

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	February 24, 2018 and various unknown dates
Time of Incident:	8:27 pm
Location of Incident:	██████████ ██████████
Date of COPA Notification:	February 26, 2018
Time of COPA Notification:	10:31 am

This complaint was initiated by ██████████ who at the time was divorced from Officer ██████████ since February 7, 2017. Mrs. ██████████ alleged that during the course of their twelve-year marriage, Officer ██████████ verbally and physically abused her, but never filed a complaint against Officer ██████████. Mrs. ██████████ could not provide actual dates and times of the alleged incidents. Mrs. ██████████ alleged that Officer ██████████ pointed his weapon at her head and on another occasion attempted to run her over with his police vehicle. Mrs. ██████████ also alleged that Officer ██████████ would use his assigned police vehicle to transport their children. On February 24, 2018, Mrs. ██████████ contacted the police and reported that her children were staying with their grandparents (Officer ██████████ parents) while Officer ██████████ was on-duty. Mrs. ██████████ felt this was a violation of their divorce decree regarding visitation.

II. INVOLVED PARTIES

Involved Officer #1:	██████████ Star ██████████ Employee ID# ██████████ DOA: ██████████/00, Officer, Unit of Assignment ██████████, DOB: ██████████/75, Male, White
Involved Individual #1:	██████████ DOB: ██████████/76, Female, White

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer ██████████	1. It is alleged that on an unknown dates and times, Officer ██████████ was verbally abusive towards ██████████ in violation of Rules 2 & 9.	Not Sustained
	2. It is alleged that on an unknown dates and times, Officer ██████████ was physically abusive when he tried to hit ██████████ with his vehicle, in violation of Rules 2 & 9.	Not Sustained
		Not Sustained

	<p>3. It is alleged that on an unknown date and time, Officer ██████ pointed his service weapon at ██████ head, in violation of Rules 2 & 38.</p> <p>4. It is alleged that on an unknown date and time, Officer ██████ slammed a door on ██████ leg, in violation of Rules 2 & 9.</p> <p>5. It is alleged that on unknown date and time, Officer ██████ spat on ██████ face, in violation of Rules 2 & 9.</p> <p>6. It is alleged that on an unknown date and time, Officer ██████ used his assigned police vehicle to transport his children, in violation of Rule 36.</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Exonerated</p>
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IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
3. Rule 36: Permitting any person not on official police business to ride in a Department vehicle unless specifically authorized.
4. Rule 38, Unlawful or unnecessary use or display of a weapon.

General Orders

1. G04-04, Domestic Incidents¹

Special Orders

1. S04-04, Domestic Incidents²

V. INVESTIGATION

¹ Attachment #44, GO 04-04, Domestic Incidents.

² Attachment #45, SO 04-04, Domestic Incidents.

a. Interviews

In an interview with COPA³, on October 3, 2018, ██████████ related that she and Officer ██████████ were married for twelve years and have four children together and another son, ██████████ who Officer ██████████ adopted. Mrs. ██████████ also related that she and Officer ██████████ were divorced on February 6, 2017. Mrs. ██████████ related that Officer ██████████ is now living at his parent's home which is located at ██████████ ██████████. Mrs. ██████████ related that on February 24, 2018, her children were staying the weekend with Officer ██████████. Mrs. ██████████ made repeated calls to her children on their cell phones and iPods to say goodnight, but there was no answer. Finally, Mrs. ██████████ spoke to one of her children, who related their father had taken away the iPods from the two younger children. Mrs. ██████████ told the children to tell their father to return their iPods and was informed that Officer ██████████ was working and not home. Mrs. ██████████ acknowledged that it was Officer ██████████ visitation weekend, but felt that it was Officer ██████████ responsibility to be with his children and not with their grandparents (Officer ██████████ parents). Mrs. ██████████ drove to Officer ██████████ parents' home with the intention of taking back her children. Upon arrival, Mrs. ██████████ spoke to her daughter and told her to come outside, but her grandmother refused to allow her to leave the house. Mrs. ██████████ did not speak to the grandmother because she felt uncomfortable going to the door. Mrs. ██████████ became upset and then contacted the police in order to have her children returned to her. Mrs. ██████████ related that the police responded and also observed Officer ██████████ arriving on the scene and standing near the corner. Mrs. ██████████ explained to the responding sergeant, now known as Sergeant ██████████ that she had been informed by her children that Officer ██████████ was not home. Mrs. ██████████ provided Sgt. ██████████ with a copy of her divorce decree and explained that Officer ██████████ had violated the visitation agreement in the divorce decree. Mrs. ██████████ told Sgt. ██████████ that she wanted her children to come home with her, because Officer ██████████ was working and was not inside the house caring for their children. Mrs. ██████████ believed if Officer ██████████ could not watch over the children, he was then required to inform her by email in a timely manner as to who the children were staying with.

Mrs. ██████████ was asked by Sgt. ██████████ if she felt her children were in danger and she told him no. Sgt. ██████████ informed Mrs. ██████████ that she was being videotaped and related that the children were sleeping and she had no fear for their safety and described the issue as a civil matter. Mrs. ██████████ became frustrated because Sgt. ██████████ was not going to have her children returned to her. Mrs. ██████████ stated she told Sgt. ██████████ about past incidents that occurred during their marriage in which Officer ██████████ had tried to hit her with his police vehicle and had pointed his weapon at her face⁴, Mrs. ██████████ related that she observed Sgt. ██████████ talking to Officer ██████████ and believes that he was talking to Officer ██████████ about the allegations she made against him⁵. Mrs. ██████████ was told by Sgt. ██████████ that this was a civil matter and not a police matter.

Mrs. ██████████ further related that she was not able to provide actual dates and times, but alleged during their marriage, Officer ██████████ was verbally abusive and threatening towards her, almost struck her with a car, closed the front screen door on her leg, spat at her face, and had thrown a TV remote and basketball at her. Mrs. ██████████ recalled sustaining a bruise to her leg, but did not require any medical treatment.

³ Attachments #39 Transcription of interview of ██████████

⁴ A review of all BWC, of all responding officers, did not depict Mrs. ██████████ making any such allegations to Sgt. ██████████

⁵ The BWC of Sgt. ██████████ did capture him talking to Officer ██████████ but their conversation was brief and only about visitation with his children.

In an **interview with COPA⁶** on November 2, 2018, ██████████ related that she is a nurse at Little Company of Mary and is a friend and co-worker of ██████████ Mrs. ██████████ has known Mrs. ██████████ and Officer ██████████ for many years and even before their marriage to each other. Mrs. ██████████ described Mrs. ██████████ and Officer ██████████ as having a good relationship. After having children, Mrs. ██████████ noticed that Officer ██████████ became less friendly and while visiting their home, Officer ██████████ would often go into another room. Mrs. ██████████ related that she never witnessed any misconduct by Officer ██████████ towards Mrs. ██████████ but was informed by Mrs. ██████████ of their arguments. Mrs. ██████████ would often receive a call from Mrs. ██████████ during the middle of an argument with Officer ██████████ Mrs. ██████████ would listen to the call and hear Officer ██████████ arguing and yelling profanities at Mrs. ██████████ Mrs. ██████████ was also informed by Mrs. ██████████ that Officer ██████████ would often threaten her and forcefully grab her. Mrs. ██████████ related that Mrs. ██████████ told her that she was afraid of being struck by Officer ██████████ However, Mrs. ██████████ related that Mrs. ██████████ never alleged being physically struck by Officer ██████████ or causing any injuries to her.

In an **interview with COPA⁷** on November 5, 2018, ██████████ (24 years old) related that his mother is ██████████ and his stepfather is Officer ██████████ related that throughout the years he has heard his parents engaged in many arguments with each other and Officer ██████████ would often yell and scream profanities at his mother. On one occasion, ██████████ was informed by his mother that Officer ██████████ had spat on her. ██████████ was inside the basement at the time and did not witness the alleged incident. ██████████ related that on February 24, 2018, he did accompany his mother to Officer ██████████ parents' home and described it as a well-being check on his siblings. ██████████ related that he has never observed any injuries to his mother and has never witnessed Officer ██████████ physically abuse his mother in any manner.

In an **interview with COPA⁸**, on December 6, 2018, Officer ██████████ # ██████████ related that he and Mrs. ██████████ were married in November 2004 and had four children together. Officer ██████████ related that Mrs. ██████████ had a son, ██████████ from a previous relationship, who he adopted. Officer ██████████ described the relationship with ██████████ as fine, but later fizzled as ██████████ got older and did poorly in school and got involved in drugs. Officer ██████████ related that around October 2013, Mrs. ██████████ accused him of having a relationship with her friend. Officer ██████████ related that Mrs. ██████████ confronted her friend and her friend's husband, but Mrs. ██████████ refused to believe that Officer ██████████ was not having an affair. Officer ██████████ related that he and Mrs. ██████████ attended counseling sessions throughout 2013 to 2015. However, Mrs. ██████████ continued to believe that Officer ██████████ was having an affair. Officer ██████████ described having heated arguments with Mrs. ██████████ in which they directed profanities at each other. Officer ██████████ related that Mrs. ██████████ filed for divorced and it was finalized on February 6, 2017. Officer ██████████ related that during his visitation dates with his children, Mrs. ██████████ began appearing at his parent's home. Officer ██████████ related that on February 24, 2018, he received a call from his mother who told him that Mrs. ██████████ was at the house and wanted the children back. Officer ██████████ was on duty at the time and was allowed to go home. Upon arrival, Officer ██████████ observed two sergeants on the scene and talking to Mrs. ██████████ Mrs. ██████████ presented the sergeants with a copy of their divorce decree which described the visitation with their children.

⁶ Attachment #28, Audio interview of ██████████

⁷ Attachment #32, Audio interview of ██████████

⁸ Attachment #37, Audio interview of Officer ██████████

Officer ██████ related that a sergeant, now known as Sergeant ██████ briefly spoke to him about the visitation in the divorce decree. Sgt. ██████ inform Mrs. ██████ that the divorce decree indicated that it was Officer ██████ visitation time with the children. Officer ██████ related that Mrs. ██████ left the scene without the children. However, later that week Officer ██████ received a call from Mrs. ██████ who related that she was filing a complaint against him. Officer ██████ was asked to address allegations that he spat at Mrs. ██████ slammed the front door on Mrs. ██████ leg and tried to hit her with his car. Officer ██████ denied all the allegations and said the alleged incidents did not occur. Officer ██████ also denied physically abusing Mrs. ██████ in any manner or pointing his weapon at Mrs. ██████ Officer ██████ admitted to using his assigned police vehicle to take and pick of his children from his parents' home for babysitting issues. Officer ██████ related that during those times, he would obtain permission from his supervisor, Sgt. ██████ (now known as Lt. ██████

In an **interview with COPA⁹**, on February 10, 2020, Lt. ██████ # ██████ related that Officer ██████ was under his supervision when they were both assigned to ██████ from April 2012 to June 2018. Lt. ██████ was informed that Officer ██████ was cited for the following allegation, *"It is alleged that the accused, in the past has used his assigned police vehicle to transport his children."*¹⁰ Lt. ██████ was informed that Officer ██████ had named him as the supervisor who had given him permission to use his police vehicle to transport his children. Lt. ██████ related that he did give Officer ██████ permission to use his assigned police vehicle to transport his children.

b. Digital Evidence

Body Worn Camera (BWC)^{11,12} video shows on February 25, 2018, Officer ██████ Officer ██████ Sergeant ██████ and Sergeant ██████ responding to a domestic disturbance at ██████ Street. Officers ██████ and ██████ were the first to arrive and observed ██████ sitting in the driver's seat with her older son, ██████ who sitting on the passenger seat. Mrs. ██████ is informed by Officer ██████ that she is being audio and videotaped and acknowledges her consent. Mrs. ██████ related that her children are inside their grandparents' home and was there to pick them up. Mrs. ██████ informs the officers that the father of her children, now known as Officer ██████ is a Chicago Police Officer. Mrs. ██████ handed the officers her divorce decree which described visitation with her children. Officer ██████ asks Mrs. ██████ when Officer ██████ does have visitation with their children and Mrs. ██████ replies, "The problem with the decree is that it does not specify the date."¹³ Mrs. ██████ believes that Officer ██████ is required to at least email her with dates and times when he is going to take the children. Mrs. ██████ believes that since Officer ██████ has not provided her with the email and is not home with the children, Officer ██████ rights should be revoked. Officer ██████ is observed approaching Officer ██████ parents who are standing outside and

⁹ Attachment #42, Audio interview of Lt. ██████

¹⁰ Attachment #34, Notification of Charges/Allegations against Officer ██████ Allegation #6.

¹¹ Attachment #20, Body Worn Camera (BWC) video of Officer ██████ Officer ██████ & Sergeant ██████

¹² Attachment 43, Body Worn Camera (BWC) video of Sergeant ██████

¹³ Attachment #20, Body Worn Camera (BWC) video of Officer ██████ (██████) minute 2:14.

explains to them that Mrs. [REDACTED] wanted to take her children. Officer [REDACTED] reads an excerpt from the divorced decree which stated, *"In the event father is unable to parenting time for work purposes only, he must notify the wife at least forty-eight hours prior to the schedule time."*¹⁴ Officer [REDACTED] mother is heard stating, *"He works every Saturday and she knows that, this been going on for year now."*¹⁵ Officer [REDACTED] returns to speak to Mrs. [REDACTED] and informs her that Officer [REDACTED] is on his way. Mrs. [REDACTED] related, *"He's the one making me do this, he is the one that tells my kids that I don't love them. Listen, I don't know if you ever met him, but he's not normal. Well, wait his name is [REDACTED] and he's a nut. I'm, but I'm trying to do the right thing and he's like forcing me to be as crazy as him."*¹⁶ Mrs. [REDACTED] relates that she was sorry for calling the police and states *"It's sad that I have to force him to do the right thing."*¹⁷

Officer [REDACTED] is observed arriving on the scene and talking to Officer [REDACTED] Officer [REDACTED] informs Officer [REDACTED] that Mrs. [REDACTED] knows this is his visitation time with his children. Sergeant [REDACTED] and Sergeant [REDACTED] are observed arriving on the scene. Officer [REDACTED] informed Sgt. [REDACTED] that Mrs. [REDACTED] was upset that Officer [REDACTED] was working and not with the children who were inside the grandparents' home. Sgt. [REDACTED] approaches Mrs. [REDACTED] and talks to her while viewing the copy of the divorce decree that she provided to Officer [REDACTED] A lengthy conversation, regarding Officer [REDACTED] court-ordered parenting time is heard taking place between Sgt. [REDACTED] and Mrs. [REDACTED] Sgt. [REDACTED] then tells Mrs. [REDACTED] that the divorce decree did not prohibit Officer [REDACTED] from having visitation with his children. Mrs. [REDACTED] becomes upset and states that Officer [REDACTED] uses his assigned police vehicle to transport their children. Throughout the entire incident, Sgt. [REDACTED] was professional, calm and polite towards Mrs. [REDACTED] At no time, does any of the officers BWC capture Mrs. [REDACTED] making any allegations of any verbal or physical abuse by Officer [REDACTED]

OMEC 911 call & police transmissions¹⁸ reported a domestic disturbance by [REDACTED] [REDACTED] who related that the father of her children, now known as Officer [REDACTED] was supposed to be caring for their children, but instead was at work.

c. Documentary Evidence

CPD Event Query Report # [REDACTED]¹⁹ indicated that [REDACTED] called 911 to report that the father of her children, now known as Officer [REDACTED] was not at his home and

¹⁴ *Id.* ([REDACTED]) minute 5:29.

¹⁵ *Id.* ([REDACTED]) minute 5:42.

¹⁶ *Id.* ([REDACTED]) minute 9:24.

¹⁷ *Id.* ([REDACTED]) minute 11:39.

¹⁸ Attachment #18, OEMC 911 & Police Transmissions.

¹⁹ Attachment #8, OEMC Event Query # [REDACTED].

was not taking care of their children. Instead, the children were being cared by their grandparents and the grandmother was refusing to release the children to her.

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 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.

VI. ANALYSIS

██████████ indicated in her statement that during her twelve-year marriage to her ex-husband, Officer ██████████ she never filed a complaint against him. On February 7, 2017, the ██████████ finalized their divorced. On February 24, 2018, Officer ██████████ was exercising his visitation rights with his children, were staying with him at his parents' home. That evening, Officer ██████████ went to work, while his children stayed with his parents. Mrs. ██████████ reported to the police that Officer ██████████ was supposed to be with the children and not at work and that Officer

██████████ mother was refusing to release the children to her. While on duty, Officer ██████████ was informed that Mrs. ██████████ was at the house and demanding that her children be returned to her. The entire interaction between Mrs. ██████████ and the responding officers was captured on the Body Worn Camera (BWC)^{20, 21} of Officer ██████████ Officer ██████████ Sergeant ██████████ and Sergeant ██████████ Mrs. ██████████ provided the officers with a copy of her divorce decree and related that she believed that Officer ██████████ had violated his visitation rights. While being interviewed by Sgt. ██████████ Mrs. ██████████ related that she had no problems with Officer ██████████ visitation with his children or the children staying at their grandparent’s home. Mrs. ██████████ was upset with Officer ██████████ because he recently failed to pick up the children a morning that she had to work. Sgt. ██████████ explained to Mrs. ██████████ that this was a civil matter and not a police matter. Mrs. ██████████ related that her lawyer recently informed her that Officer ██████████ was required to provide her with a thirty-day advance notice of dates and times for visitation with the children. However, Mrs. ██████████ admitted that her lawyer had not yet gone to court to request changes in the visitation. Before leaving the scene, Mrs. ██████████ told Sgt. ██████████ that Officer ██████████ would use his assigned police vehicle to transport their children. Mrs. ██████████ related that she also told Sgt. ██████████ about past incidents in which Officer ██████████ had tried to hit her with his police vehicle and had pointed his weapon at her face. It should be noted, that Mrs. ██████████ was not truthful, because a review the Body Worn Cameras (BWC)^{22, 23} of all the responding officers did not capture Mrs. ██████████ making any such allegations to Sgt. ██████████ Officer ██████████ denied being verbally abusive towards Mrs. ██████████ but admitted to having husband and wife heated arguments where they exchange profanities at each other. Officer ██████████ denied the allegations that he attempted to strike Mrs. ██████████ with his vehicle, pointed his weapon at her head, slammed a door on her leg and spat on her face. Mrs. ██████████ could not provide dates and times of the alleged incidents and Officer ██████████ denied the allegations and due to the lack of evidence to either prove or disprove therefore, **Allegations #1-5 against Officer ██████████ must be Not Sustained.**

Officer ██████████ admitted to using his assigned police vehicle to occasionally transport his children with permission from his supervisor. Lt. ██████████ related that Officer ██████████ was under his supervision and did on several occasions give Officer ██████████ permission to use his assigned police vehicle to transport his children therefore, **Allegation #6 against Officer ██████████ must be Exonerated.**

VII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer ██████████ ██████████	1. It is alleged that on an unknown dates and times, Officer ██████████ was verbally abusive towards ██████████ in violation of Rules 2 & 9.	Not Sustained

²⁰ Attachment #20, Body Worn Camera (BWC) video of Officer ██████████ Officer ██████████ & Sergeant ██████████

²¹ Attachment 43, Body Worn Camera (BWC) video of Sergeant ██████████

²² Attachment #20, Body Worn Camera (BWC) video of Officer ██████████ Officer ██████████ & Sergeant ██████████

²³ Attachment 43, Body Worn Camera (BWC) video of Sergeant ██████████

	<p>2. It is alleged that on an unknown dates and times, Officer [REDACTED] was physically abusive when he tried to hit [REDACTED] with his vehicle, in violation of Rules 2 & 9.</p> <p>3. It is alleged that on an unknown date and time, Officer [REDACTED] pointed his service weapon at [REDACTED] head, in violation of Rules 2 & 38.</p> <p>4. It is alleged that on an unknown date and time, Officer [REDACTED] slammed a door on [REDACTED] leg, in violation of Rules 2 & 9.</p> <p>5. It is alleged that on unknown date and time, Officer [REDACTED] spat on [REDACTED] face, in violation of Rules 2 & 9.</p> <p>6. It is alleged that on an unknown date and time, Officer [REDACTED] used his assigned police vehicle to transport his children, in violation of Rule 36.</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Exonerated</p>
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Approved:



6-26-2020

Angela Hearts-Glass
Deputy Chief Administrator

Date

Appendix A

Assigned Investigative Staff

<p>Squad#:</p> <p>Investigator:</p> <p>Supervising Investigator:</p> <p>Deputy Chief:</p>	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>Angela Hearts-Glass</p>
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