



**III. ALLEGATIONS**

Officer	Allegation	Finding / Recommendation
Sergeant [REDACTED] [REDACTED]	1. On or about August 16, 2018 at approximately 5:00 PM at or near the [REDACTED] District Station, Sgt. [REDACTED] failed to file an initiation report when [REDACTED] made a complaint of verbal threats from her husband Officer [REDACTED] in violation of Rule 6.	Sustained / Violation Noted and Re-training.
Officer [REDACTED]	1. On August 16, 2018 at or near [REDACTED] [REDACTED] at approximately 5:00 PM Officer [REDACTED] made verbal threats of bodily harm to [REDACTED] stating words to the effect of “I don’t care about the job. You are going to make me do something to you,” in violation of Rule 8 and 9.	Sustained / 10 day Suspension & Anger Management.

**IV. APPLICABLE RULES AND LAWS**

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Rules

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1. Rule 6: Disobedience of an order or directive whether written or oral.
  2. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
  3. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
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General Orders

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1. G08-01-02: Specific Responsibilities Regarding Allegations of Misconduct

## V. INVESTIGATION<sup>1</sup>

### a. Interviews

██████████ gave a statement to COPA on August 17, 2018, at COPA's offices located at 1615 W. Chicago Ave. Mrs. ██████████ stated that she was married to Officer ██████████ though they were in the process of getting a divorce. Mrs. ██████████ stated that on August 16, 2018, at around 5:00 PM Officer ██████████ came into the bedroom looking for some of his belongings. Mrs. ██████████ asked him when he was going to fully move out, as he had promised to do. He stated he would move when he was ready. This started an argument, and Officer ██████████ began to yell. Mrs. ██████████ said the yelling from Officer ██████████ got so loud that her daughter was not able to hear her tutor over the phone, while she was studying for a book club. Officer ██████████ got in Mrs. ██████████ face and said, "I don't care about the job. If you want, you can continue to call the police on me. I'll just retire. You are gonna make me do something I don't want to do." Mrs. ██████████ interpreted this as a threat of violence. Mrs. ██████████ daughter became frustrated and stormed out of the house. The tutor, a woman named ██████████ overheard some of the fight over the phone. Ms. ██████████ was concerned and came to the house shortly after the fight ended. Mrs. ██████████ went over to Ms. ██████████ house, and Ms. ██████████ encouraged her to go the police district and make a report.

Mrs. ██████████ went to the ██████████ District to speak with a desk sergeant. Her goal was to get the police department to put Officer ██████████ in therapy, because he refused to go on his own. She spoke with Sergeant ██████████ in private. She stated that she told Sgt. ██████████ that Officer ██████████ was harassing her and being aggressive with her. She told Sgt. ██████████ that if he was treating her this way, he was probably treating other citizens this way as well. Mrs. ██████████ said Sgt. ██████████ did not write her statements down or make any kind of report. Instead, Sgt. ██████████ gave her some pamphlets to refer her to the Employee Assistance Program.

Additionally, Mrs. ██████████ related numerous problems within their marriage. Mrs. ██████████ was concerned that Officer ██████████ had a drinking and gambling problem and was allowing their bills, such as the mortgage on the house, to lapse. She also related that he displayed aggressive behavior, such as yelling at school functions and prior physical incidents.<sup>3</sup> Mrs. ██████████ seemed primarily concerned about Officer ██████████ behavior.

██████████ spoke with COPA investigators on September 25, 2018 in her home at ██████████ Ave. Ms. ██████████ declined to have her statement recorded. She stated that she volunteered as a tutor for ██████████ and ██████████ daughter. On August 16, 2018 at 5:00 PM she was on the phone with ██████████ as part of a study group discussion. She overheard Officer ██████████ and ██████████ fighting over the phone. Ms. ██████████ heard shouting and cursing, but she did not recall hearing any verbal threats. Ms. ██████████ stated that based on what

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<sup>1</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>2</sup> Att. 5

<sup>3</sup> It should be noted that Ms. ██████████ specifically noted a physical incident where she was pushed. However, that case is already under investigation under Log #1087544.

<sup>4</sup> Att. 4

she heard, she believed Officer [REDACTED] wanted to take their son somewhere. The fight made [REDACTED] upset, and she could not focus on the lesson. Out of concern for [REDACTED] and Mrs. [REDACTED] Ms. [REDACTED] came to the [REDACTED] home shortly thereafter. Upon her arrival, Officer [REDACTED] and his son were gone. Because Ms. [REDACTED] is Mrs. [REDACTED] confidant, she is aware that Officer [REDACTED] tends to come and go from the house at unannounced times, which upsets Mrs. [REDACTED] Ms. [REDACTED] stated she took [REDACTED] to her home, so Mrs. [REDACTED] could go to the police station.

**Sergeant [REDACTED]** gave a statement to COPA on January 6, 2020 at the COPA offices located at 1615 W. Chicago Ave. Sgt. [REDACTED] is currently assigned to the [REDACTED] District and was assigned there on August 16, 2018 at approximately 5:00 PM. Sgt. [REDACTED] did not recall her specific assignment that day, but stated she is typically assigned as the desk sergeant on her shift. Sgt. [REDACTED] stated that on the day of the incident she recalls [REDACTED] coming into the station and asking to speak with a supervisor. Sgt. [REDACTED] spoke with her privately in a conference room. Mrs. [REDACTED] related to Sgt. [REDACTED] that she and her husband, a Chicago Police officer in the [REDACTED] District, were going through a divorce. She said they had been fighting and that she wanted Officer [REDACTED] out of the house. Sgt. [REDACTED] stated that Mrs. [REDACTED] did not allege any conduct that would constitute a rule violation of the Chicago Police Department. According to Sgt. [REDACTED] Mrs. [REDACTED] did not allege any physical abuse or verbal threats by Officer [REDACTED] Sgt. [REDACTED] advised Mrs. [REDACTED] about the Chicago Police Department Employee Assistance Program. Sgt. [REDACTED] insisted that had Mrs. [REDACTED] alleged any misconduct, the proper procedure would have been to file an initiation report and she would have done so. She stated that as a sergeant she has initiated and investigated hundreds of complaints, including domestic violence.

**Officer [REDACTED]** gave a statement to COPA on January 7, 2020 at the COPA offices located at 1615 W. Chicago Ave. Officer [REDACTED] is currently assigned to the [REDACTED] District. On August 16, 2018 at approximately 5:00 PM, Officer [REDACTED] was off duty. Officer [REDACTED] did not specifically recall whether he was at [REDACTED] on the date and time in question. Officer [REDACTED] stated that he and [REDACTED] were in the process of getting a divorce and are still in that process. Officer [REDACTED] was living at [REDACTED] part-time. Officer [REDACTED] was also staying at his mom's house for half the week, per an agreement with the Court. Officer [REDACTED] did not specifically remember getting into an argument with Mrs. [REDACTED] on that day. Officer [REDACTED] acknowledged that occasionally they would have arguments that included yelling, but he denied ever making threats to Mrs. [REDACTED] Since the time of this incident, Officer [REDACTED] has fully moved out of the house on [REDACTED] He and [REDACTED] share custody of the children.

#### b. Documentary Evidence

**[REDACTED] Journal:**<sup>7</sup> From June 2018-August 2018 Mrs. [REDACTED] kept a journal with daily entries detailing activities with her two children, [REDACTED] and [REDACTED] Further, the journal detailed various interactions with Officer [REDACTED] during this time period. Most of the entries about Officer [REDACTED] involve disagreements over activities with the children and details of incidents of Officer [REDACTED] coming to the [REDACTED] without informing Mrs. [REDACTED] first.

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<sup>5</sup> Att. 15

<sup>6</sup> Att. 16

<sup>7</sup> Att. 9

The final entry in the journal is August 5, 2018. There is no entry for the date of the alleged incident. None of the entries mention violence or threats.

## 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 reviewed complied with 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 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.

## VII. ANALYSIS

### A. Allegation Against Sergeant [REDACTED]

COPA finds that Allegation #1 against Sgt. [REDACTED] that she failed to file an initiation report when [REDACTED] made a complaint of verbal threats from her husband Officer [REDACTED] is **Sustained**. General Order G08-01-02 II(B)(2) states that "When misconduct is observed or an allegation of misconduct is received by supervisory or command personnel, they will initiate a complete and comprehensive investigation in accordance with this and other directives without looking to higher authority for such action." In this, case it is undisputed that [REDACTED] reported this incident to Sgt. [REDACTED] on August 16, 2018. Sgt. [REDACTED] explanation as to why she didn't report the conversation essentially amounts to Sgt. [REDACTED] own interpretation that the events Mrs. [REDACTED] described did not amount to domestic violence. Specifically, Sgt. [REDACTED] does not recall being told about any specific threats that Officer [REDACTED] made. However, Mrs. [REDACTED] is unequivocal that she related she was being harassed by her husband and was in fear

of him. At the very least, the information disclosed merited further investigation, not merely counseling services. Therefore, based on a preponderance of the evidence, Allegation #1 against Sgt. [REDACTED] is **Sustained**.

### B. Allegation Against Officer [REDACTED]

COPA finds that Allegation #1 against Officer [REDACTED] that on August 16, 2018 at or near [REDACTED] at approximately 5:00 PM Officer [REDACTED] made verbal threats of bodily harm to [REDACTED] stating words to the effect of “I don’t care about the job. You are going to make me do something to you,” is **Sustained**. Such a threat is against Chicago Police Department Rules and Regulations. Therefore, COPA must determine, by a preponderance of the evidence whether such a threat was made by Officer [REDACTED]. In her statement, Mrs. [REDACTED] was clear that during an argument, Officer [REDACTED] began to yell and got close to her face. Officer [REDACTED] then stated words to the effect of, “I don’t care about the job. You are going to make me do something to you.” [REDACTED] related that while she was on a phone call with [REDACTED] she heard yelling between Mrs. [REDACTED] and Officer [REDACTED]. While Ms. [REDACTED] said she did not recall hearing Officer [REDACTED] make any threats, she did recall yelling and cursing. Ms. [REDACTED] further related that she was so concerned for [REDACTED] and Mrs. [REDACTED] that she went to the home. She then stayed with [REDACTED] while Mrs. [REDACTED] went to the police station, corroborating Mrs. [REDACTED] account. Sgt. [REDACTED] also stated that Mrs. [REDACTED] came to the station and complained of the two fighting, though she did not recall Mrs. [REDACTED] making specific allegations. Officer [REDACTED] for his part, had no recollection of the argument and denied ever threatening Mrs. [REDACTED]. COPA finds that Mrs. [REDACTED] statement was corroborated, in part, by Ms. [REDACTED] and Sgt. [REDACTED]. Therefore, based on a preponderance of the evidence COPA finds that Allegation 1 against Officer [REDACTED] is **Sustained**.

## VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

### a. Sgt. [REDACTED]

- i. **Complimentary:** 1 Democratic Convention Award, 1 Presidential Election Deployment Award 2008, 6 Honorable Mentions, 1 Department Commendation, 1 2004 Crime Reduction Ribbon, 1 Emblem of Recognition – Appearance, 3 Complimentary Letters, 1 Nato Summit Award, 1 2009 Crime Reduction Award.
- ii. **Disciplinary History:** None
- iii. **Recommended Penalty:** COPA does not find that Sgt. [REDACTED] acted in bad faith by failing to report her Mrs. [REDACTED] allegations. However, she did exercise poor judgment by not properly documenting and reporting allegations of domestic violence, specifically that Mrs. [REDACTED] was being harassed by and was in fear of Officer [REDACTED]. In mitigation, Sgt. [REDACTED] has no prior disciplinary history and was forthcoming in her interview. COPA recommends Violation Noted and re-training on this issue.

### b. Officer [REDACTED]

- i. **Complimentary:** 1 Democratic Convention Award, 1 Attendance Award, 1 Presidential Election Award, 30 Honorable Mentions, 4 Department Commendations, 1 Crime Reduction Ribbon (2004), 2 Complimentary Letters, 1 Superintendent Award of Valor, 1 NATO Summit Award, 1 Crime Reduction Ribbon (2009), 1 Unit Meritorious Performance Award, 1 Police Medal
- ii. **Disciplinary History:** None
- iii. **Recommended Penalty, by Allegation**

1. Officer ██████████

- a. **Allegation No. 1:** 10-day Suspension and Anger Management

Officer ██████████ denied the allegation, however, the evidence shows that it's more likely than not that he threatened Mrs. ██████████. COPA finds that such conduct violates Department Rules. Therefore, COPA recommends a suspension and Anger Management.

2. Officer ██████████

- a. **Allegation No. 1:** Violation Noted

Officer ██████████ failed to file to file an initiation report. However, given her lack of disciplinary history, COPA recommends a Violation Noted.

**IX. CONCLUSION**

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

Officer	Allegation	Finding / Recommendation
Sergeant ██████████ ██████████	2. On or about August 16, 2018 at approximately 5:00 PM at or near the ██████████ District Station, Sgt. ██████████ failed to file an initiation report when ██████████ made a complaint of verbal threats from her husband Officer ██████████ in violation of Rule 6.	Sustained / Violation Noted and Re-training.

Officer [REDACTED]	2. On August 16, 2018 at or near [REDACTED] [REDACTED] at approximately 5:00 PM Officer [REDACTED] made verbal threats of bodily harm to [REDACTED] stating words to the effect of “I don’t care about the job. You are going to make me do something to you,” in violation of Rule 8 and 9.	Sustained / 5 days Suspension & Anger Management.
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Approved:

[REDACTED]

January 31, 2020

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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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**Squad#:**

**Investigator:**

**Supervising Investigator:**

**Deputy Chief Administrator:**



Andrea Kersten