

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	May 30, 2019, at the location of [REDACTED] June 27, 2019, at the location of [REDACTED]
Date/Time of COPA Notification:	June 30, 2019
Involved Officer #1:	[REDACTED] Star [REDACTED], Employee # [REDACTED], DOA [REDACTED], 2001, Police Officer, Unit of Assignment: [REDACTED], DOB: [REDACTED], 1969, Female, black
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1965, Female, Hispanic
Case Type:	Domestic Related

I. ALLEGATIONS

Officer	Allegation	Finding
Officer [REDACTED]	1. On or about May 30, 2019, at the location of [REDACTED] the accused, PO [REDACTED] damaged property in that she broke a broomstick during an argument with [REDACTED] in violation of Rule 8.	Not Sustained
	2. On or about May 30, 2019, at the location of [REDACTED] the accused, PO [REDACTED] called Ms. [REDACTED] a motherfucker in violation of Rule 9.	Not Sustained
	3. On or about May 30, 2019, at the location of [REDACTED] the accused, PO [REDACTED] called Ms. [REDACTED] a fucking bitch in violation of Rule 9.	Not Sustained
	4. On or about June 27, 2019, at the location of [REDACTED] the accused, PO [REDACTED] grabbed Ms. [REDACTED] about the body in violation of Rule 9.	Not Sustained
	5. On or about June 27, 2019, at the location of [REDACTED] the accused, PO [REDACTED]	Not Sustained

	<p>pushed Ms. ██████ against the wall in violation of Rule 9.</p> <p>6. On or about June 27, 2019, at the location of ██████ the accused, PO ██████ pinned Ms. ██████ against the wall in violation of Rule 9.</p> <p>7. On or about June 27, 2019, at the location of ██████ the accused, PO ██████ threatened Ms. ██████ with a gun by stating words to the effect of, “Don’t make me use it,” while armed with a firearm in violation of Rule 9.</p> <p>8. On or about June 27, 2019, at the location of ██████ the accused, PO ██████ forcefully removed keys from Ms. ██████ pocket in violation of Rule 9.</p> <p>9. On or about June 27, 2019, at the location of ██████ the accused, PO ██████ ripped the pocket of Ms. ██████ pants in violation of Rules 8 and 9.</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>
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II. SUMMARY OF EVIDENCE

On June 30, 2019, ██████ contacted 911 and reported that her partner, Officer ██████ battered her three days prior. Officers responded to a local Walgreens and met Ms. ██████ On Body Worn Camera,¹ Ms. ██████ reported that on June 27, 2019, during an argument, Officer ██████ pushed and pinned her against a wall and snatched her car keys from her rear pants’ pocket causing the pocket to rip. She also reported that Officer ██████ weapon was on her hip and that she stated to Ms. ██████ “Don’t make me use it.” Ms. ██████ explained that she had to call and meet the police outside of her home because Officer ██████ had surveillance cameras in the house. Although Ms. ██████ refused to be photographed by an Evidence Technician, she provided police with a picture of her neck and the ripped blue jean shorts she was wearing at the time of the incident. Officers generated Domestic Battery Report ██████ and this complaint was registered.²

¹ Att. 36 -38

² Att. 1, 3

Ms. ██████ obtained an Order of Protection (████████) against Officer ██████ restricting her from having any unlawful contact with Ms. ██████. Additionally, a criminal arrest warrant was issued for Officer ██████³ On July 3, 2020, at 3:00 AM, Officer ██████ turned herself in to the Chicago Police Department. She was arrested and charged with Simple Domestic Battery.⁴

During her COPA interview⁵ on July 3, 2019, ██████ related that she was in a romantic relationship for approximately four years after meeting on a dating website. Officer ██████ and Ms. ██████ began living together in October 2018. Ms. ██████ related that their relationship became rocky as Officer ██████ began getting closer with ██████⁶ whom she met in 2017. Ms. ██████ explained that Ms. ██████ who treated Officer ██████ for a shoulder injury, was a holistic doctor who specialized in acupuncture and natural medicine. Officer ██████ introduced Ms. ██████ to Ms. ██████ because she felt that Ms. ██████ could benefit from Ms. ██████ services. Ms. ██████ explained that she had previously been diagnosed with bipolar disorder, and while she admits to having emotional issues, she stated that she did not believe that she was bipolar. Ms. ██████ supplied Ms. ██████ natural medication which seemed to work. Ms. ██████ related that the three of them would spend time together, but eventually, she noticed that Officer ██████ and Ms. ██████ were meeting without her. As Officer ██████ became closer to Ms. ██████ Ms. ██████ relationship with Officer ██████ became strained. Ms. ██████ confronted both Officer ██████ and Ms. ██████ about her suspicions. Ms. ██████ stated that Officer ██████ talked to Ms. ██████ several times a day for an extensive period of time. One day, Ms. ██████ looked through Officer ██████ phone and discovered that Officer ██████ was sending negative text messages about Ms. ██████ to Ms. ██████ and telling Ms. ██████ that she no longer wanted to be with Ms. ██████

On May 30, 2019, Ms. ██████ prepared Officer ██████ birthday dinner, but Officer ██████ had already made plans with friends from work and decided to spend her birthday with them. When Officer ██████ returned home, the couple began to argue. Ms. ██████ reported that Officer ██████ started screaming at her, broke a broom stick with her hands and pointed it at her face. She then called Ms. ██████ a motherfucker and fucking bitch. Ms. ██████ alleged that during this incident Officer ██████ also grabbed her about the body. Ms. ██████ went inside of the walk-in closet and cried until she heard Officer ██████ on the phone talking to Ms. ██████ Ms. ██████ stepped out of the closet and told Officer ██████ to stop talking about her. The following day, Ms. ██████ apologized to both Officer ██████ and Ms. ██████

As Officer ██████ continued to stay out late drinking with her friends, Ms. ██████ suspicions grew, and the couple's relationship spiraled downward. One day, Ms. ██████ sent Ms. ██████ text messages and threatened to call the police on her for administering illegal drugs if she continued to see Officer ██████ as a friend or patient. Ms. ██████ in turn, forwarded the messages to Officer ██████ and told her that if Ms. ██████ contacted her or came to the healing center where she works, she would have Ms. ██████ arrested. When Officer ██████ came home,

³ Att. 17-18, 26

⁴ Att. 3, 4

⁵ Att. 6

⁶ Although Ms. ██████ did not know Ms. ██████ last name at the time of the interview, court transcripts identified said person as Ms. ██████ in this report, she will be addressed as Ms. ██████

she was furious. She ended the relationship with Ms. [REDACTED] and gave her until September 1, 2019, to move out of her home. Officer [REDACTED] changed the locks on the master bedroom and forced Ms. [REDACTED] to sleep in the basement. The pair continued to argue whenever they crossed paths.

On June 27, 2019, while Ms. [REDACTED] was away from home and monitoring the home surveillance camera via an app on her cellular phone, she observed Officer [REDACTED] walking down the stairs and going to the basement with pictures in her hand. When Ms. [REDACTED] returned home, she went directly to the master bedroom and asked Officer [REDACTED] what did she do with the pictures of her and her grandchildren. According to Ms. [REDACTED] Officer [REDACTED] started screaming at her and telling her that she didn't want her there, which she did frequently. Officer [REDACTED] started recording a video of the argument on her cell phone. At some point during the argument, Ms. [REDACTED] changed into a pair of blue jean shorts and a shirt and decided to leave the home. Ms. [REDACTED] alleged that as she headed toward the door, Officer [REDACTED] grabbed and pushed her against the wall and pinned her to the wall by placing her arm across Ms. [REDACTED] chest. With her free hand, Officer [REDACTED] then forcefully removed Ms. [REDACTED] car keys from her rear pants' pocket causing the pocket to rip. Ms. [REDACTED] explained that although the vehicle she drives belongs to Officer [REDACTED] Officer [REDACTED] allowed her to drive it. When Ms. [REDACTED] looked down at Officer [REDACTED] waistband, she observed Officer [REDACTED] weapon. Ms. [REDACTED] related that when Officer [REDACTED] noticed her gaze at the weapon, Officer [REDACTED] stated, "Don't make me use it."

Ms. [REDACTED] provided COPA with a picture of ripped denim shorts that she claimed she was wearing at the time of the incident and a picture of an alleged bruise near her collarbone.⁷ Ms. [REDACTED] also provided screenshots of cell phone video capturing what Ms. [REDACTED] claims is the bulge where Officer [REDACTED] gun was located.⁸ On June 29, 2020, Officer [REDACTED] posted eviction notices⁹ on all the mirrors inside of the home. The following day, after her friends convinced her, Ms. [REDACTED] reported the incident to the police.

In her statement to COPA on February 28, 2020, Officer [REDACTED] related that she and Ms. [REDACTED] were involved in a dating relationship for approximately four years. Officer [REDACTED] stated that the relationship became toxic and they were having problems since the beginning of 2019. Ms. [REDACTED] did not want to accept it and she wanted to try to make the relationship work. On May 30, 2019, after Officer [REDACTED] celebrated her birthday with her co-workers and returned home, Ms. [REDACTED] immediately started an argument with her. Officer [REDACTED] stated that, although they argued, she never called Ms. [REDACTED] out of her name and did not break a broomstick and point it at her. Upon inquiry, Officer [REDACTED] related that Ms. [REDACTED] was extremely jealous of her relationship with Ms. [REDACTED] and believed that their relationship was more than a friendship, which Officer [REDACTED] denied. Officer [REDACTED] related that following that incident, she told Ms. [REDACTED] that she wanted her to move by August 2019. She added that this was not the first time that she told Ms. [REDACTED] that she had to move.

Officer [REDACTED] related that on the afternoon of June 27, 2019, Ms. [REDACTED] returned home and immediately confronted Officer [REDACTED] about removing her grandchildren's pictures

⁷ Att. 9

⁸ Att. 33-34.

⁹ Att. 8

from the bedroom. Officer ██████ related that the argument got heated and while both she and Ms. ██████ were yelling at each other, the argument never became physical. In fact, she stated that they were rarely within ten to fifteen feet of each other. Officer ██████ stated that if the incident had occurred when and where Ms. ██████ alleged, her motion activated Xfinity security cameras, would have captured the incident. Officer ██████ related that on June 30, she posted several copies of an eviction notice around the house where she knew Ms. ██████ would see it. Several days later, Officer ██████ learned that Ms. ██████ obtained an Order of Protection against her and an arrest warrant had been issued for her arrest. Subsequently, Officer ██████ turned herself in and was charged with Domestic Battery. After she bonded out of jail, she returned home and secured the video footage from her security cameras for the date and time in question and provided a copy to her attorney. Officer ██████ denied all allegations made against her.

Although Officer ██████ was arrested and charged with Domestic Battery, she was found Not Guilty at the conclusion of the criminal trial. COPA obtained the transcripts from the criminal trial.¹⁰ Ms. ██████ testified to essentially the same account that she gave COPA. Officer ██████ categorically denied the allegations made against her, testifying to essentially the same account she gave COPA.

The video footage¹¹ that Officer ██████ provided COPA was viewed in its entirety. It should be noted that the video footage title carries time and date stamps all carrying the date of June 27, 2019, beginning at approximately 3:06 PM and ending at approximately 4:56 PM. Ms. ██████ arrives home at approximately 4:29 PM.¹² The video captures what appears to be Officer ██████ and Ms. ██████ periodically arguing, showing them gesticulating while speaking with one another. However, it does not capture any physical contact between Officer ██████ and Ms. ██████. The only time the couple is in close proximity of one another is when they pass each other on the stairs, but this occurs without incident. In the video, Ms. ██████ is wearing brown capri pants and a pink t-shirt. While Ms. ██████ told officers and COPA that she was wearing denim shorts, it should be noted that the footage provided does not corroborate that.

The cell phone video footage¹³ that Ms. ██████ provided to COPA depicts Officer ██████ who is clad in army fatigue pants and a white t-shirt, sitting on the stairs with her phone facing Ms. ██████ as if she was recording her. Ms. ██████ is heard in the video telling Officer ██████ how much she has helped Officer ██████ throughout the relationship.

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

¹⁰ Att. 28.

¹¹ Att. 40-50. It should be noted that during the court proceedings Officer ██████ attorney mentioned that they had hours of video footage from that date but not all the clips were relevant. At trial, the Court does not appear to view any video evidence outside of what COPA obtained. However, the attachments noted is the only video evidence provided to COPA.

¹² Att. 41

¹³ Att. 32

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 is 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 the proposition ... is true” *Id.* at 28.

IV. ANALYSIS AND CONCLUSION

COPA finds that **Allegations #1-4** that on or about May 30, 2019 Officer ██████ broke a broomstick during an argument, called Ms. ██████ a motherfucker and fucking bitch, and grabbed Ms. ██████ about the body are **Not Sustained**. Ms. ██████ alleged that after Officer ██████ returned home, an argument ensued. During that argument, Officer ██████ is alleged to have grabbed a broom stick and waved it in Ms. ██████ face, eventually breaking it. Officer ██████ is also alleged to have been verbally abusive to Ms. ██████ and to have grabbed her about the body. Ms. ██████ did not offer any corroborating evidence of this incident, nor did COPA find any corroborating evidence. Officer ██████ denied the incident. There were no witnesses to the incident or no known injuries, and it was not reported to the police. Thus, there is insufficient evidence to prove whether the incident occurred as alleged and these allegations are Not Sustained.

COPA finds that **Allegations #4-9** that on June 27, 2019, Officer ██████ pushed Ms. ██████ against a wall, pinned her against the wall, threatened her with a gun by stating “Don’t make me use it” while armed, forcefully removed keys from Ms. ██████ pocket, and ripped the pocket of Ms. ██████ pants are **Not Sustained**. While ██████ alleged that Officer ██████ physically assaulted her and threatened her on June 27, 2019, the corroborating evidence provided by both parties is insufficient for COPA to find that the incident occurred as alleged. While Ms. ██████ provided a photo of an alleged bruise on her chest, a photo of ripped shorts, and a photo of Officer ██████ with an alleged bulge at her waist that is allegedly a gun, the video footage provided by Officer ██████ does not depict a physical altercation. Video footage that Officer

Appendix A

Assigned Investigative Staff

Squad#:	█
Investigator:	██████████
Supervising Investigator:	██████████
Deputy Chief Administrator:	Andrea Kersten