

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	December 22, 2019, 10:45 a.m. [REDACTED]
Date/Time of COPA Notification:	December 22, 2019
Involved Member #1	Robert Jackson, Star#1884, Employee# [REDACTED] Date of Appointment: June 8, 1998 Sergeant, Unit of Assignment 010/193/376 DOB: [REDACTED] 1970, M/S
Involved Member #2:	[REDACTED] Star#[REDACTED], Employee # [REDACTED] Date of Appointment: [REDACTED] Police Officer, Unit of Assignment: [REDACTED] DOB: [REDACTED], 1980, F/WWH
Case Type:	Domestic Violence

I. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Robert Jackson	1. It is alleged that on or about December 22, 2019 at or near the location of [REDACTED], [REDACTED] at approximately 1:40 pm the accused engaged in an unjustified verbal altercation with Officer [REDACTED] in violation of Rule 9.	Not Sustained
	2. It is alleged that on or about December 22, 2019 at or near the location of [REDACTED] at approximately 1:40 pm the accused grabbed Officer [REDACTED] about the arms [REDACTED] in violation of Rule 9.	Sustained
	3. It is alleged that on or about December 22, 2019 at or near the location of [REDACTED] at approximately 1:40 pm the accused pushed Officer [REDACTED] to the ground in violation of Rule 9.	Sustained
	4. It is alleged that on or about December 22, 2019 at or near the location of [REDACTED] at approximately 1:40 pm the accused was intoxicated while off-duty [REDACTED] in violation of Rule 15.	Sustained
	5. It is alleged that on or about December 22, 2019 at	

	<p>or near the location of [REDACTED] at approximately 1:40 pm the accused threw Officer [REDACTED]'s personal belongings to the ground from a 3rd floor deck in violation of Rules 2 & 8.</p> <p>6. It is alleged that on or about December 22, 2019 at or near the location of [REDACTED] at approximately 1:40 pm the accused damaged the cell phone of Officer [REDACTED] in violation of Rule 2 & 8.</p> <p>7. It is alleged that on or about December 22, 2019 directed derogatory language at Officer [REDACTED] in that he called her a bitch in violation of Rules 8 & 9.</p> <p>8. It is alleged that on more than one occasion between January 2018 and November 2019 the accused forcefully pushed Officer [REDACTED] about the body in violation of Rule 9.</p>	<p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Not Sustained</p>
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II. SUMMARY OF EVIDENCE¹

On December 22, 2019, at approximately 1:40 p.m., Officer [REDACTED] called 911 for police assistance alleging that she was battered by her boyfriend, Sergeant Robert Jackson. Upon CPD's arrival, she reported that the two were involved in a verbal dispute and during this encounter he forcibly grabbed Officer [REDACTED] by her arms. Ultimately, Sgt. Jackson was arrested. These allegations were documented in a **Case Incident Report** RD#[REDACTED]² for Domestic Battery and in an **Initiation Report**.³

According to a **911 call**,⁴ on December 22, 2019 at approximately 11:38 a.m., Officer [REDACTED] requested police assistance at the location of [REDACTED] reporting a domestic disturbance between she and her boyfriend, now known as Sergeant Robert Jackson. During the call, she requested that he be arrested for hitting her. She further stated that Sgt. Jackson was erratic and throwing her items outside the apartment. Subsequently, she initiated a second call⁵ requesting to cancel the service call.

In a statement to COPA on January 14, 2020, **Officer [REDACTED]**⁶ reported that she and Sgt. Jackson were in a dating relationship that began in 2018 and overall things were good between them. However, she stated that when Sgt. Jackson drinks alcoholic beverages in excess, he becomes physically aggressive. In the early morning of December 22, 2019, Sgt. Jackson was intoxicated, and she and Sgt. Jackson were engaged in a verbal dispute which became physical.

¹ 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.

² Att. 3

³ Att. 1

⁴ Att. 6

⁵ Att. 8

⁶ Att. 12 (Audio) and Att. 13 (Transcript)

Officer [REDACTED] reported that during an Uber ride to Sgt. Jackson's apartment the two argued about him flirting with a female acquaintance. At that time, he became very belligerent, calling her a "bitch" several times and stating that she was stupid.⁷ Upon arrival, the verbal dispute continued into his [REDACTED] floor apartment. At this time, the argument turned physical in that Sgt. Jackson grabbed her by both arms and pushed her to the floor. He then grabbed her bag containing her personal belongings and threw it over a [REDACTED] floor balcony. As a result from the fall, her cell phone screen was cracked.⁸ At that time, Officer [REDACTED] left the apartment to retrieve her items from the courtyard's ground level and called 911. In addition to the current incident, Officer [REDACTED] reported there have been several instances where she had been pushed or thrown to the floor by Sgt. Jackson after he had consumed an excessive amounts of alcoholic beverages.⁹ However, those incidents were never reported. Ultimately, Sgt. Jackson was arrested and charged with Domestic Battery,¹⁰ but she decided not to pursue the charges.

Body Worn Camera (BWC)¹¹ captured CPD's interactions with Officer [REDACTED] and Sgt. Jackson. Footage revealed that upon their arrival, Sgt. Jackson was in a locked bedroom. Officers have difficulty accessing the accused as he does not respond to multiple forcible knocks or repeated verbal directions to exit and/or unlock the door. After an extended period, officers enter the room, after using a tool to unlock the door, and escorted Sgt. Jackson out. He was taken into custody without incident.

Additional body worn camera footage memorialized discussions between Officer [REDACTED] and Sgt. Graves.¹² During their interaction, Officer [REDACTED] states that she wants Sgt. Jackson arrested because this was not the first incident that he had put his hands on her. She further states, earlier that day he became belligerent, yelled at her, and was out of control.¹³ Officer [REDACTED] shows Sgt. Graves visible injuries on her arm as a result of this incident.¹⁴

A subpoena submitted to **Lyft Rideshare**¹⁵ company documented Sgt. Jackson's request for services on December 22, 2019 at 11:10 am from the location of [REDACTED] to be transported to his residence located at [REDACTED]

Several hours after he was taken into custody, Sgt. Jackson submitted to a **breathalyzer test** which resulted in a reading of 0.012.¹⁶ To further assess his level of intoxication, COPA sought assistance from the Illinois State Police (ISP) to conduct an **alcohol extrapolation test**.¹⁷ Per ISP, Sgt. Jackson's estimated blood alcohol concentration at the time of incident was between 0.157 and 0.194.

⁷ Att. 13 Pg. 53

⁸ Id. at Pg. 82

⁹ Att. 13 Pgs. 62-68, 76 - 78

¹⁰ Att. 3

¹¹ Att. 34-42

¹² Att. 34

¹³ Id. at 12:07-12:09

¹⁴ Id. at 12:15

¹⁵ Att. 15

¹⁶ Att. 18

¹⁷ Att. 19

CPD Evidence Technician photos¹⁸ taken on December 22, 2019, document visible discoloration and bruising to Officer ██████'s right arm.



During his interview with COPA on June 12, 2020¹⁹, **Sgt. Robert Jackson** explained that on the night of December 21, 2019, he attended a concert with friends at the City Winery in Chicago. After the concert, the group had drinks at the venue's bar, where he consumed an unknown number of alcoholic drinks containing Vodka. From there, the group left and headed to another bar named, Federales. At some point prior to his arrival, he contacted Officer ██████ and invited her to meet him to Federales. While at Federales, he also consumed an unknown number of drinks containing vodka. At the conclusion of the outing, Sgt. Jackson, Officer ██████, ██████ and ██████ relocated to ██████'s residence. While at ██████'s residence, Sgt Jackson reported he indulged in more drinks containing Vodka.²⁰ It should be noted, although he could not confirm the total number of alcoholic beverages he consumed that night, he estimated a number in excess of four at the City winery, three or more at Federales, and multiple drinks at ██████'s residence without eating any food throughout the night.²¹

¹⁸ Att. 10

¹⁹ Att. 27 (Audio) and Att. 30 (Transcript)

²⁰ Att. 37 at 38:10-38:45

²¹ Id. at 39:15-43:10, 56:00-56:12

The next morning on December 22, 2019 at approximately 11:10 a.m., he ordered a rideshare (Lyft) for himself and Officer ██████ from ██████'s residence to Sgt. Jackson's apartment.²² During the ride, he and Officer ██████ accused one another of flirting with ██████ and ██████ the night before. This dispute continued upon arrival at his residence, and he asked Officer ██████ to leave. Sgt. Jackson claimed Officer ██████ refused to leave and grabbed some of his personal items (papers and clothes) and threw them over his ██████ floor balcony onto ground level courtyard.²³ After going to retrieve his items, Sgt. Jackson grabbed her bag and threw it onto the balcony.²⁴ Sgt. Jackson stated that at some point during their encounter, Officer ██████ swats at him and striking his arm and chest area.²⁵ Subsequently, he physically removed her from his apartment by grabbing her by both arms and moving her outside and onto the deck.²⁶ Although he admitted to throwing Officer ██████'s bag onto the deck, Sgt. Jackson denied intentionally throwing her items onto the ground level. Instead, he suggested that her items may have inadvertently slid through the opening of the deck's bannister and onto the ground level.²⁷ According to the accused, once he threw her items out and removed her from his residence, he locked the door and went to bed. During this incident, he denied using any derogatory language toward Officer ██████.²⁸ After being awoken by several police officers, he learned that Officer ██████ had called the police. At that time, he was taken into custody for Domestic Battery without incident. However, those charges were later dismissed.²⁹

As it relates to Sergeant Jackson's alcohol habits, he denied having dependency issues, but admitted that on the day of incident, he had been drinking all night and was intoxicated.³⁰ He explained, that upon realizing his role in the incident, he sought treatment from an outpatient alcohol program, which he successfully completed.³¹ Since completing the program,³² he has voluntarily maintained his relationship with his sponsor and continues to attend virtual meetings during the COVID-19 pandemic.³³

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;

²² Att. 15

²³ Att. 27 at 12:45-15:45 and 1:10:55-1:13:30

²⁴ Id. at 16:15-16:23

²⁵ Id. at 13:35-14:00. It should be noted that Sgt. Jackson related he was not making an allegation against Officer ██████.

²⁶ Id. at 16:40-16:55 and 19:03-19:10, 1:18:00-1:21:10 and Att. 28 at 51:58-57:40

²⁷ Id. at 1:14:35-1:17:45

²⁸ Id. at 1:05:45-1:06:22

²⁹ Att. 43

³⁰ Att. 27 at 56:00-57:40

³¹ Att. 28 at 10:50-13:00 and 39:43-43:00

³² Att. 32

³³ Id. at 13:58-25:50

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

IV. ANALYSIS and CONCLUSION

COPA finds that **Allegations #1** against Sergeant Jackson, that he engaged in an unjustified verbal altercation with Officer [REDACTED], is **NOT SUSTAINED**. Both parties agreed the argument stemmed from accusations of flirting. In both their statements, they suggested the other displayed flirtatious behavior amongst mutual acquaintances of the opposite sex the night prior to incident. Sgt. Jackson admitted that he kissed the female acquaintance that night. During her statement, Officer [REDACTED] stated she confronted him about the "kiss" the next morning and the argument carried on during the Lyft ride to Sgt. Jackson's residence. He in-turn, accused her of flirting with the male acquaintance that was present. However, there is insufficient information to determine that this argument was an unjustified altercation. Therefore, this allegation is Not Sustained.

COPA finds that **Allegations 2, 3, 4 5, 6, and 7** against Sergeant Jackson, that he grabbed Officer [REDACTED] by the arms, pushed her to the ground, was intoxicated while off-duty, threw Officer [REDACTED]'s personal belongings to the ground from a [REDACTED] floor deck, damaged her cell phone, and called her a bitch, are **SUSTAINED**. Officer [REDACTED] alleged that during their argument, Sgt. Jackson grabbed her by the arms, pushed her to the ground and called her a bitch. She further alleged that Sgt. Jackson threw her belongings to the ground from the [REDACTED] floor deck, causing damage to her cell phone. Lastly, Officer [REDACTED] described Sgt. Jackson as obviously intoxicated due to his behavior, mumbled speech, and difficulty walking. Evidence technician photographs show bruising to Officer [REDACTED]'s arms, corroborating her account.

Sgt. Jackson admitted that he wanted her out of his apartment so badly, that he physically removed her by grabbing her about the arms. Sgt. Jackson denied pushing her to the ground and

calling her a bitch. Again, Sgt. Jackson admitted that he grabbed Officer ██████'s bag and tossed it outside the apartment. He further explained, it was his belief that if he threw her items onto the balcony she would follow and ultimately leave. Although he denied throwing her belongings from the █ floor to the ground level, he did admit throwing her belongings onto the balcony, claiming the bag accidentally fell to the ground level. Sgt. Jackson admitted to indulging in alcoholic beverages in excess and being intoxicated. He further submitted to a breathalyzer test. At that time, his results read at .120 and the ISP alcohol extrapolation test estimates that at the time of incident Sergeant Jackson's blood alcohol concentration was between .157 and .194.

Although Sgt. Jackson denies pushing Officer ██████ to the ground and calling her a bitch, COPA finds that Officer ██████'s account is more reliable given Sgt. Jackson's level of intoxication during this incident. Based on a preponderance of the evidence, COPA finds Allegations 2 – 7 are Sustained.

COPA finds that **Allegations #8** against Sergeant Jackson, that on more than one occasion between January 2018 and November 2019 the accused forcefully pushed Officer ██████ about the body, is **NOT SUSTAINED**. Officer ██████ alleged that this was not the first time she and Sgt. Jackson's had been involved in a domestic incident that turned physical. However, she relayed that she had never reported nor disclosed these incidents to others. Sgt. Jackson denied that these incidents ever occurred. There are no witnesses, photos, or other evidence to corroborate or discredit the allegation. For the reasons stated above, COPA finds that the allegation could not be proven by a preponderance of evidence and the allegation is Not Sustained.

V. RECOMMENDED DISCIPLINE FOR SUSTAINED FINDINGS

a. Sgt. Robert Jackson

- i. **Complimentary History:**³⁴ Crime Reduction Award (2004, 2009, 2019), 4 Attendance Recognition Awards, 3 Complimentary Letters, 14 Department Commendations, 1 Deployment Operations Center Award, 5 Physical Fitness Emblems of Recognition, 190 Honorable Mentions, 1 Honorable Mention Award, 1 Joint Operations Award, 1 Life Saving Award, 1 Other Award, 2 Police Officer of the Month Awards, 1 Presidential Election Deployment Award, 1 Problem Solving Award, 1 Traffic Stop of the Month Award, 2 Unit Meritorious Performance Awards

- ii. **Disciplinary History:**³⁵ None

b. Recommended Penalty

These allegations are serious in nature and resulted in visible injury to the complainant. Overall, Sgt. Jackson was forthcoming and admitted his role in the incident, though he notably minimized some of his conduct. Sgt. Jackson also voluntarily sought treatment for alcohol abuse.

³⁴ Att. 44

³⁵ Att. 45

Therefore, COPA finds the above recommendations of 60 day suspension and treatment are appropriate.

Approved:



1/28/21

Andrea Kersten
Chief of Investigative Operations

Date

Assigned Investigative Staff

Squad#:	9
Investigator:	Chantelle Hill
Supervising Investigator:	Sharday Jackson
Chief of Investigative Operations:	Andrea Kersten