

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

Date/Time/Location of Incident:	March 26, 2017 at 3:55 p.m., at or near 12700 S. Western, Blue Island, Illinois
	March 24, 2017 at 2:36 p.m., at or near the [REDACTED] District Station, located at 7808 S. Halsted, Chicago Illinois
Date/Time of COPA Notification:	March 26, 2017 at 5:33 p.m.
Involved Officer #1:	[REDACTED] # [REDACTED] Employee # [REDACTED] [REDACTED] 1994; Officer; Unit [REDACTED] [REDACTED] 1969; Male; Black.
Involved Individual #1:	[REDACTED] 1980; Female; Black
Case Type:	Domestic Violence

**I. ALLEGATIONS**

Officer	Allegation	Finding
Officer [REDACTED] # [REDACTED]	<ol style="list-style-type: none"> <li>1. It is alleged that on March 26, 2017, at approximately 3:55 p.m., at or near the location of 12700 S. Western, Blue Island, Illinois, Officer [REDACTED] punched [REDACTED] on the mouth.</li> <li>2. It is alleged that on March 26, 2017, at approximately 3:55 p.m., at or near the location of 12700 S. Western, Blue Island, Illinois, Officer [REDACTED] grabbed [REDACTED] by the neck.</li> <li>3. It is alleged that on March 24, 2017, at approximately 2:36 p.m., at or near the [REDACTED] District Station, located at 7808 S. Halsted, Chicago, IL Officer [REDACTED] slapped [REDACTED] on the face.</li> </ol>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>

<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.

	<p>4. It is alleged that on March 24, 2017, at approximately 2:36 p.m., at or near the [REDACTED] District Station, located at 7808 S. Halsted, Chicago, IL Officer [REDACTED] stated words to the effect of, "I will kill you before I give you a divorce," to [REDACTED]</p>	<p>Not Sustained</p>
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**II. SUMMARY OF EVIDENCE<sup>2</sup>**

On March 26, 2017, [REDACTED] went to the [REDACTED] District Station to report that her husband, Officer [REDACTED] battered her inside his personal vehicle in the parking lot of the Beggar’s Pizza in Blue Island, Illinois.<sup>3</sup> Ms. [REDACTED] was subsequently arrested,<sup>4</sup> after the initiation of her complaint, on the signed complaints of Officer [REDACTED] for incidents of Domestic Battery, Theft, Criminal Damage to Property and Assault on March 24 and 25, 2017. In a statement taken on March 26, 2017, while in custody at the [REDACTED] District Station, Ms. [REDACTED] stated to IPRA investigators that she and Officer [REDACTED] were having marital difficulties due to his infidelity. Ms. [REDACTED] alleged that on March 24, 2017, Officer [REDACTED] slapped her on the face inside his vehicle, located at the [REDACTED] District Police Station parking lot, and that she slapped him on the face after he slapped her. Ms. [REDACTED] also alleged that, on that same date, Officer [REDACTED] threatened her stating words to the effect of, "I’ll kill you before I give you a divorce." She stated that she got out of the car with his phone, and that it later broke when she attempted to return it to him through a car window. With respect to the events of March 26, 2017, Ms. [REDACTED] related that she met Officer [REDACTED] at Beggar’s Pizza and entered his vehicle. While in the vehicle, Officer [REDACTED] punched her lip and grabbed her by the throat. She then got out of her car and entered her vehicle. Ms. [REDACTED] stated that she then followed her husband to the Blue Island Police Station, where she felt ignored by staff and left without obtaining a report. Ms. [REDACTED] then went to the [REDACTED] District Station, made her report, and was arrested.<sup>5</sup> Evidence Technician photographs of Ms. [REDACTED] depict no visible, external facial bruising or lacerations, but do depict a small laceration on the inside of her upper right lip. Ms. [REDACTED] did not seek

<sup>2</sup>COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

<sup>3</sup> Video surveillance recordings from Beggar’s Pizza did not capture this incident. See Atts #39, 40.

<sup>4</sup> Sergeant [REDACTED] stated that the decision to arrest Ms. [REDACTED] was made by his superiors because he was a new sergeant registering his first domestic Complaint Register Investigation. See Att. 45.

<sup>5</sup> There was no report generated by the Blue Island Police Department. The Video Surveillance recording from the Blue Island Police Department documented that Officer [REDACTED] entered the lobby first and that Ms. [REDACTED] came in later. Ms. [REDACTED] stayed briefly and then left before Officer [REDACTED]

medical treatment. Ms. [REDACTED] charges were dismissed, “Nolle Prosequi,” on March 27, 2017.<sup>6</sup>

It was documented in Case Report for Domestic Battery Simple, RD # [REDACTED] that on March 24, 2017, Ms. [REDACTED] entered Officer [REDACTED] vehicle in the parking lot of the [REDACTED] District Station to talk. As the discussion became heated, Ms. [REDACTED] struck Officer [REDACTED] on the right side of the face with a closed fist. Ms. [REDACTED] then grabbed his cell phone and drove away in her vehicle. Officers [REDACTED] # [REDACTED] and [REDACTED] # [REDACTED] were listed as witnesses whom had approached the vehicle out of concern. In statements to COPA, both officers stated that they approached the vehicle to see who was parked in the employee lot but did not see anything physical occur between Ms. [REDACTED] & Officer [REDACTED].<sup>7</sup>

Officer [REDACTED] documented in Case Report for Criminal Damage to Property, RD # [REDACTED] that on the morning of March 25, 2017, Ms. [REDACTED] broke the driver’s side window of his truck with a hammer after a verbal argument, Officer [REDACTED] also documented in Case Report for Simple Assault , RD# [REDACTED] that on the evening of March 25, 2017, he suspected that Ms. [REDACTED] entered his truck with the second set of keys and left red roses on the drivers seat along with a sympathy card that read, “As you grieve the loss of your husband.”<sup>8</sup>

In a statement to COPA on September 20, 2019, Officer [REDACTED] denied the allegations made against him, stating that Ms. [REDACTED] was involved in an extramarital affair and battered him on March 24, 2017.<sup>9</sup> Officer [REDACTED] stated that he did not retaliate against his wife and did not strike her on either day, even as a means of self-defense. Officer [REDACTED] stated that he did not summon Ms. [REDACTED] to come to him, adding that she instead waited for him near places where she knew he would be, such as the [REDACTED] District Station or near the bowling alley he frequented in Blue Island. Officer [REDACTED] stated that on March 25, 2017, he went to his supervisor, Lieutenant [REDACTED] for guidance and was advised to document the incidents where he had been victimized by Ms. [REDACTED]. Officer [REDACTED] further stated that his wife followed him aggressively from the Beggars Parking Lot in her vehicle and that he called Lieutenant [REDACTED] to apprise him of the situation. It should be noted that in his statement to COPA, Lieutenant [REDACTED] corroborated Officer [REDACTED] account of seeking his advice and calling him, out of breath and screaming as he was allegedly being pursued by Ms. [REDACTED] as he drove on March 26, 2017.<sup>10</sup> Officer [REDACTED] related that he did not want to get case reports against his wife, nor did he want to arrest her, but that he felt he had no choice because she had made false allegations against him. Officer [REDACTED] stated that he had no physical injuries as a result of being battered by his wife, with whom he had reconciled.<sup>11</sup>

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<sup>6</sup> Att. 4, 5, 12, 18, 31, 44

<sup>7</sup> Att. 6, 32, 33, 37, 59

<sup>8</sup> Att. 8

<sup>9</sup> It should be noted that on December 26, 2018, Ms. [REDACTED] alleged that she was physically abused by Officer [REDACTED]. This incident is being investigated by COPA under Log #1092118. The interview summarized in this report was solely related to the allegations for Log #1084587.

<sup>10</sup> It should be noted that Lieutenant [REDACTED] was promoted to the rank of Captain in 2019. Captain [REDACTED] also stated he thought the arrest was appropriate given the escalation of domestic incidents that weekend. (Att. 63, 64).

<sup>11</sup> Att. 57, 62

### III, 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 I 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 is has found to be more probably true than not). If the evidence gathered in an investigation establishes that it 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 the proposition ... is true” *Id.* at 28.

### IV. ANALYSIS AND CONCLUSION

COPA finds **Allegations #1 – 2**, that on March 26, 2017, at approximately 3:55 p.m., at or near the location of 12700 S. Western, Blue Island, Illinois, Officer [REDACTED] # [REDACTED] punched [REDACTED] on the mouth and grabbed Ms. [REDACTED] by the neck are **Not Sustained**. There are no witnesses to this incident. Officer [REDACTED] denied the allegation, stating that he sought to get away from Ms. [REDACTED] who followed him to the Blue Island Police Station. Ms. [REDACTED] had no visible, facial injuries but presented with a small laceration inside her upper right lip. Ms. [REDACTED] did not seek medical attention. Ms. [REDACTED] was arrested on the signed complaints of Officer [REDACTED] whom had documented on March 25, 2017, that Ms. [REDACTED] had battered him, damaged his property, and left a threatening card in his car. Lieutenant [REDACTED] corroborated Officer [REDACTED] account of being pursued by Ms. [REDACTED] as he went to the Blue Island Police Department. Although Ms. [REDACTED] displayed a minor injury to her lip, there is insufficient evidence to determine what occurred in this instance given that Officer [REDACTED] account was also corroborated in part. Additionally, COPA is unable to determine which individual it finds more credible in the instant case. Therefore, COPA cannot

determine based on these facts alone that it is more likely than not that the incident occurred as alleged by Ms. [REDACTED] and they are Not Sustained.

COPA finds **Allegations #3 – 4**, that on March 24, 2017, at approximately 2:28 p.m., at or near the [REDACTED] District Station, located at 7808 S. Halsted, the accused slapped [REDACTED] on the face and stated words to the effect of, “I will kill you before I give you a divorce” are also **Not Sustained**. Officer [REDACTED] denied the allegations, adding that it was Ms. [REDACTED] who struck him. Ms. [REDACTED] had no visible, facial injuries that were attributed to this incident. Officer [REDACTED] stated that he had no visible injuries. There were no witnesses. Officers [REDACTED] and [REDACTED] both stated that they did not see inside the vehicle. Again, COPA is unable to determine which individual it finds more credible in the instant case. Thus, there is insufficient evidence to determine if these allegations did or did not occur as alleged, and they are therefore Not Sustained.

Approved:

[REDACTED]

November 25, 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>Investigator:</b>	██████████
<b>Supervising Investigator:</b>	██████████
<b>Deputy Chief Administrator:</b>	Andrea Kersten