	██████████ ██████████ Star # ██████████ Employee # ██████████ Date of Appointment: ██████████ 2000, 42 Years of Age, Male, White
Involved Individual #1:	████████████████████ 39 Years of Age, Female, Black
Involved Individual #2:	Officer ██████████ 39 Years of Age, Male, Black (Star # ██████████ Employee # ██████████)

II. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
██████████ ██████████	1. On May 14, 2015, said to Sgt. ██████████ # ██████████ during a telephone conversation, words to the effect of, "Get this boy in line."	Not Sustained

¹On 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 At the time of the alleged misconduct, ██████████ was a sergeant. ██████████ was promoted to lieutenant on February 1, 2017. Henceforth, he will be addressed as Lieutenant.

	<p>2. On May 16, 2015, said to [REDACTED] [REDACTED] words to the effect of, "That's that nigger's wife I was telling you about."</p> <p>3. On July 26, 2016, said to [REDACTED] words to the effect of, "Do you want me to take a picture with my squad car?" followed by, "Uh, uh, fucking Nigger."</p>	<p>Not Sustained</p> <p>Not Sustained</p>
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III. APPLICABLE RULES AND LAWS

Rules

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 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

General Orders

1. G02-01, III, A - E - Human Rights and Human Resources

IV. INVESTIGATION³

a. Interviews

In an interview with IPRA on July 27, 2016, [REDACTED] said she resided at the condominium building located at [REDACTED], with her husband, [REDACTED] who is a CPD member. [REDACTED] said Lt. [REDACTED] also resided in the building. [REDACTED] and her husband were renting their unit and Lt. [REDACTED] owned a unit on another floor in the building. [REDACTED] and her husband filed a lawsuit against the building alleging discrimination and harassment.

On May 14, 2015, at approximately 7:30 a.m., [REDACTED] and her husband woke up to take their daughter to school. [REDACTED] found the words, "No lawsuit," with a dollar sign and

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

the word “Nigger,” spray painted under the unit number near the door to their unit. ██████ said CPD officers responded.

█████ said one of the building custodians informed Officer ██████ they needed to paint over the graffiti on the door. Officer ██████ informed the custodian that he needed to wait because Hate Crimes was responding to the scene. ██████ said the custodian went downstairs and spoke with Lt. ██████ who was assigned to the Public Transportation Unit.

Lt. ██████ came to ██████ floor and yelled at her husband. Lt. ██████ had mistakenly thought her husband had threatened to arrest the custodian. ██████ said her husband was on the phone advising his supervisor, Sgt. ██████ what was happening. Lt. ██████ said to Officer ██████ words to the effect of, “They’re gonna have to paint over this or else they gonna have to do overtime.”

Officer ██████ advised Lt. ██████ that his supervisor wanted to speak with him. Lt. ██████ got on the phone and told Sgt. ██████ words to the effect of, “Hey, you know, you need to get this boy in line, and I am going to call and see if the evidence technician has been out, so that way I can let them paint.” Lt. ██████ then gave the phone back to Officer ██████. Lt. ██████ then said words to the effect of, “I am going to have to paint over it now.”

Lt. ██████ was not assigned to this case. ██████ said Detective ██████ initially came to her condominium unit to speak with her about the graffiti on her door on May 14, 2015. Det. ██████ left ██████ residence and, later, Det. ██████ came to her door. Det. ██████ identified himself as Det. ██████ and asked her numerous questions. ██████ said she later learned that Det. ██████ who previously worked with Lt. ██████ was not the Det. assigned to investigate her case. ██████ said Det. ██████ identified himself as Det. ██████ and he provided her one of Det. ██████ business cards. As soon as Det. ██████ left her unit and went downstairs, Lt. ██████ appeared. ██████ said the nature of Det. ██████ questions concerned her. Lt. ██████ was very interested in removing the graffiti before the hate crimes detectives could arrive.

On May 15, 2015, at approximately at 11:49 p.m., ██████ noticed someone had written the word “Nigger” on the wall behind her assigned parking space in her building.

On May 16, 2015, at approximately 1:00 p.m., ██████ was on the elevator in her building when Lt. ██████ who was off-duty, got on the elevator with a woman ██████ believed to be his girlfriend. ██████ was going to the first floor and Lt. ██████ and his girlfriend got off the elevator on the third floor. As Lt. ██████ was exiting the elevator with his girlfriend, he said words to his girlfriend to the effect of, “Yeah, that’s the nigger’s wife I was telling you about.”

█████ observed Lt. ██████ on numerous occasions operating a marked CPD canine sedan with a cage. ██████ said Lt. ██████ has been bringing that vehicle home for over a month, and he parks it overnight on the side of their building. ██████ also noted that Lt. ██████ comes home multiple times each day, operating the marked CPD canine vehicle even though he is assigned to the Public Transportation Unit. ██████ said Lt. ██████ has observed her taking cell phone photos of him and the vehicle in the past.

On July 26, 2016, at approximately 7:57 a.m., ██████ was walking southbound on Prairie Avenue to a south loop store. ██████ heard a noise behind her and when she turned

her head she saw Lt. [REDACTED] behind her. Lt. [REDACTED] said words to the effect of, "Do you wanna take a ... do you want me to take a picture with my squad car?" [REDACTED] told him why not, and Lt. [REDACTED] said words to her to the effect of, "Uh, uh, fuckin' nigger." He then jumped into the squad car and drove off. [REDACTED] said Lt. [REDACTED] was operating a marked canine sedan with a cage in it with outside number of [REDACTED] and beat tag [REDACTED]

Sometime in February 2016, Officer [REDACTED] was placed under investigation by the CPD Internal Affairs Division. [REDACTED] said an anonymous complainant alleged her husband was making false 911 calls alleging the doorman at their condominium building was selling drugs. [REDACTED] said each time those calls were made she observed Lt. [REDACTED] at their condominium building and that is why she began taking photos of him and the police sedan.^{4, 5}

In an interview with IPRA on September 6, 2017, Detective [REDACTED] # [REDACTED] Area Central Property Crimes, restated the information contained in his Case Supplementary Report dated May 14, 2015. Det. [REDACTED] said there were no surveillance cameras in the area and there were no witnesses to the incident. Det. [REDACTED] said he determined there had been two prior incidents of the same nature at this residence and those cases were assigned to Det. [REDACTED]. Det. [REDACTED] said he did not have contact with any other members from CPD when he responded. He did not observe any CPD personnel having any conversations with Officer [REDACTED] while he was at the scene. Det. [REDACTED] said no one made him [REDACTED] that there may be video related to this incident and he was not advised that anyone from CPD may have directed building management to erase any video images.⁶

In an interview with IPRA on September 14, 2017, Detective [REDACTED] # [REDACTED] restated the information contained in his Case Supplementary Reports dated May 10, 2015 and May 15, 2015. Det. [REDACTED] said he responded to two of the incidents involving criminal damage to property at [REDACTED]. Det. [REDACTED] said he responded to this location on May 10, 2015, with Det. [REDACTED]. Det. [REDACTED] said they spoke with the concierge/building security, who directed them to Unit # [REDACTED] where they met the complainant, off-duty Officer [REDACTED]. Officer [REDACTED] said he returned from work at approximately 2:30 a.m., went into his apartment, watched a movie and fell [REDACTED]. Officer [REDACTED] said he awoke at approximately 7:30 a.m. and discovered the word "Nigger" written on the wall outside his apartment door in red paint.

Det. [REDACTED] and Det. [REDACTED] conducted a walk-through of the area and spoke with the concierge/security, but they did not uncover any information related to this incident. There were no surveillance cameras that captured the incident. Det. [REDACTED] determined there had been no threats directed against [REDACTED] family and he suspended his investigation pending receipt of further leads, evidence or witnesses.

Det. [REDACTED] recalled that Det. [REDACTED] responded to another incident at the condominium building on a date that he was off-duty. Det. [REDACTED] determined the previous investigation

⁴ Attachment #13 – [REDACTED] Transcript

⁵ On September 28, 2017, [REDACTED] provided COPA with additional information in support of her complaint. This additional information included copies of depositions for Det. [REDACTED] (November 9, 2015) and Hate Crimes Detective [REDACTED] (January 29, 2016) related to Officer [REDACTED] and [REDACTED] lawsuit against the condominium association. The depositions do not contain information material to the verbal abuse allegations against Lt. [REDACTED]. Attachment #68.

⁶ Attachment #56 – Audio Interview - Det. [REDACTED]

was being handled by Det. [REDACTED] and he suspended his investigation and briefed Det. [REDACTED]. Det. [REDACTED] recalled that he responded to subsequent complaint of criminal damage to property at the same location on May 14, 2015.⁷

Det. [REDACTED] recalled a maintenance person getting on the elevator with Det. [REDACTED] and Det. [REDACTED]. The maintenance person indicated Officer [REDACTED] would not allow him to remove the graffiti from the wall near his door. Det. [REDACTED] recalled the elevator opening and Lt. [REDACTED] appeared and asked what was happening. Lt. [REDACTED] accompanied them back upstairs.⁸

Det. [REDACTED] could not recall whether he spoke with [REDACTED] during his initial investigation of the graffiti on May 14, 2015. Det. [REDACTED] noted that, after his initial response, he conducted follow-up investigation of the incident in the building with a hate crimes investigator. As the investigation proceeded, Det. [REDACTED] began to suspect that the graffiti had been written by the same person, and that person may have been Officer [REDACTED]. Det. [REDACTED] communicated his suspicions to his sergeant.

Det. [REDACTED] provided no material information in support of the verbal abuse allegations against Lt. [REDACTED].

In an **interview with COPA** on September 6, 2017, **Officer [REDACTED] # [REDACTED]** said his wife, [REDACTED] had several discussions with him related to contact she had with Lt. [REDACTED]. Officer [REDACTED] said he was not present when these discussions happened. Officer [REDACTED] said [REDACTED] recounted an incident that occurred on or about May 16, 2015. Officer [REDACTED] said [REDACTED] was on the elevator with Lt. [REDACTED] and his girlfriend. [REDACTED] relayed that Lt. [REDACTED] looked at his girlfriend and said, "That's that Nigger's wife I was talking about." Officer [REDACTED] said he was shocked when he heard this, but never made an official complaint with anyone.

[REDACTED] told Officer [REDACTED] that on or about July 26, 2016, Lt. [REDACTED] approached her outside the condominium building. Lt. [REDACTED] was in uniform and he was operating a marked police vehicle. Lt. [REDACTED] came up behind [REDACTED] on foot and said, "Do you want to take a picture of me with my squad car?" Lt. [REDACTED] then said, "fucking Nigger," before he entered his marked vehicle and drove away. [REDACTED] said the vehicle had the outside number [REDACTED] Beat tag [REDACTED] and license plate number [REDACTED]. Officer [REDACTED] said neither he or his wife made an official complaint to anyone related to this incident.

On or about May 14, 2015, Officer [REDACTED] and his wife reported an incident of criminal damage to property and a possible hate crime at their residence. Officer [REDACTED] said Lt. [REDACTED] came to his condominium unit with Det. [REDACTED] and Det. [REDACTED] who were investigating these incidents. Lt. [REDACTED] insisted the building maintenance person be allowed to clean graffiti off the wall near his condo unit before the incident was properly investigated. Lt. [REDACTED] spoke with Officer [REDACTED] supervisor, Sgt. [REDACTED] and during that conversation Officer [REDACTED] heard Lt. [REDACTED] tell Sgt. [REDACTED] "You better get this boy in line." Officer [REDACTED] said he took that statement to be racial in nature.

⁷ A review of the Attendance and Assignment Sheets indicate that Det. [REDACTED], Det. [REDACTED] and Det. [REDACTED] were on-duty on May 14, 2015. Though Det. [REDACTED] initial recollection was that he was off-duty May 14, 2015, the evidence and Det. [REDACTED] confirmed through his statement that he did respond with Det. [REDACTED] to the graffiti incident on that date.

⁸ Attachment #61 – Audio Interview - Det. [REDACTED]

Officer █████ said he was told by Sgt. █████ to let it go because he might get himself in trouble. Officer █████ said Det. █████ and Det. █████ never cleared the crime scene and never told him the graffiti could be taken off the wall. Officer █████ said both detectives were present when Lt. █████ made his racially motivated comment to Officer █████ supervisor. Officer █████ said neither detective made any input when Lt. █████ was telling him to allow maintenance to remove the graffiti from the wall. Officer █████ said he turned in a To-From to the Internal Affairs Division related to this encounter with Lt. █████ but never tried to make a formal complaint related to this incident.

Officer █████ said his wife had one final encounter with Lt. █████ but he was not sure of the date. Officer █████ said Lt. █████ approached his wife as she was walking down the street and said, "I'm tired of seeing you! I can't wait until your husband gets fired so you can get the fuck out of my neighborhood." Officer █████ said he discussed these incidents with his co-workers, but Officer █████ could not provide the names of specific co-workers he had talked to. Officer █████ did not make a formal complaint with any agency. Officer █████ said he resided in the First District and Lt. █████ worked in that District so he and his spouse felt nothing would be accomplished by filing a complaint.⁹

In an **interview with COPA** on September 22, 2017, **Sgt. █████ #█████** said he supervised Officer █████ for approximately three years. Sgt. █████ said Officer █████ was a member of a Tactical Team who worked making drug buys. Sgt. █████ said Officer █████ performed well in that role and he never had reason to question Officer █████ performance or his truthfulness. Sgt. █████ said he never had any issues with Officer █████ related to his inability to get along with other officers or citizens of different ethnic or racial backgrounds.

Sgt. █████ said he did have a conversation with Lt. █████ over the telephone on or about May 14, 2015. Sgt. █████ said Lt. █████ was a little brusque with him during that conversation. Lt. █████ told him the detectives and evidence technician had concluded that the graffiti on the wall outside Officer █████ condominium unit could be removed. Lt. █████ did not use any language that was directed at/or about Officer █████ that Sgt. █████ considered to be insensitive or racial in nature. Sgt. █████ did not recall Lt. █████ saying words to the effect of, "You better get this boy in line," when he spoke with him on May 14, 2015.

Sgt. █████ said he did not know Lt. █████ prior to his conversation and he has had no discussions with Lt. █████ since the telephone conversation. Sgt. █████ said he did not have any knowledge of any incidents that would lead him to believe the Department or Lt. █████ were harassing Officer █████ or his family. Officer █████ never told him he or his wife were having problems with Lt. █████ prior to this incident.¹⁰

In an **interview with COPA** on January 4, 2018, **Detective Chris █████ #█████** said he was assigned to Unit █████ Beat █████ as a detective on May 14, 2015. Det. █████ responded to a call of criminal damage to property with Det. █████ Det. █████ said detectives in his unit respond to incidents in pairs and he cannot recall exactly how he became involved in this case. Det. █████

⁹ Attachment #66 – Officer █████ – Audio Interview

¹⁰ Attachment #63 – Sgt. █████ – Audio Interview

did not know why his name does not appear in the reports that summarizes he and Det. [REDACTED] response to this incident.

Det. [REDACTED] said he and Lt. [REDACTED] worked together in the [REDACTED] District before he became a detective. Det. [REDACTED] said Lt. [REDACTED] came on-scene and he was in uniform and carrying a radio. Det. [REDACTED] did not know that Lt. [REDACTED] resided in the building where the complaint of criminal damage to property was made on May 14, 2015. Det. [REDACTED] said Lt. [REDACTED] never asked him to become involved in this investigation, and Lt. [REDACTED] never gave him any input into how the investigation should be conducted. Det. [REDACTED] said he did keep Lt. [REDACTED] posted on the status of his findings, but Lt. [REDACTED] had no input.

Det. [REDACTED] and Det. [REDACTED] arrived and conducted a preliminary investigation. Det. [REDACTED] called for an evidence technician and photos of the scene were taken. Det. [REDACTED] said he and Det. [REDACTED] cleared the scene after the photos were taken and they advised maintenance staff that they could remove the graffiti from the wall. Det. [REDACTED] said Lt. [REDACTED] arrived and he and Officer [REDACTED] got into a discussion about removing the graffiti from the wall. Officer [REDACTED] wanted the graffiti to remain on the wall and Lt. [REDACTED] wanted it removed. Det. [REDACTED] said he and Det. [REDACTED] did not get involved in this discussion. Det. [REDACTED] said he never overheard any conversation where Lt. [REDACTED] told Officer [REDACTED] supervisor words to the effect of, "You better get this boy in line."

Det. [REDACTED] and Det. [REDACTED] spoke with building management during this investigation. Det. [REDACTED] said they reviewed video but did not find anything of evidentiary value. Det. [REDACTED] said he was not aware of any efforts to erase any video images related to this incident.

Det. [REDACTED] and Det. [REDACTED] concluded that the graffiti may have been put on the wall by Officer [REDACTED]. Det. [REDACTED] said Det. [REDACTED] obtained handwriting samples from Officer [REDACTED] rental agreement and documents Officer [REDACTED] completed when he came on the Department. Det. [REDACTED] said he and Det. [REDACTED] thought there were similarities between the graffiti on the wall and these documents. Detective [REDACTED] brought this information to the attention of Sgt. [REDACTED] his supervisor, and Sgt. [REDACTED] agreed. Det. [REDACTED] said Sgt. [REDACTED] and Det. [REDACTED] met with Internal Affairs Division concerning their findings. Det. [REDACTED] said Lt. [REDACTED] did not have any input into those findings.

Det. [REDACTED] did speak with Officer [REDACTED] and [REDACTED]. Det. [REDACTED] said he never provided [REDACTED] a business card belonging to Det. [REDACTED] and he never did or said anything that would have led [REDACTED] to believe he was Det. [REDACTED].

In an **interview with COPA** on December 14, 2017, Lt. [REDACTED] # [REDACTED] said on July 26, 2016 he was assigned to Unit # [REDACTED] Public Transportation Unit, as a Sergeant. Lt. [REDACTED] was a K-9 supervisor and he was assigned to Beat # [REDACTED] operating vehicle # [REDACTED]. Lt. [REDACTED] said vehicle [REDACTED] is a Crown Victoria with a dog cage in the rear. Lt. [REDACTED] was leaving his residence on July 26, 2016, going to his vehicle, which is a take home car, when he observed [REDACTED] taking pictures of him and his vehicle. Lt. [REDACTED] said he had a brief conversation with [REDACTED] and he did inquire if she wanted a picture of him with the vehicle, or whether she wanted a picture of herself with the vehicle. Lt. [REDACTED] said he never called [REDACTED] a nigger during this conversation.

¹¹ Attachment #73 – Audio Interview - Det. [REDACTED]

Lt. ██████ said he went to his condominium on May 14, 2015 during a break to let his dog out. Lt. ██████ said he ran into Det. ██████ and Det. ██████ in the lobby of his building. Lt. ██████ and Det. ██████ had been assigned together as patrolmen in the ██████ District. Lt. ██████ said when he was in the lobby speaking with Det. ██████ the condominium maintenance man approached them and indicated that Officer ██████ had threatened to arrest him if he attempted to remove racial graffiti from the wall adjacent to his condominium unit. Lt. ██████ said he accompanied the detectives to Officer ██████ condo unit since he was the ranking officer present.

When they arrived at the unit, Officer ██████ was on the phone speaking with CPD Legal Affairs. Lt. ██████ said Officer ██████ indicated Legal Affairs said the graffiti could be removed from the wall. Lt. ██████ said he spoke briefly with Legal Affairs and informed them the detectives had released the scene and an evidence technician had documented the scene. Lt. ██████ said Officer ██████ was unhappy when he informed him the graffiti needed to come down. Officer ██████ contacted his sergeant and Lt. ██████ spoke briefly with Officer ██████ supervisor on the phone. Lt. ██████ said he never said words to the effect of, "You need to get this boy inline," while speaking with Officer ██████ supervisor.

Lt. ██████ did not recall being in the elevator in his condominium building with ██████ and a "girlfriend" on May 16, 2015.

Lt. ██████ said that if he did have contact with ██████ in his building, it would have been with his wife, ██████ ██████ to whom he has been married for over six years. Lt. ██████ said he never said words to the effect of, "That's that nigger's wife I was telling you about," to ██████

Lt. ██████ believes ██████ fabricated the May 2015 encounters. Lt. ██████ had never heard anything about these incidents until he and ██████ had their encounter in July 2016.

Lt. ██████ never asked Det. ██████ to become personally involved in the criminal damage to property complaints that were filed by Officer ██████ and ██████ Lt. ██████ did not have any input in the findings related to those investigations, and he never took any action against Officer ██████ or ██████ because of their lawsuit against the condominium association.^{12, 13}

In an interview with COPA on February 21, 2018, ██████ ██████ said she has been married to Lt. ██████ for approximately six years. Ms. ██████ had never met ██████ prior to going to court after ██████ sought an order of protection against her husband. Ms. ██████ does not recall ever seeing ██████ in her condominium building prior to seeing her in court. Ms. ██████ does not recall her or her husband being on an elevator in her condominium building where her husband made inappropriate comments to ██████ Ms. ██████ said her husband is respectful to women and he would never do or say what has been alleged.^{14, 15}

¹² Attachment #72 – Audio Interview - Lt. ██████

¹³ COPA obtained a copy of a deposition for Lt. ██████ dated January 25, 2016, related to Officer ██████ and ██████ lawsuit against the condominium association. The deposition does not contain information material to the verbal abuse allegations against Lt. ██████ Attachment #28.

¹⁴ Attachment #71 – Audio Interview – ██████

¹⁵ Though not relied upon in COPA's analysis below, IPRA also conducted interviews of Department members ██████ (Star# ██████ ██████ (Star# ██████ ██████ (Star # ██████ ██████ (Star# ██████ and ██████ (Star# ██████

b. Digital Evidence

COPA obtained CPD Evidence Technician Photographs related to RDs [REDACTED]

[REDACTED] and [REDACTED]^{16, 17, 18}

c. Documentary Evidence¹⁹

COPA obtained a CPD Original Case Incident Reports and Case Supplemental Reports for RDs [REDACTED] and [REDACTED]^{20, 21, 22, 23, 24, 25, 26, 27, 28, 29}

COPA obtained CPD Attendance and Assignment Sheets for Unit [REDACTED] for July 26, 2016, 4th Watch.³⁰

V. 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 reviewed complied with Department policy. *See Avery v. State*

¹⁶ Attachment #39 – CPD/ET Photographs

¹⁷ Attachment #40 – CPD/ET Photographs

¹⁸ Attachment #41 – CPD/ET Photographs

¹⁹ Though not relied upon in COPA’s analysis below, on November 14, 2018, COPA received as a referral from the City of Chicago Office of Inspector General a 33-page letter, unsigned, detailing a time line of events involving Officer [REDACTED] and Lt. [REDACTED] between April 2015 and June 2018. Attachment #74 & 75.

²⁰ Attachment #31 – Original Incident Report – RD [REDACTED]

²¹ Attachment #32 – Case Supplemental Report - R [REDACTED]

²² Attachment #33 – Original Incident Report - RD [REDACTED]

²³ Attachment #34 – Case Supplemental Report – R [REDACTED]

²⁴ Attachment #49 – Original Incident Report – RD [REDACTED]

²⁵ Attachment #54 – Case Supplemental Report – R [REDACTED]

²⁶ Attachment #50 – Original Incident Report – RD [REDACTED]

²⁷ Attachment #52 – Case Supplemental Report – R [REDACTED]

²⁸ Attachment #51 – Case Supplemental Report - R [REDACTED]

²⁹ Attachment #53 – Case Supplemental Report - R [REDACTED]

³⁰ Attachment #10 – Attendance and Assignment Sheets

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 conduct complied with Department policy than that it did not, 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.

VI. ANALYSIS

The incidents complained of occurred on May 14 & 16, 2015, and July 26, 2016. All allegations involve use of verbally abusive language rising to the level of racial bias by Lt. [REDACTED] a sergeant at the time.

On July 26, 2016, [REDACTED] contacted IPRA regarding the verbal abuse allegations and sat for an interview with IPRA investigators on July 27, 2016. [REDACTED] and her husband, Officer [REDACTED] resided in the same condominium building as Lt. [REDACTED] and had been involved in a lawsuit against the building's association and management company. On May 14, 2015, [REDACTED] and Officer [REDACTED] found verbally abusive graffiti outside of their unit referencing the lawsuit. CPD personnel responded to the scene, to include detectives and evidence technicians (who took photos of the graffiti). Lt. [REDACTED] also became involved in the investigation, communicating with detectives on scene. An argument between Lt. [REDACTED] and Officer [REDACTED] ensued regarding whether the scene had been cleared and building maintenance had been approved to remove the graffiti.

The lawsuit, Lt. [REDACTED] involvement in the investigation, and the subsequent argument are at the confluence of [REDACTED] allegations that Lt. [REDACTED] used racially abusive language when speaking with Officer [REDACTED] supervisor on May 14, 2015, the date of the graffiti incident, that Lt. [REDACTED] used racially abusive language when referring to [REDACTED] two days after the graffiti incident in the condo building on May 16, 2015, and that Lt. [REDACTED] again used racially abusive language when referring to [REDACTED] during an encounter outside of the condo building on July 26, 2016.

IPRA/COPA was unable to identify any independent, objective video or audio to support any of [REDACTED] allegations. IPRA/COPA conducted interviews of involved Department members, none of whom recall Lt. [REDACTED] using the racially abusive language alleged during their interactions with Lt. [REDACTED] and Officer [REDACTED] during the investigation of the graffiti incident. Though the criminal investigation into the graffiti was suspended, detectives questioned Officer [REDACTED] credibility by suggesting that Officer [REDACTED] may have been the source of the graffiti. IPRA/COPA identified no independent witnesses to the incidents. COPA also interviewed Lt.

█████ wife relative to the May 16, 2015 incident, as she was identified as a potential witness, though her testimony was supportive of husband.³¹

In conclusion, this case presents issues of fact that cannot be resolved one way or another and COPA is unable to find that either version of events should be given more weight than the other. Additionally, COPA lacks objective and independent evidence to support the occurrence of the incidents as alleged. COPA therefore find that all three allegations of verbal abuse against Lt. █████ are Not Sustained.

VII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
█████ J. █████	1. On May 14, 2015, said to Sgt. █████ #█████ during a telephone conversation, words to the effect of, “Get this boy in line.” 2. On May 16, 2015, said to █████ █████ words to the effect of, “That’s that nigger’s wife I was telling you about.” 3. On July 26, 2016, said to █████ words to the effect of, “Do you want me to take a picture with my squad car?” followed by, “Uh, uh, fucking Nigger.”	Not Sustained Not Sustained Not Sustained

Approved:

 Jay Westensee
 Deputy Chief Administrator – Chief Investigator

 Date

³¹ It should be noted that █████ registered Log# 1091413 in May 2017 alleging an additional instance of verbally abusive language rising to the level of racial bias against Lt. █████ Again, the misconduct is alleged to have occurred in the area of their one-time common residence. That investigation remains open as of the date of this Summary Report.

Appendix A

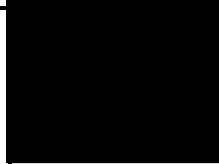
Assigned Investigative Staff

Squad#:

Investigator:

Supervising Investigator:

Deputy Chief Administrator:



Jay Westensee