

**SUMMARY REPORT OF INVESTIGATION**

Date/Time/Location of Incident:	October 5, 2019/ 1:34 a.m./ [REDACTED], Chicago, IL
Date/Time of COPA Notification:	October 5, 2019/ 2:34 a.m.
Involved Officer #1:	Brian Graham, Star #7478, Employee ID# [REDACTED] Date of Appointment: 02-April-2007, Police Officer, Unit of Assignment: 141, DOB: [REDACTED]-1977, Male, Black
Involved Individual #1:	[REDACTED], DOB: [REDACTED]-1977, Female, Black
Case Type:	Domestic

**I. ALLEGATIONS**

Officer	Allegation	Finding
Officer Brian Graham	1. It is alleged that on or about October 5, 2019 at approximately 1:34 a.m., at or near [REDACTED] Chicago, IL, the accused grabbed [REDACTED] by the shoulders with both hands without justification.	Sustained
	2. It is alleged that on or about October 5, 2019 at approximately 1:34 a.m., at or near [REDACTED] Chicago, IL, the accused shoved [REDACTED] against the wall without justification.	Sustained
	3. It is alleged that on or about October 5, 2019 at approximately 1:34 a.m., at or near [REDACTED] Chicago, IL, the accused attempted to forcibly remove [REDACTED] from the restroom without justification.	Not Sustained

**II. SUMMARY OF EVIDENCE<sup>1</sup>**

On October 5, 2019 at approximately 1:34 a.m., [REDACTED] ([REDACTED]) called for police assistance because she and her husband, Officer Brian Graham (Officer Graham) were

<sup>1</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 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.

involved in a physical altercation.<sup>2</sup> ██████████ called 9-1-1 and informed the call taker that her husband, Brian Graham was an off-duty Chicago Police Department (CPD) officer and he “put his hands on [her].”<sup>3</sup> A **Case Report and Arrest Report for Domestic Battery**<sup>4</sup> documented that on October 5, 2019, at approximately 1:34 a.m., officers responded to a call of a domestic battery involving a member of the CPD. Upon arrival, officers spoke with ██████████ who related that she and Officer Graham were engaged in a verbal altercation, which turned physical when Officer Graham attempted to physically remove her from the restroom. Using both of his hands, Officer Graham grabbed ██████████ by the shoulders and pushed her into the wall, causing the back of her head to strike against the wall. ██████████ did not sustain any injuries from the incident and refused medical attention. Officer Graham was arrested and transported to District 004 for processing.

██████████ sent a notarized **letter to COPA**<sup>5</sup> dated December 24, 2019, expressing her desire to terminate her complaint freely and voluntarily. The letter stated she did not wish to pursue the matter and was unwilling to provide a statement to COPA. COPA contacted ██████████ via phone and email on several occasions, and she stated she did not wish to proceed with the investigation.<sup>6</sup> On March 4, 2020 COPA obtained an **Affidavit Override**<sup>7</sup> to continue with the investigation regarding the allegations ██████████ made to responding officers on BWC.

COPA obtained a statement from **Officer Graham**<sup>8</sup> on October 21, 2020 at approximately 1:21 p.m., on the fourth floor of COPA offices located at 1615 W Chicago Ave, Chicago, Illinois. Officer Graham stated that on the date of the incident, ██████████ advised him that she was out with friends. While she was gone, he began playing with ██████████’s Apple watch, as she had a more updated version and he was considering upgrading the watch he had. While playing with the watch, text messages were received, which contradicted what ██████████ previously related to him about her whereabouts. Now upset, Officer Graham decided to leave the house to think about the future of his marriage to ██████████. When Officer Graham returned home, ██████████ was in the bathroom with the door partially ajar. Officer Graham approached the door and told ██████████ the two of them needed to talk and explained that he saw text messages on her Apple watch which proved she proved she was lying about her whereabouts. ██████████ offered Officer Graham her cell phone as proof there were no text messages. Officer Graham disagreed and headed towards their bedroom to get the Apple watch to show ██████████ the messages he previously saw. ██████████ followed behind Officer Graham and attempted gain possession of the Apple watch. The two struggled over the watch. And due to the small size of the bedroom, ██████████ fell backwards, hitting her head on the wall. ██████████ then called the police and complained that Officer Graham struck her. Officer Graham exited the residence and waited for responding officers to arrive.

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<sup>2</sup> Att. 34

<sup>3</sup> *Id.* at 00:16

<sup>4</sup> Att. 3 & 4

<sup>5</sup> Att. 21 & 32

<sup>6</sup> Att. 11 & 35

<sup>7</sup> Att. 24

<sup>8</sup> Officer Graham appeared with his attorney, ██████████, who was present during the interview. Officer Graham’s interview is incorporated as Att. 33

The **Body Worn Camera**<sup>9</sup> (BWC) footage was consistent with Case and Arrest Reports. However, ██████████ also informed the responding officers that there were other domestic incidents in the past between herself and Officer Graham. Furthermore, on the night of the incident, ██████████ tells Sergeant O'Brien that Officer Graham "tried to snatch [me] off the toilet"<sup>10</sup> and that "[her] button is gone off [her] shirt."<sup>11</sup> In contrast, Officer Graham explains, "There was no fight. There was just us tussling. I mean, *going back and forth with the shoving*. No fight."<sup>12</sup>

### 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 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** is evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy.<sup>13</sup> 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.<sup>14</sup> Clear and convincing is 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."<sup>15</sup>

### IV. ANALYSIS AND CONCLUSION

COPA finds **Allegations 1 and 2** alleging that Officer Graham grabbed ██████████ by the shoulders with both hands and shoved ██████████ against the wall without justification are **SUSTAINED**. In order to sustain these allegations, COPA must find by that it is more likely than not that the alleged misconduct occurred.

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<sup>9</sup> Att. 14, 15, 16, 17, 18, 19 & 20

<sup>10</sup> Att. 14 at 06:42

<sup>11</sup> Att. 15 at 07:12

<sup>12</sup> Att. 15 at 5:30

<sup>13</sup> 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 been found to be more probably true than not).

<sup>14</sup> See e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016).

<sup>15</sup> *Id.* at ¶ 28.

In this case, ██████ called 911 and indicated that Officer Graham made physical contact with her. Upon the arrival of responding officers, ██████ explained that Officer Graham grabbed her by her shoulders and pushed her into a wall, causing her to strike her head. ██████'s demeanor was calm, nor did she did push for Officer Graham's arrest. COPA acknowledges there were no witnesses or visible injuries. However, Officer Graham's statements on BWC corroborated a physical struggle between the two. Officer Graham's statement was minimizing, in that her denied hitting ██████, but stated, "There was just us tussling. I mean, *going back and forth with the shoving*. No fight."<sup>16</sup> While Officer Graham did not characterize the incident as a flight, COPA nonetheless finds these statements by Officer Graham an admission that shoving did occur and that grabbing most likely occurred. In sum, Officer Graham admitted to the physical struggle and failed to provide any legal justification as to why he shoved and/or grabbed ██████. Accordingly, **Allegations 1 and 2** are **SUSTAINED**.

COPA finds **Allegation 3** alleging that Officer Graham attempted to forcibly remove ██████ from the bathroom without justification, is **NOT SUSTAINED**. ██████ did not provide a full explanation of this conduct to responding officers. There were no witnesses to this incident or objective evidence. Finally, there was no direct admission by Officer Graham describing this conduct. Accordingly, **Allegation 3** is **NOT SUSTAINED**.

## V. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

### a. Officer Bryan Graham

#### i. Complimentary and Disciplinary History

1. **Complimentary History:** 2 Crime Reduction Awards (2009, 2019), 5 Complimentary Letters, 5 Emblems of Recognition (Physical Fitness), 7 Honorable Mentions, 1 NATO Summit Service Award, 1 Presidential Election Deployment Award (2008), 1 Recognition/Outside Governmental Agency ward
2. **Disciplinary History:** None

#### ii. Recommended Penalty, by Allegation

1. **Allegation No. 1:** 15-day Suspension & Anger Management Classes
2. **Allegation No. 2:** 15-day Suspension & Anger Management Classes

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<sup>16</sup> Att. 15 at 5:30

Domestic violence is serious misconduct and unbecoming of a Chicago Police Officer. Officer Graham did not take accountability for his actions. Therefore, COPA recommends a suspension and anger management classes.

Approved:



4/12/2021

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Matthew Haynam  
*Deputy Chief Administrator – Chief Investigator*

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Date

**Appendix A**

Assigned Investigative Staff

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<b>Squad#:</b>	9
<b>Investigator:</b>	Shakira Nubern
<b>Supervising Investigator:</b>	Sharday Jackson
<b>Chief of Investigative Operations:</b>	Matthew Haynam