

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY²

| | |
|----------------------------|----------------------|
| Date of Incident: | March 26, 2017 |
| Time of Incident: | 5:00 AM |
| Location of Incident: | ████████████████████ |
| Date of COPA Notification: | March 26, 2017 |
| Time of COPA Notification: | 7:44 AM |

On March 26, 2017 Officer ██████████ Officer ██████████ and Sergeant ██████████ were dispatched to ██████████ in Chicago, IL to investigate a complaint of domestic battery attributed by off-duty Police Officer ██████████ against his ex-wife, ██████████. Statements obtained by the responding officers and the Sergeant indicated that Officer ██████████ and Ms. ██████████ had been involved in a argument which became physical. Ms. ██████████ relayed that Officer ██████████ grabbed her and pushed her; Officer ██████████ relayed that he grabbed Ms. ██████████ on her wrist(s) and forearm in an attempt to prevent her from striking him further. Ms. ██████████ was observed to have bloody knuckles and a bruise on her forearm; Officer ██████████ was observed to have scratches on his neck. Neither Ms. ██████████ nor Officer ██████████ were arrested or charged. After a thorough investigation, COPA determined the evidence supports a NOT SUSTAINED finding respect to the allegations pertaining to Officer ██████████ grabbing and pushing Ms. ██████████.

II. INVOLVED PARTIES

| | |
|-------------------------|---|
| Involved Officer #1: | ████████████████████ Star #: ██████ Employee ID#: ██████ Date of Appointment: ██████████ 2006, Police Officer, Unit of Assignment: ██████ Date of Birth: ██████████ 1980, Male, White. |
| Involved Individual #1: | ████████████████████ Date of Birth: ██████████ 1982, Female, White. |

III. ALLEGATIONS

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 and the recommendation(s) set forth herein are the recommendation(s) of COPA.

² COPA made numerous attempts to interview ██████████ regarding this investigation. Ms. ██████████ refused to cooperate and refused to provide a sworn affidavit. Based upon the available evidence, COPA requested an affidavit override from the Bureau of Internal Affairs to proceed with the investigation. On February 26, 2019, the Bureau of Internal Affairs granted COPA’s request to proceed with the investigation. See Attachment 36.

| Officer | Allegation | Finding / Recommendation |
|----------------------------------|---|--------------------------|
| Officer ██████████ ██████████ | 1. On or about March 26, 2017, at approximately 5:00 AM, at ██████████ ██████████ Chicago, IL, Officer ██████████ while off-duty, grabbed ██████████ his ex-wife, without justification, in violation of Rules 1, 2, 6, 8, 9. | Not Sustained |
| | 2. On or about March 26, 2017, at approximately 5:00 AM, at ██████████ ██████████ Chicago, IL, Officer ██████████ while off-duty, pushed ██████████ his ex-wife, without justification, in violation of Rules 1, 2, 6, 8, 9. | Not Sustained |

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1: Violation of any law or ordinance.
2. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
3. Rule 6: Disobedience of an order or directive, whether written or oral.
4. Rule 8: Disrespect or maltreatment of any person, while on or off duty.
5. Rule 9: Engaging in any unjustified verbal or physical altercation with any person while on or off duty.

General Orders

1. General Order G04-04 – Domestic Incidents.

Special Orders

1. Special Order S04-04 – Domestic Incidents.

State Laws

1. 750 ILCS 60/ et seq. – Illinois Domestic Violence Act.

V. INVESTIGATION³

a. Interviews

On April 22, 2019 COPA interviewed Witness Officer ██████████⁴ On March 26, 2017 Officer ██████████ and his partner, Officer ██████████ received an assignment regarding a domestic disturbance at ██████████ They acknowledged the assignment and relocated to that location within five (5) to six (6) minutes. Upon arrival they met with a female, later determined to be ██████████ who relayed that she had called the police. She indicated that after a night of drinking she had a disturbance with husband, Police Officer ██████████ who became angry and irate.

Upon learning that her husband was a Chicago Police Officer, the responding officers requested a supervisor. Sergeant ██████████ responded and arrived two (2) to three (3) minutes later. Sgt. ██████████ arrived and Ms. ██████████ relayed the same information she previously stated and added that her husband had pushed her.⁵ Sgt. ██████████ inquired further and Ms. ██████████ stated Officer ██████████ grabbed her and she then showed her wrists.⁶ Red irritation was observed on her wrists which she indicated was caused by Officer ██████████ grabbing her and pushing her.⁷ Sgt ██████████ asked where Officer ██████████ was located and Sgt. ██████████ relocated to the upstairs area of the house. Officer ██████████ followed and observed Officer ██████████ lying in bed asleep, Sgt. ██████████ shook his leg to wake him. Officer ██████████ then stated, “Oh what, she called on me?”⁸

Officer ██████████ stated that after a night of drinking and partying, Ms. ██████████ became upset and tried to hit him. To prevent her from hitting him, he grabbed her arms.⁹ Officer ██████████ showed a laceration on his neck.¹⁰ He stated that he grabbed her to prevent her from hitting him.¹¹ Officer ██████████ did not observe any other injuries on Officer ██████████¹² Officer ██████████ eventually went downstairs and observed his partner speaking with Ms. ██████████¹³ Sgt. ██████████ then came downstairs and asked Ms. ██████████ what she wanted to do.¹⁴ She replied that she knew Officer ██████████ was a police officer, that she did not want to “mess” with his job, and asked to “get a report.”¹⁵ She declined medical attention.¹⁶ Sgt. ██████████ ordered Officer ██████████ to go to the police vehicle and generate a report for Ms. ██████████ Officer ██████████ relocated outside and Sgt. ██████████ told Officer ██████████ to report to the district so that Evidence Technicians could

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

⁴ Attachment 44.

⁵ *Id.* at 7:50, 8:10.

⁶ *Id.* at 8:40.

⁷ *Id.* at 8:58. *See Also Id.* at 20:30, 20:50. (Officer ██████████ indicated that Ms. ██████████ arms were light red and there were no fingermarks).

⁸ *Id.* at 10:00.

⁹ *Id.* at 10:20.

¹⁰ *See Id.* at 20:10 (Officer ██████████ indicated that the laceration was not bleeding, that the laceration was a scratch).

¹¹ *Id.* at 10:34.

¹² *Id.* at 12:00.

¹³ *Id.* at 12:23.

¹⁴ *Id.* at 13:25.

¹⁵ *Id.* at 13:30.

¹⁶ *Id.* at 13:45.

take photographs. Officer ██████ indicated that no one was arrested because Ms. ██████ did not want to pursue charges.¹⁷ Officer ██████ was unable to determine a primary aggressor.¹⁸

On March 28, 2019 COPA interviewed Witness Officer ██████¹⁹ On March 26, 2017 Officer ██████ and his partner, Officer ██████ were dispatched to ██████ to investigate a domestic disturbance. Upon arrival Officer ██████ met with Ms. ██████ Officer ██████ relayed that Ms. ██████ stated that she had been in a heated verbal altercation²⁰ with her ex-husband, ██████ when Officer ██████ proceeded to become irate and grabbed her wrists and pushed her.²¹ Ms. ██████ sustained a minor laceration to her right hand and bruising to her left forearm.²²

Officer ██████ does not recall if he had a conversation with Officer ██████ Officer ██████ indicated that per the original case incident report, Officer ██████ had a minor laceration to the right side of the neck.²³ Officer ██████ authored the original case incident report and believed at the time that both Officer ██████ and Ms. ██████ were mutual combatants and both were victims.²⁴ Officer ██████ however, was listed as suspect one on the original case incident report because Ms. ██████ claimed to be the victim in the incident as a result of Officer ██████ actions.²⁵

Officer ██████ stated that he did not observe Officer ██████ or Ms. ██████ to be intoxicated, however the original case incident report listed Ms. ██████ sobriety as “HBD – Had Been Drinking.”²⁶ Neither Ms. ██████ nor Officer ██████ were arrested. Ms. ██████ refused to pursue charges. Officer ██████ does not recall if he asked Officer ██████ if he wanted to sign complaints against Ms. ██████²⁷ Officer ██████ was not able to make a determination who was the primary aggressor.²⁸

On March 29, 2019, COPA interviewed Witness Sergeant ██████²⁹ On March 26, 2017 he traveled to ██████ Chicago after Officer ██████ and ██████ requested a supervisor.³⁰ Sgt. ██████ arrived and spoke with a ██████³¹ She relayed that she had a fight with her ex-husband, ██████ but did not explain the nature of the fight.³² Ms. ██████ indicated that she was injured and she had blood on her hands.³³ She did not indicate how she got blood on her hands, but Sgt. ██████ thought the blood was Ms.

¹⁷ *Id.* at 16:12.

¹⁸ *Id.* at 17:58.

¹⁹ Attachment 40.

²⁰ *See Also Id.* at 10:42. (Officer ██████ stated that he does not recall what the verbal altercation concerned and added that “[he] writes pretty detailed and if [Ms. ██████] did explain it, [he] would have wrote it in the report.” This information was not contained in the report).

²¹ *Id.* at 8:55.

²² *Id.* at 13:00.

²³ *Id.* at 15:55.

²⁴ *Id.* at 19:06, 19:30.

²⁵ *Id.* at 19:53.

²⁶ *Id.* at 21:50, 22:30. *Cf. Id.* at 33:50. (Officer ██████ sobriety was not indicated on the original case incident report).

²⁷ *Id.* at 26:00.

²⁸ *Id.* at 27:20.

²⁹ Attachment 41.

³⁰ *Id.* at 2:40.

³¹ *Id.* at 3:25.

³² *Id.* at 4:25, 6:50. *See Also Id.* at 7:30. (Ms. ██████ also described the fight as a verbal altercation).

³³ *Id.* at 5:12.

██████████ blood and believed she had punched something because the blood and cuts on her hand were consistent with someone punching something or someone.³⁴

After speaking with Ms. ██████████ Sgt. ██████████ woke up Officer ██████████ and spoke with him.³⁵ Officer ██████████ stated that Ms. ██████████ was trying to hit him when he grabbed her arms to stop her. Officer ██████████ had cuts on his neck from Ms. ██████████ swinging at him.³⁶ Officer ██████████ indicated he made physical contact to defend himself.³⁷

Sgt. ██████████ spoke with Ms. ██████████ again.³⁸ Ms. ██████████ could not make up her mind with regards to a complaint or a report.³⁹ She indicated that she did not want him arrested.⁴⁰ Sgt. ██████████ made the decision to do a report.⁴¹

After speaking with both parties and examining their injuries and demeanor, Sgt. ██████████ believed the primary aggressor was Ms. ██████████⁴² Officer ██████████ demeanor was very calm.⁴³ He described Ms. ██████████ as “worked up.”⁴⁴ No party was arrested because Ms. ██████████ did not want Officer ██████████ arrested and Sgt. ██████████ did not believe Officer ██████████ wanted anything to be done.⁴⁵

On April 18, 2019 COPA interviewed accused Officer ██████████⁴⁶ On March 26, 2017 Officer ██████████ resided at ██████████ in Chicago with ██████████ his ex-wife and mother of his children.⁴⁷ He described Ms. ██████████ as 5’5” and 105 lbs and himself as 5’10” and 205 lbs.⁴⁸ Officer ██████████ stated that he and Ms. ██████████ went to dinner and consumed drinks.⁴⁹ He stated that Ms. ██████████ was a “little” overserved⁵⁰ and then became intoxicated.⁵¹ She became agitated when they later arrived home.⁵² A conversation⁵³ became “heated” and she became louder when she was not getting the response she desired.⁵⁴ Ms. ██████████ became animated, pointing her fingers at him, and moved closer to him.⁵⁵ As Ms. ██████████ moved closer to him, Officer ██████████ stated that he walked away, towards the bedroom, to try to put

³⁴ *Id.* at 5:20, 5:52, 6:10.

³⁵ *Id.* at 8:40.

³⁶ *Id.* at 9:35.

³⁷ *Id.* at 10:10.

³⁸ *Id.* at 11:00.

³⁹ *Id.* at 11:45.

⁴⁰ *Id.* at 14:02.

⁴¹ *Id.* at 15:22.

⁴² *Id.* at 17:45, 18:00

⁴³ *Id.* at 18:37.

⁴⁴ *Id.* at 18:47.

⁴⁵ *Id.* at 21:38.

⁴⁶ Attachment 43.

⁴⁷ *Id.* at 4:10, 5:20, 5:30.

⁴⁸ *Id.* at 9:25, 9:35.

⁴⁹ *Id.* at 10:10.

⁵⁰ See *Id.* at 11:50. (Officer ██████████ stated that he was driving that evening and Ms. ██████████ had a few more drinks than normal). See Also *Id.* at 14:28. (Officer ██████████ does not remember how many drinks Ms. ██████████ had; he had less than her).

⁵¹ *Id.* at 10:10. See Also *Id.* at 16:40. (Officer ██████████ stated that Ms. ██████████ was intoxicated based on her speech, her tone of voice, that she wanted attention, and the incident was occurring in the early morning hours).

⁵² *Id.* at 10:10.

⁵³ See *Id.* at 11:25. (Officer ██████████ stated he did not recall what the conversation was about.).

⁵⁴ *Id.* at 10:10.

⁵⁵ *Id.* at 12:45.

distance between her and himself.⁵⁶ Officer █████ continued to retreat towards the bedroom and Ms. █████ continued to follow, pointing her finger at him, and causing a scrape on his neck.⁵⁷ Ms. █████ began to move her arms in a way that could possibly strike him with an open hand slap.⁵⁸ Officer █████ grabbed her wrist and arm and told her to relax.⁵⁹ He described the force applied as very minimal and maintained contact with Ms. █████ for two (2) to three (3) seconds.⁶⁰ He then walked into the bedroom and shut the door.⁶¹ He did not push Ms. █████ to walk to the bedroom.⁶² He thought the interaction was over but was woken up by the police.⁶³ Officer █████ had a conversation with the responding officers, while in the bedroom, and gave “[his] side of the story.”⁶⁴ He eventually went to the █████ Police District to have pictures taken by the Evidence Technicians.⁶⁵

Officer █████ did not notice any bruising or marks on Ms. █████ either that evening or when he returned to the home the next day.⁶⁶ The next morning Ms. █████ was “extremely apologetic”; she was very concerned with them possibly splitting up, since this was a “unique”⁶⁷ event.⁶⁸

Officer █████ indicated that he did not sign a complaint against Ms. █████ because he did not feel that he needed to, as she did not have the knowledge that she was committing a battery.⁶⁹

b. Digital Evidence

⁵⁶ *Id.* at 13:00.

⁵⁷ *Id.* at 13:25, 13:36.

⁵⁸ *Id.* at 13:36.

⁵⁹ *Id.* at 13:53. *See Also Id.* at 18:20. (Officer █████ does not recall what wrists or arms he grabbed).

⁶⁰ *Id.* at 19:25, 20:44.

⁶¹ *Id.* at 13:53.

⁶² *Id.* at 21:19.

⁶³ *Id.* at 14:12.

⁶⁴ *Id.* at 22:01.

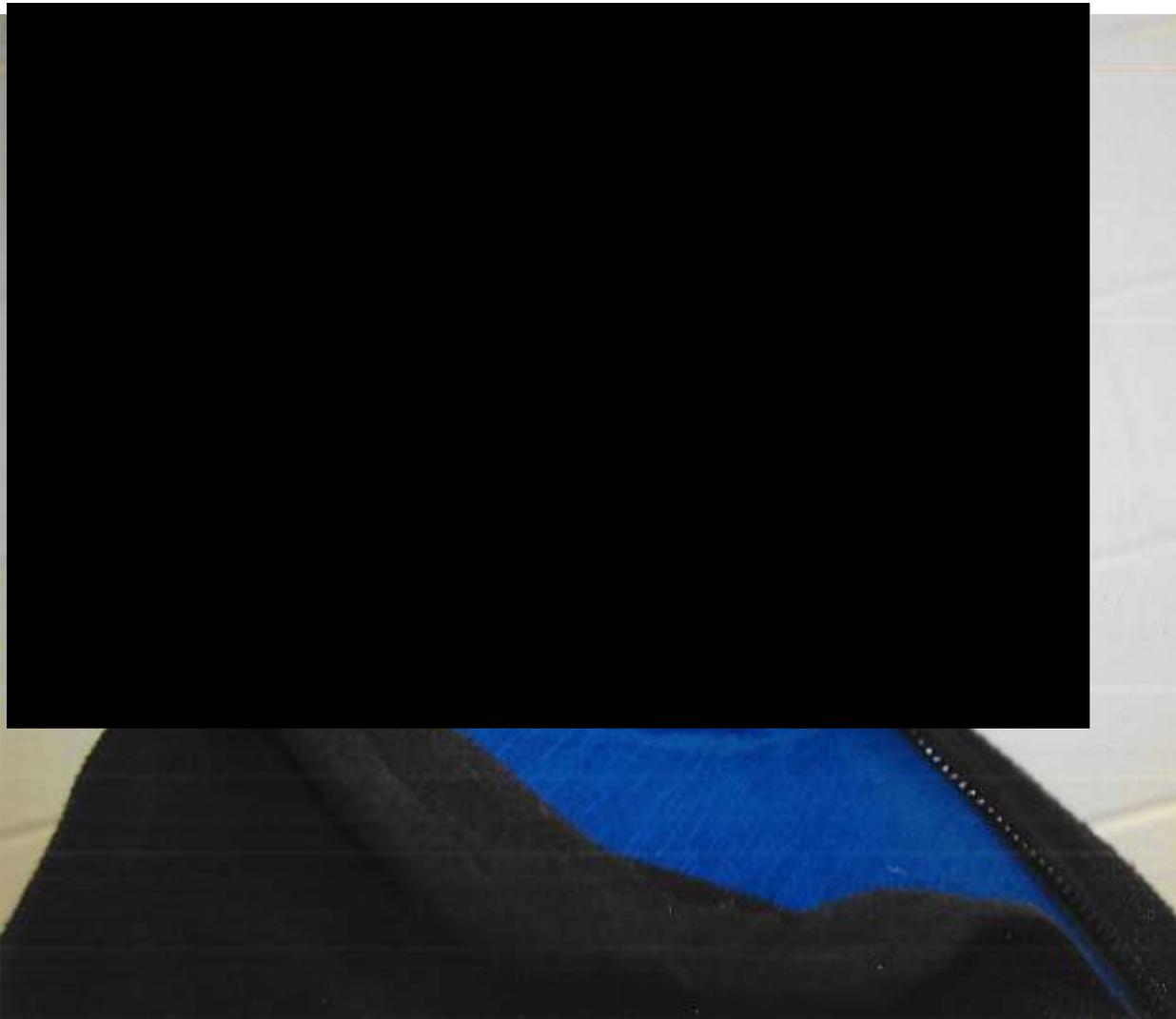
⁶⁵ *Id.* *See Also Id.* at 22:50. (Officer █████ stated that Ms. █████ was not present during his statement to the officers, nor did he hear any statement she gave to the officers).

⁶⁶ *Id.* at 24:03.

⁶⁷ *See Id.* at 26:00. (Officer █████ defined that this was a unique event because it was not common for them to be out late, not common for one or both to be intoxicated, and not common for them to have a heated conversation that became *possibly* physical). (emphasis added). *Cf Id.* at 26:23. (Officer █████ stated that Ms. █████ had made allegations on one prior occasion that Officer █████ had bumped her and had verbally harassed her).

⁶⁸ *Id.* at 25:05.

⁶⁹ *Id.* at 24:25.



Attachment 31: Officer [REDACTED] Photo taken at the [REDACTED] Police District.

c. Documentary Evidence

COPA obtained the **Crime Scene Processing Report**⁷⁰ which indicated that Evidence Technician [REDACTED] arrived at the [REDACTED] Police District Station and took photographs of Officer [REDACTED] right side of his neck. After taking photographs of Officer [REDACTED] Evidence Technician [REDACTED] relocated to [REDACTED] to take photographs of Ms. [REDACTED] MMs. [REDACTED] did not respond to the evidence technicians.

COPA obtained the **Event Query Report, for Event Number:** [REDACTED].⁷¹ The event query report indicated that “intoxicated sounding caller [REDACTED][sic] [REDACTED] states her b/f, [REDACTED][sic], just beat her up comp refused ems nfi.”

⁷⁰ Attachment 5.

⁷¹ Attachment 6. See Also Attachment 7. (Event Query Report Number: [REDACTED]).

COPA obtained the **Original Case Incident Report, RD #:** [REDACTED]⁷² The report listed [REDACTED] as the victim, suffering minor abrasions by the offender. The suspect indicated was [REDACTED] and he sustained minor lacerations by the victim. The officers responded to a call of a domestic battery occurring at [REDACTED] Upon arrival they met with [REDACTED] who relayed that [REDACTED] had arrived at their residence from a night out. A verbal altercation took place and [REDACTED] became irate and grabbed Ms. [REDACTED] by the wrist and pushed her. Ms. [REDACTED] sustained minor laceration to the right hand and bruising to the left forearm. Officers spoke with Officer [REDACTED] who relayed that a heated verbal altercation took place with [REDACTED] Ms. [REDACTED] became irate and began swinging her arms at him. Officer [REDACTED] in order to protect himself, grabbed Ms. [REDACTED] on the wrist and a tussle between the two ensued. Officer [REDACTED] suffer minor laceration to the right side of the neck. Both individuals refused EMS. Ms. [REDACTED] refused to pursue any charges, but did request a report. Evidence Technicians were ordered to take photos of the injuries.

d. Additional Evidence

On March 14, 2013, Ms. [REDACTED] filed an **Emergency Petition for an Order of Protection against Officer [REDACTED]**⁷³ Ms. [REDACTED] alleged that on or about March 3, 2013, Officer [REDACTED] yelled at her and called her abusive names. He then followed her as she attempted to walk away from the incident. He bumped her three times. Officer [REDACTED] then lunged at her and she fell down into a fetal position. He climbed on top of her, scratched her arms, then grabbed her arms pulling them back for two minutes, in the presence of their minor child. A month prior to this incident, Officer [REDACTED] elbowed her in the jaw.

On March 14, 2013, an **emergency order of protection**⁷⁴ was granted, protecting Ms. [REDACTED] from Officer [REDACTED] On March 22, 2013 the emergency order of protection was vacated.⁷⁵ On March 22, 2013, an **agreed mutual restraining order**⁷⁶ was entered into between Ms. [REDACTED] and Officer [REDACTED]

On November 19, 2014, Ms. [REDACTED] filed a **Petition requesting a Psychiatric Evaluation for Officer [REDACTED]** in an underlying dissolution of marriage case., 13 [REDACTED] In said Petition, Ms. [REDACTED] alleged that Officer [REDACTED] had a violent temper and had been medicated for various behavioral disorder. Officer [REDACTED] by his acts in the past had made her fear for her safety and the safety of her minor children. On Jan 8, 2015, **Officer [REDACTED] filed a response to this petition**⁷⁸ and denied the aforesaid allegations.

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;

⁷² Attachment 8.

⁷³ Attachment 49.

⁷⁴ Attachment 50.

⁷⁵ Attachment 51.

⁷⁶ Attachment 52.

⁷⁷ Attachment 53.

⁷⁸ Attachment 46.

2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

VII. ANALYSIS

a. Allegation 1

Officer ██████ did grab Ms. ██████ on her wrists, however COPA is unable to determine if he had the legal justification to do so. Officer ██████ stated that he grabbed Ms. ██████ to protect himself. Statements from the responding officer and responding Sergeant are inconsistent as to who the responsible party was for initiating the physical contact. Officer ██████ and Officer ██████ were unable to determine the primary aggressor and Sgt. ██████ believed Ms. ██████ was the primary aggressor. Officer ██████ further indicated that he deemed both parties as mutual combatants.

In his interview with COPA, Officer ██████ stated he was trying to place distance between himself and Ms. ██████ when Ms. ██████ followed him, pointing his finger at him, and scraped his neck. Officer ██████ continued to retreat and Ms. ██████ moved her hands in a way as to strike Officer ██████ with an open hand slap. Officer ██████ stated this action by Ms. ██████ caused him to grab her arms in an attempt to stop her from striking him. Statements made to the responding officers and the responding Sergeant by Ms. ██████ do not corroborate Officer ██████ account on the incident.

There are no photographs to show the extent of alleged injuries of Ms. ██████ as she refused to cooperate; however, Officer ██████ indicated that he observed red irritation on the wrist of Ms. ██████.

Past altercations between the parties established a history of physical contact on the part of Officer ██████. An order of protection was previously entered against Officer ██████ protecting Ms. ██████ after he was accused of grabbing Ms. ██████ arms, bumping her, and elbowing

Appendix A

Assigned Investigative Staff

Squad#:

Investigator:

Supervising Investigator:

Deputy Chief Administrator:



Angela Hearts-Glass