

SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

I. EXECUTIVE SUMMARY

Date of Incident:	April 10, 2017
Time of Incident:	1:20 a.m.
Location of Incident:	██
Date of COPA Notification:	April 10, 2017
Time of COPA Notification:	2:14 a.m.

On April 10, 2017, Officer ██████████ was involved in a physical altercation with his brother in law, ██████████ which resulted in Mr. ██████████ sustaining a stab wound to his left bicep that caused nerve damage and required surgical repair. Mr. ██████████ stated that it is was accidental and declined to provide an account of the incident. Officer ██████████ told varying accounts of the incident when police responded. While Officer ██████████ denied stabbing Mr. ██████████ there is no question that he was stabbed during the altercation that Officer ██████████ engaged in with Mr. ██████████ and that Officer ██████████ was holding the knife. Officer ██████████ was intoxicated and engaged in behavior unbecoming an officer when he yelled and acted in a belligerent manner on the street and declined to immediately follow Sergeant ██████████ orders. COPA finds the allegations are Sustained.

II. INVOLVED PARTIES

Involved Officer #1:	██████████ Star # ██████████ Employee # ██████████, DOA: ██████████, 2006; Officer, Unit ██████████ DOB: ██████████, 1978, Male, Hispanic.
Involved Officer #2:	██████████ (retired), Star # ██████████ Employee # ██████████, DOA: ██████████, 2014, Sergeant, Unit ██████████ DOB: ██████████, 1962, Male, White.
Involved Officer #3:	██████████ Star # ██████████ Employee # ██████████, DOA: ██████████, 2002, Sergeant, Unit ██████████ DOB: ██████████, 1965, Female, White.
Involved Officer #4:	██████████ Star # ██████████ Employee # ██████████, DOA: ██████████, 2000, Officer, Unit ██████████ DOB: ██████████, 1963, Male, White.

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

Involved Officer #5: [REDACTED] Star # [REDACTED] Employee # [REDACTED]; DOA: [REDACTED], 1996, Officer, Unit [REDACTED] DOB: [REDACTED], 1961, Male, White.

Involved Officer #6: [REDACTED] Star # [REDACTED], Employee # [REDACTED], DOA: [REDACTED], 2012, Officer, Unit [REDACTED] DOB: [REDACTED], 1974, Female, Black.

Involved Officer #7: [REDACTED] Star # [REDACTED], Employee # [REDACTED], DOA: [REDACTED] 1998; Officer, Unit [REDACTED] DOB: [REDACTED], 1970, Male, White.

Involved Officer #8: [REDACTED] Star # [REDACTED], Employee # [REDACTED], DOA: [REDACTED] 2015, Officer, Unit [REDACTED] DOB: [REDACTED] 1989, Male, White.

Involved Officer #9: [REDACTED] Star # [REDACTED] Employee # [REDACTED], DOA: [REDACTED], 1989, Officer, Unit [REDACTED] DOB: [REDACTED], 1958, Male, White.

Involved Officer #10: [REDACTED] Star # [REDACTED] Employee # [REDACTED], DOA: [REDACTED], 2001, Sergeant, Unit [REDACTED] DOB: [REDACTED], 1957, Male, White.

Involved Officer #11: [REDACTED] Star # [REDACTED] Employee # [REDACTED], DOA: [REDACTED], 2013, Officer, Unit [REDACTED] DOB: [REDACTED], 1977, Male, White.

Involved Officer #12: [REDACTED] Star # [REDACTED] Employee # [REDACTED], DOA: [REDACTED], 2005, Officer, Unit [REDACTED] DOB: [REDACTED], 1977, Male, White.

Involved Individual #1: [REDACTED] DOB: Male, White.

Involved Individual #2: [REDACTED] DOB, Female, White.

Involved Individual #3: [REDACTED] DOB, Male, White.

Involved Individual #4: [REDACTED] DOB, Female, White.

Involved Individual #5: [REDACTED] DOB, Male, White.

**III. ALLEGATIONS**

Officer	Allegation	Finding / Recommendations
Officer [REDACTED]	1. It is alleged that on April 10, 2017, at approximately 0125 hours, at the residence located at [REDACTED] Drive, Chicago, Illinois, the accused was intoxicated, in violation of Rule 15.	Sustained / 10-day Suspension
	2. It is alleged that on April 10, 2017, at approximately 0125 hours, at the residence, located at [REDACTED] Drive, Chicago, Illinois, the accused caused an injury [REDACTED] with a knife during a physical altercation in violation of Rules 2, 8, and 9.	Sustained / 60-day Suspension
	3. It is alleged that on April 10, 2017, at approximately 0125 hours, at the residence, located at [REDACTED] Drive, Chicago, Illinois, the accused was involved in a physical altercation with [REDACTED] in violation of Rules 2, 8, and 9.	Sustained / 60-day Suspension
	4. It is alleged that on April 10, 2017, at approximately 0130 hours, at the residence, located at [REDACTED] Drive, Chicago, Illinois, the accused engaged in conduct unbecoming a member of the Chicago Police Department in violation of Rule 2.	Sustained / 60-day Suspension

**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 8: Disrespect or maltreatment of any person, while on or off duty.
3. Rule 9: Engaging in any verbal or physical altercation with any person, while on or off duty.
4. Rule 15: Intoxication on or off duty.

## V. INVESTIGATION

### a. Interviews

In a telephone call on April 19, 2017, victim ██████████<sup>2</sup> refused to cooperate with the investigation, stating that the incident was a “family matter” and declined to answer any questions regarding his injuries, prognosis, or the alcohol consumption of Officer ██████████<sup>3</sup> On January 25, 2018, Mr. ██████████ again spoke with COPA via telephone,<sup>4</sup> stating that his attorney, ██████████ advised him not to speak with COPA, citing the pending civil settlement for his medical bills stemming from the April 10, 2017, incident. Mr. ██████████ stated that he still had weakness and tingling in his hand as a result of the incident.<sup>5</sup>

In a telephone call on April 14, 2017, ██████████ stated that he resides in the basement of ██████████ with his girlfriend, ██████████ Mr. ██████████ stated that he has known ██████████ and her brother, ██████████ for over ten years, and lived in the basement of ██████████ and Officer ██████████ home for over a year. Mr. ██████████ stated that he did not witness what occurred between Officer ██████████ and Mr. ██████████ Mr. ██████████ stated that he was in the shower at approximately 1:00 a.m., while Mr. ██████████ was sleeping. Mr. ██████████ was unsure as to how he learned of the incident, but he got dressed and went outside. Mr. ██████████ was on the side of the house and observed Mr. ██████████ bleeding from his arm. Ms. ██████████ and Ms. ██████████ called 911. Further attempts to obtain the interview of Mr. ██████████ were met with negative results.<sup>7</sup>

COPA was unable to obtain statements from ██████████ or ██████████<sup>8</sup>

In a statement to COPA, ██████████ stated he has known Officer ██████████ since Mr. ██████████ was approximately twenty years old and was the best man at Officer ██████████ wedding. The two met when Officer ██████████ worked the beat where Mr. ██████████ family business was located. Mr. ██████████ stated he also knows Mr. ██████████ through Officer ██████████ but is not close with him. Mr. ██████████ described the relationship between Officer ██████████ and Mr. ██████████ as brotherly, stating the two often playfully wrestled with each other.

Mr. ██████████ stated he was not present during this incident but was at Officer ██████████ house earlier in the day and left before 3:00 p.m. Mr. ██████████ stated he did not see Officer ██████████ drink any alcohol that day. After 10:00 p.m., Mr. ██████████ received a call from Mr. ██████████

<sup>2</sup> Att. 34. On October 30, 2017, COPA obtained an Affidavit Override to investigate Officer ██████████ See Att. 55 – 58.

<sup>3</sup> Id.

<sup>4</sup> Att. 93.

<sup>5</sup> On February 9, 2018, Attorney ██████████ stated telephonically that she would contact COPA once the lawsuit was filed and the matter settled. As of the writing of this report, Attorney ██████████ has not contacted COPA.

<sup>6</sup> Att. 9.

<sup>7</sup> Att. 25.

<sup>8</sup> Att. 24, 26, 28, 122.

<sup>9</sup> Att. 104.

██████████ wife who told him she was trying to get an ambulance for Mr. ██████████ and that Officer ██████████ needed help. Mr. ██████████ proceeded to the residence. Upon his arrival, he observed Officer ██████████ in the kitchen using his shirt as a tourniquet to stop the bleeding to Mr. ██████████. Mr. ██████████ described seeing blood spatter inside the home and possibly glass on the floor in the kitchen. Officer ██████████ appeared upset and distraught. Mr. ██████████ denied that Officer ██████████ or Mr. ██████████ appeared as though they were drinking.

Mr. ██████████ related that eventually the police arrived and Officer ██████████ was handcuffed behind his back and walked out of the house by the police. He further stated that he did not observe Officer ██████████ acting in a manner that he should be handcuffed. Mr. ██████████ stated Officer ██████████ complained multiple times about being handcuffed behind his back due to his recent rotator cuff surgery and eventually brought the handcuffs down and stepped over them to bring them to the front of his body. Mr. ██████████ described Officer ██████████ as compliant. After the incident, Mr. ██████████ heard discussion that Mr. ██████████ may have been stabbed as they were wrestling but was not certain that this is what occurred. Officer ██████████ told him that they were “horsing around.”<sup>10</sup>

COPA was unable to obtain a statement from **Sergeant ██████████ ██████████** prior to his retirement from the Chicago Police Department on January 1, 2018.

In a statement to COPA on November 27, 2017, **Sergeant ██████████ ██████████**<sup>12</sup> stated that on the date of the incident she arrived at the address of occurrence in response to a stabbing but was not the lead supervisor on scene. Upon her arrival, an ambulance and several police officers, including Sergeant ██████████ were already present. Sergeant ██████████ stated she observed an individual with blood all over him. Sergeant ██████████ stated she stood near Sergeant ██████████ as he attempted to obtain a statement from Officer ██████████. Officer ██████████ appeared agitated, distraught, and restless. Sergeant ██████████ stated she was approximately three to five feet from Officer ██████████ and heard him tell Sergeant ██████████ that he did not know what happened. Officer ██████████ then stated he was in a wrestling match with his cousin but was unsure how his cousin was stabbed. Sergeant ██████████ did not hear Officer ██████████ state that they had been drinking, and she related that she was initially unsure if he was drinking or was agitated because of what occurred. Sergeant ██████████ added that she did not recall how she eventually learned that he was possibly intoxicated. She further described Officer ██████████ as generally uncooperative, stating he did not know what occurred and refusing to give an account of what happened to Sergeant ██████████. Sergeant ██████████ stated she was on scene for approximately thirty to forty-five minutes.

Sergeant ██████████ further related that she went to the hospital when Officer ██████████ requested to go to the hospital. She recalled Officer ██████████ refusing to blow into the breathalyzer while at the hospital. Sergeant ██████████ described his demeanor at the hospital as confrontational upon being ordered to do the breathalyzer, in that he raised his voice and was noncooperative. Officer ██████████ then suddenly became mild mannered and cooperative, cycling between moods.

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<sup>10</sup> Id. at 20:15

<sup>11</sup> Att. 53 & 90.

<sup>12</sup> Att. 62.

In a statement on January 28, 2018, **Sergeant [REDACTED]**<sup>13</sup> related that he was assigned to the Bureau of Internal Affairs for approximately four and a half years. Sergeant [REDACTED] related that he was notified from CPIC (Crime Prevention and Information Center, the operations command center of the Chicago Police Department) that there was an allegation of off-duty intoxication in the [REDACTED] District. Sergeant [REDACTED] arrived at the [REDACTED] District at approximately 04:00 a.m. on April 10, 2017, where he was notified that the accused, Officer [REDACTED] was rerouted to [REDACTED] Hospital. Upon Sergeant [REDACTED] arrival at [REDACTED] Hospital, Officer [REDACTED] requested to use the restroom, which he was permitted to do. Sergeant [REDACTED] began the mandated twenty-minute observation at 5:00 a.m., prior to administering a breathalyzer. During the observation period, Sergeant [REDACTED] observed no obvious physical signs of impairment and described Officer [REDACTED] as cooperative. Sergeant [REDACTED] stated that Officer [REDACTED] had a cut on his foot and was limping.

Sergeant [REDACTED] recalled that Officer [REDACTED] stated he was very familiar with the Breathalyzer machine since he had worked several DUI (Driving Under the Influence) cases as a police officer. Sergeant [REDACTED] stated that he was unable to get a valid breath sample over three attempts. During the first attempt, Officer [REDACTED] gave an insufficient breath sample. During the second attempt, the machine alerted a “suck back,”<sup>14</sup> meaning he inhaled instead of exhaling into the machine. On the third attempt, the machine registered an insufficient flow due to Officer [REDACTED] lips not making full contact around the tube. Sergeant [REDACTED] added that Officer [REDACTED] complained of chest pain from recent surgery and stated he was having trouble fully exhaling. Sergeant [REDACTED] stated that he could not determine if it was a bonafide insufficient breath or if Officer [REDACTED] tried to influence the meter.

Sergeant [REDACTED] next requested a urine sample, but Officer [REDACTED] was unable to produce a urine sample at that time, having just used the restroom. Officer [REDACTED] medical treatment continued while Sergeant [REDACTED] returned to the [REDACTED] District Station. Officer [REDACTED] was finally able to produce a urine sample at approximately 8:20 a.m. Sergeant [REDACTED] stated that the urine sample was split into two separate samples. One sample was sent for testing but was not tested for alcohol due to human error in the request.<sup>15</sup> The second sample reserved by CPD for a second test was ultimately destroyed by CPD prior to the discovery that the wrong request was made to the testing lab.

In a statement on December 1, 2017, **Officer [REDACTED]** stated that he was assigned to Beat [REDACTED] with Officer [REDACTED] on April 10, 2017. Other police officers were on the scene when they arrived, and Officer [REDACTED] was handcuffed outside and “belligerent.”<sup>17</sup> Officer [REDACTED] stated Officer [REDACTED] yelled at everybody and appeared intoxicated, describing him as “talking erratically” and adding that he was “nonsensical.” While Officer [REDACTED] did not recall smelling alcohol on Officer [REDACTED] person, he stated that based on his experience as a police officer, he believed that Officer [REDACTED] exhibited

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<sup>13</sup> Att. 89 & 97.

<sup>14</sup> Att. 97 at 11.

<sup>15</sup> The Lab request was not filled out properly, thereby resulting in the urine being tested for everything but alcohol. COPA declined to serve allegations for this error.

<sup>16</sup> Att. 71 & 95.

<sup>17</sup> Att. 95 at 8.

belligerent behavior typical of intoxicated people. Officer ██████ stated that Officer ██████ was standing outside the residence, bloody, handcuffed and “spouting obscenities.”<sup>18</sup> Officer ██████ could not recall the exact obscenities but stated they were directed toward Sergeant ██████

While on scene, Officer ██████ checked the identification of ██████ and spoke with her prior to entering the residence through the back door into the kitchen. Officer ██████ observed blood in the kitchen and knives in the sink, as well as dog running from the yard into the house, and broken glass from the window pane of the rear door. Officer ██████ estimated that he on scene for approximately thirty minutes before being directed to ██████ Hospital, leaving Officer ██████ on scene. Once at the hospital, Officer ██████ interviewed Mr. ██████ who told him that they were playing around and that it was an accident. Mr. ██████ related that he did not want to answer questions because he did not want to get Officer ██████ in trouble.

When asked if Mr. ██████ appeared intoxicated, Officer ██████ stated that he appeared calm and did not recall smelling alcohol on him. After a brief conversation with Mr. ██████ Officer ██████ returned to the ██████ District Station to complete the case report. Officer ██████ related that he was not on scene to observe Officer ██████ outside his residence and was not present for any of the incidents documented in the To-From Report written by Officer ██████<sup>19</sup> However, Officer ██████ recalled hearing over the radio that Officer ██████ gave Officer ██████ a hard time and that Officer ██████ took him to the hospital. Officer ██████ confirmed that he wrote the case report, which he described as a collaboration of information between officers. Officer ██████ did not recall speaking directly with Officer ██████ but based on the case report, believed it was possible he was given the statements of Officer ██████ that were documented in the case report.

COPA was unable to obtain a statement from **Officer ██████** prior to his retirement from the Chicago Police Department on November 5, 2017.

In a statement on December 29, 2017, **Officer ██████** stated that she was assigned to Beat ██████ with her regular partner, Officer ██████ on April 10, 2017. Officer ██████ stated that they were the second unit to arrive at a chaotic scene at ██████ Drive. Officer ██████ observed a shirtless Officer ██████ “yelling” at Sergeant ██████ who attempted to calm him down and get him to stop yelling.<sup>22</sup> Officer ██████ recalled Officer ██████ loudly saying that it was not his fault and they were playing around. Officer ██████ demanded to check on Mr. ██████ Officer ██████ stated that she was in the area checking with witnesses as Sergeant ██████ spoke outside with Officer ██████ She recalled Officer ██████ stated he was injured. Officer ██████ described Officer ██████ as “confrontational” with Sergeant ██████ prompting her and Officer ██████ to get close to Sergeant ██████ and Officer ██████ out of concern that Officer ██████ would escalate

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<sup>18</sup> Att. 95 at 23.

<sup>19</sup> Att. 6.

<sup>20</sup> Att. 70.

<sup>21</sup> Att. 86 & 96.

<sup>22</sup> Att. 96 at 7.

the situation.<sup>23</sup> Officer ██████ recalled that Officer ██████ “cursed” at Sergeants ██████ and ██████ but could not recall the exact language used.<sup>24</sup> Officer ██████ learned that Officer ██████ was a police officer when he said that he should be treated with more respect because he was one of them, a police officer. Officer ██████ recalled that someone told Officer ██████ that he should act better since he was the police but did not know who said that.

Officer ██████ appeared intoxicated to Officer ██████ due to his behavior and the “strong odor of alcoholic beverage on his breath and person.”<sup>25</sup> Officer ██████ observed blood on Officer ██████ who was not calming down despite direction from Sergeant ██████ to do so. Officer ██████ was directed to secure the scene and went to get tape as Officers ██████ and ██████ arrived on scene. Officer ██████ remained with Sergeant ██████ and Officer ██████ who went inside the residence. Officer ██████ did not enter the residence but could see blood by the side door, stairs, and the kitchen. She saw knives in the kitchen and broken glass in the hallway leading to the kitchen.

Officer ██████ never observed Mr. ██████ because he was transported to the hospital prior to her arrival. Officer ██████ was placed inside the rear of Beat ██████ where he continued to yell and scream, which Officer ██████ stated could be heard down the street and through the quiet neighborhood. Officer ██████ stated that Officer ██████ never calmed down and remained agitated. When asked what he was yelling about, Officer ██████ recalled that Officer ██████ yelled for his shoes and that his shoes were provided to him. Officer ██████ stated that Officer ██████ complained of injury, specifically pain to his legs and feet. Officer ██████ attempted to interview the witnesses in the house but stated that they did not cooperate with her. Officer ██████ later observed them being interviewed and related that they were not very forthcoming or helpful in their answers, providing one-word answers and stating that they did not know what happened. Officer ██████ also stated that Tactical Officers from the ██████ District came to the scene to check on Officer ██████ after his wife called them, but immediately left when directed to do so by the sergeants.

In a statement on March 2, 2018, Officer ██████ confirmed that he was assigned to Beat ██████ with Officer ██████ on April 10, 2017. Officer ██████ stated that there were numerous officers on scene when they arrived. Sergeant ██████ directed them to canvass the neighbors, which they did as people exited their homes to see what was going on. While they spoke to many people, they did not encounter any witnesses to the incident. Mr. ██████ was taken to the hospital in an ambulance prior to Officer ██████ arrival, and he never observed him. After the canvass, Officer ██████ reported back to Sergeant ██████ who was inside the residence at the top of the stairs, speaking with Officer ██████. Officer ██████ remained outside the residence. Officer ██████ observed that the window on the side door was broken and bloody and there was a lot of blood both inside and outside the house. Officer ██████ observed two knives with blood on them in the kitchen sink but no open containers of alcohol.

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<sup>23</sup> Att. 96 at 8.

<sup>24</sup> Att. 96 at 16.

<sup>25</sup> Att. 96 at 8.

<sup>26</sup> Att. 102 and 122.



Officer ██████ appeared intoxicated to Officer ██████ who was approximately four to five feet away from Officer ██████. Officer ██████ stated that Officer ██████ exhibited mood changes and slurred speech, and he could smell “the distinct odor of alcoholic beverage from him as he spoke.”<sup>27</sup> Officer ██████ related that Officer ██████ told Sergeant ██████ that he was at a family gathering earlier in the day, where they consumed alcoholic beverages. However, Officer ██████ did not hear any details about the type or quantity of alcoholic beverages consumed or what time of day that the gathering occurred. Officer ██████ did not hear Officer ██████ state that he had stabbed Mr. ██████ nor what occurred between them.

Sergeant ██████ handcuffed Officer ██████ after Officer ██████ stated he would not go outside the residence unless he was handcuffed. Officer ██████ recalled that Officer ██████ stated that he was IOD (injured on-duty) and was on the medical roll for months. Officer ██████ exited the residence with Sergeant ██████ and Officer ██████ who was cooperative for a few minutes and then became “confrontational” before returning to cooperation and then repeating the behavior again.<sup>28</sup> Officer ██████ was surprised that Officer ██████ was argumentative with a sergeant. Officer ██████ repeatedly stated that he wanted officers from the ██████ District to come to the scene even though the incident was in the ██████ District. Officer ██████ described Officer ██████ as “extremely difficult.”<sup>29</sup> Officer ██████ and Officer ██████ were directed to remain on scene and await the Evidence Technicians as Officer ██████ was taken away in a squad car.

In a statement on December 20, 2017, witness **Officer ██████** stated that on April 10, 2017 he worked Beat ██████ with Officer ██████. There were already a lot of police officers on scene when they arrived at ██████ Drive. Officer ██████ stated that he thought the on-scene sergeant was inside the residence with two other police officers while a belligerent man, now known as Officer ██████ was handcuffed. Officer ██████ stated that he and Officer ██████ were on the west side of the street, approximately thirty feet away from the residence and had no participation on the scene. Officers ██████ and ██████ were then directed to accompany an ambulance with the stabbing victim, now known as Mr. ██████ to ██████ Hospital, where they waited in case Mr. ██████ became named as an offender. Officer ██████ stated that he had no contact with Mr. ██████ or Officer ██████ adding that he never entered the residence, nor was present when anyone was interviewed. Officer ██████ further stated that he was never close enough to Officer ██████ to smell his breath or hear his conversation.

In a statement on December 29, 2017, witness **Officer ██████** stated that he did not recall exiting the squad car at ██████ Drive after seeing Sergeant ██████ there. Officer ██████ had no recollection of any activity or participating in anyway.

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<sup>27</sup> Att. 122 at 7.

<sup>28</sup> Att. 122 at 16.

<sup>29</sup> Att. 122 at 14.

<sup>30</sup> Att. 78 & 120

<sup>31</sup> Att. 87 & 121.

In a statement on December 21, 2017, **Officer** [REDACTED] stated that he was a probationary police officer assigned to Beat [REDACTED]R on April 10, 2017. Officer [REDACTED] stated that he was working alone. There were numerous police officers when Officer [REDACTED] arrived on scene, and he was within fifteen to twenty feet of Officer [REDACTED] who was shirtless and shoeless. Officer [REDACTED] described Officer [REDACTED] as upset and “speaking loudly.”<sup>33</sup> Officer [REDACTED] heard Officer [REDACTED] state that he had been drinking but did not recall with whom Officer [REDACTED] was speaking. Officer [REDACTED] heard no direct account of the incident from any involved parties. Officer [REDACTED] helped other officers secure the scene by standing with them. Officer [REDACTED] did not interact with Officer [REDACTED]. Officer [REDACTED] was directed to drive Officer [REDACTED] to [REDACTED] Hospital.

In a statement to COPA on March 15, 2018, **Officer** [REDACTED] [REDACTED] stated he was partners with Officer [REDACTED] for approximately five months. Officer [REDACTED] stated he was off duty on the date of the incident but received a call from Officer [REDACTED]. Officer [REDACTED] told him that Officer [REDACTED] was in the back of a squad car and asked Officer [REDACTED] to pick him up from his home and drive him to the scene, which Officer [REDACTED] did. Upon his arrival, Officer [REDACTED] did not see Officer [REDACTED]. Officer [REDACTED] approached a sergeant on scene, but the sergeant told them to leave and did not speak to them. Officer [REDACTED] saw Officer [REDACTED] wife and spoke with her, but she did not tell him what happened. Officer [REDACTED] wife did say that there was a lot of blood in the kitchen. Officer [REDACTED] stated he has met Mr. [REDACTED] on one prior occasion but has not socialized with him. Officer [REDACTED] stated he stayed on the scene for a few minutes and then went home, never seeing or hearing Officer [REDACTED]. Officer [REDACTED] stated he never received an account of the incident from Officer [REDACTED].

In a statement to COPA on June 8, 2018, **Officer** [REDACTED] stated he is a friend of Officer [REDACTED]. On the date of the incident, Officer [REDACTED] received a phone call from a mutual friend of his and Officer [REDACTED] named Jim, who informed him that Officer [REDACTED] was in trouble. Officer [REDACTED] called Officer [REDACTED] and proceeded to the scene with him. Upon his arrival, a sergeant told him and Officer [REDACTED] to leave the scene. Officer [REDACTED] stated he did not see Officer [REDACTED] or Mr. [REDACTED] on scene. Officer [REDACTED] stated he has met Mr. [REDACTED] previously but is not friends with him. Officer [REDACTED] stated that while he has checked on Officer [REDACTED] and spoken to him since this incident, he has not received an account of the incident and has not inquired about the incident.

In a statement on March 1, 2018, **Accused Officer** [REDACTED] stated that he was injured on-duty on October 10, 2016, when he was stuck by a vehicle while in an unmarked squad car, sustaining a torn rotator cuff and a tear to his right shoulder. Officer [REDACTED] underwent surgery to repair the injury in February 2017 and was still recovering on April 10, 2017, in that he could not fully lift his right arm and continued to wear a sling. Officer [REDACTED] related that he resided at the address of occurrence with his pregnant wife, [REDACTED]. Officer [REDACTED]

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<sup>32</sup> Att. 85 & 123.

<sup>33</sup> Att. 123 at 16.

<sup>34</sup> Att. 110

<sup>35</sup> Att. 119

<sup>36</sup> Att. 101 & 115.

stated that there were tenants, [REDACTED] and [REDACTED] residing in the separate basement apartment. Officer [REDACTED] described the basement tenants as friends of Ms. [REDACTED] with whom he did not socialize. Officer [REDACTED] stated that there was a family gathering at the home of his in-laws, the [REDACTED] on April 9, 2017, after which his brothers-in-law, [REDACTED] and [REDACTED] and Mr. [REDACTED] and Mr. [REDACTED] brother came to his residence.

Officer [REDACTED] stated that [REDACTED] and Mr. [REDACTED] went home and Mr. [REDACTED] brother went to sleep. Officer [REDACTED] stated that he and [REDACTED] were drinking hard liquor. Officer [REDACTED] stated that he had one mixed drink at the family gathering earlier that day and another mixed drink made with hard liquor after returning home from the family gathering. [REDACTED] was also drinking hard liquor but Officer [REDACTED] did not know how much. Officer [REDACTED] stated that Mr. [REDACTED] was intoxicated. His wife, [REDACTED] was in the living room during the incident. Officer [REDACTED] stated he and Mr. [REDACTED] started playing around and wrestling, which was something they typically did. Officer [REDACTED] called it “rough housing,” describing it as, “It’s me pushing [REDACTED] pushing me. We’re pushing each other onto the ground. That’s how I ended up on the ground.”<sup>37</sup> Officer [REDACTED] was underneath Mr. [REDACTED] when he realized that Mr. [REDACTED] was bleeding from his arm.

Officer [REDACTED] denied being intoxicated. Officer [REDACTED] denied providing any of the accounts attribute to him, stating that Sergeant [REDACTED] and other officers put words in his mouth and formed a narrative when he repeatedly and truthfully stated that he did not know how Mr. [REDACTED] was stabbed. Officer [REDACTED] stated that he did not cause an Mr. [REDACTED] to be injured with a knife during a physical altercation and was not involved in a physical altercation with Mr. [REDACTED] explaining that it was mutual play that somehow resulted in a stab injury. Upon further inquiry, Officer [REDACTED] reasoned that Mr. [REDACTED] was accidentally cut by a knife that fell from his counter. When asked about the broken glass on the back door, Officer [REDACTED] stated that Mr. [REDACTED] was in a hurry to get outside and broke the glass to open the door and get out, after failing to properly open the door. Officer [REDACTED] denied being combative or uncooperative, stating that he was upset and concerned for his pregnant wife and injured brother-in-law. Officer [REDACTED] added that he felt poorly treated considering he was injured and did not do anything wrong. Officer [REDACTED] confirmed that he stated he knew why people hate the police, stating he would not treat a citizen the way the police were treating him.

Officer [REDACTED] stated that Mr. [REDACTED] asked him if he could sue Officer [REDACTED] insurance company in order to pay for his medical bills, which Officer [REDACTED] agreed to. Officer [REDACTED] stated that they are no longer as close as they were, because Mr. [REDACTED] believed he caused the police report to be written in a manner that listed Mr. [REDACTED] as the offender, which Officer [REDACTED] denied.

#### **b. Digital Evidence**

The 911 Call recordings<sup>38</sup> documented that the first call<sup>39</sup> came in at 1:14:31 a.m. from Ms. [REDACTED] requesting an ambulance to [REDACTED] Drive. The second

<sup>37</sup> Att. 115, Pgs. 14 – 15, Lns. 24 – 2.

<sup>38</sup> Att. 29 – 33.

<sup>39</sup> Att. 29.

911 call<sup>40</sup> at 1:14:35 a.m. was made by a [REDACTED] who requested an ambulance to [REDACTED] Drive because her brother was bleeding. She was upset and crying, stating there was he was bleeding bad. Ms. [REDACTED] can be heard stating, "Oh my God! What the fuck did you do?" She stated that she came out of her room and there was blood everywhere. The call taker requested to speak to Mr. [REDACTED] but she would not put him on the phone. Ms. [REDACTED] stated that he was bleeding from his an artery in his arm and that she did not know why it was so hard for an ambulance to be dispatched. Ms. [REDACTED] terminated the call without answering how Mr. [REDACTED] became injured.

Another call came in at 1:14:44 a.m.<sup>41</sup> from Ms. [REDACTED], who requested an ambulance to [REDACTED] Drive because her landlord was involved in a fight and she thought the two men stabbed each other. She was upset and crying, stating that she did not know what happened but that there was blood everywhere and they were outside and no longer fighting. A female can be heard screaming and cursing unintelligibly in the background. The call taker directed the caller to get away from the bleeding men and to get to a safe place. Ms. [REDACTED] stated, "they're coming [REDACTED]" prior to the call being terminated.

A 911 Call at 01:18:22 a.m.<sup>42</sup> was redacted from an address on Oleander, and the caller preferred to stay anonymous. The caller stated that there was something going on at the house on the corner of [REDACTED] and Oleander, adding that she heard someone say something about pulling the trigger. The call taker informed her that there had already been a call and that the police were on the way before terminating the call.

The **Evidence Technician Photographs**<sup>43</sup> of the [REDACTED] Drive were taken on April 10, 2017. The photographs depict a knife with a bloody blade on the floor by the stove. There are blood smears on the floor, including pools of blood and bloody footprints leading to the back door and hallway, where more blood and bloody footprints are depicted. There is a broken pane of glass on the interior back door, with broken glass on the stairs. There are also bloody footprints and a large pool of blood on the cement outside the exterior side door adjacent to the stairwell and interior kitchen door.

The **In-Car Camera Video**<sup>44</sup> from Beat [REDACTED] Sergeant [REDACTED] vehicle, captured the audio of his response to the scene. The in-car camera was directed to toward the street did not visually capture anything relevant. Upon arrival, [REDACTED] is heard crying and asking about the ambulance. Sergeant [REDACTED] asked what happened and who saw the incident. Ms. [REDACTED], Ms. [REDACTED] and Mr. [REDACTED] are heard in the background and deny seeing what happened. Another woman, identified as Ms. [REDACTED] mother, stated that she saw nothing and just go t there because her daughter called.

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<sup>40</sup> Att. 31 and 32.

<sup>41</sup> Att. 30.

<sup>42</sup> Att. 33.

<sup>43</sup> Att. 46.

<sup>44</sup> Att. 91 & 126.

Outside the residence, Officer ██████ is heard stating, “We had an altercation.”<sup>45</sup> Officer ██████ sounds as if his speech is slurred and is thick-tongued. Officer ██████ stated that he and ██████ were drinking. Mr. ██████ is also heard stating that he was stabbed in the left bicep. Officer ██████ is very loud, referring to Mr. ██████ as his little brother repeatedly and sounding distraught as he repeats that they need an ambulance. Officer ██████ denied stabbing Mr. ██████ and stated that he did not know how it happened, adding that it was a “misunderstanding.”<sup>46</sup> Officer ██████ called out, “did I stab you?” Mr. ██████ cannot be heard giving a response. Officer ██████ stated that he is IOD and just had surgery, adding that he could barely move his right arm. Sergeant ██████ repeatedly told Officer ██████ to sit down, to stop yelling, and to calm down. Officer ██████ repeatedly interrupts Sergeant ██████ who finally tells Officer ██████ to “shut up.” Officer ██████ does eventually quiet down and comply during this recording. Another unknown officer arrived and is heard telling Officer ██████ to put the dog in the garage. Paramedics arrive and are heard treating Mr. ██████ and moving him to the ambulance. Officer ██████ requested another ambulance to check on Officer ██████ due to his shoulder injuries.

Sergeant ██████ asked Officer ██████ to go outside and is told to listen before he is handcuffed. Officer ██████ said something about his own house and then told Sergeant ██████ to handcuff him. Sergeant ██████ said they would handcuff him until they were able to determine what happened. Officer ██████ stated he did not know where the knife was.<sup>47</sup>

### c. Physical Evidence

The **Ambulance Report** and **Chicago Fire Department Incident Reports**<sup>48</sup> document that Ambulance █ transported ██████ who was stabbed in the left bicep, to █ Hospital on April 10, 2017. It was noted that Mr. ██████ was found sitting on the ground, stabbed in the left bicep. It was note that Mr. ██████ told the paramedics that he was in an argument with a family member who stabbed him once on the left bicep, where bleeding slowed after direct pressure was applied.<sup>49</sup>

██████████ **Medical Records**<sup>50</sup> from ██████ Medicine document that he was admitted to the Emergency Room via ambulance on April 10, 2017, with a stab wound to the left bicep following an altercation with a family member. It was noted that there was substantial blood loss and the bleeding was hard to control. Surgery was decided after Mr. ██████ was diagnosed with nerve injury, venous injury, arterial injury, soft tissue/muscle injury, and weakness on extension of the left wrist and fingers. Mr. ██████ declined to provide details about how he sustained his injury but told staff that he thought the knife was clean. Mr. ██████ underwent surgery for debridement of the wound, further exploration and possible repair of the radial nerve. Mr. ██████ radial nerve, motor branch of triceps, and posterior brachial cutaneous nerve branch were surgically repaired. Mr. ██████ was discharged on April 11, 2017.

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<sup>45</sup> Att. 91 at 1:55 minutes.

<sup>46</sup> Att, 91 at 2:03 minutes.

<sup>47</sup> The in-car camera recording for Beat ██████ Po ██████ depicts his drive to ██████ Drive and was then terminated because the vehicle was turned off. See Attachment 128.

<sup>48</sup> Att. 16 – 19.

<sup>49</sup> Att. 16

<sup>50</sup> Att. 49.

**Officer [REDACTED] Medical Records**<sup>51</sup> from [REDACTED] Hospital document that he was admitted to the Emergency Room on April 10, 2017, complaining of bilateral shoulder pain following a domestic dispute in which he argued with his wife and brother in law. It was documented that Officer [REDACTED] stated that a neighbor called police, who handcuffed him with his arms twisted behind his back, causing pain. It was noted that Officer [REDACTED] had surgery in his right shoulder approximately six weeks earlier. Officer [REDACTED] told staff that he could not move his right arm since he was handcuffed and complained of left shoulder pain and a foot laceration saying, "I stepped on something sharp during the argument."<sup>52</sup> It was further noted that Officer [REDACTED] put his pain as a 9 out of 10 on the pain scale, along with a small, nonbleeding cut on outer part of his left foot. It was noted that Officer [REDACTED] was currently prescribed Hydrocodone for his shoulder pain and was further prescribed Motrin. Officer [REDACTED] was discharged at 7:03 a.m. on April 10, 2017, with directions to follow up for shoulder pain and with a foot laceration.

**The Administrative Alcohol/Drug Influence Report** was completed by Sergeant [REDACTED], who checked that there was a slight odor of alcoholic beverage on Officer [REDACTED] breath at 5:00 a.m. on April 10, 2017. The report documents that Officer [REDACTED] exhibited thick-tongued speech and bloodshot eyes. It was documented that Officer [REDACTED] was cooperative, and his pupil size was normal. It was noted that he complained of right shoulder pain from a previous surgery as well as a cut on his foot. Officer [REDACTED] refused the Horizontal gaze Nystagmus Test and was listed as injured for the One Leg Stand Test, Walk and Turn Test, and Finger to Nose Test.

It was noted that Administrative Rights were given and that Officer [REDACTED] requested that the FOP (Fraternal Order of Police) be called. Officer [REDACTED] stated that he had shoulder pain from surgery and was not on medication. It was also noted that he had a cut on his foot. Officer [REDACTED] stated that he took medication the day before but did not remember when. He denied using drugs but then stated he did not recall what kind of drugs he was using. It was documented that Officer [REDACTED] did not know when he had last eaten or what he had eaten. It was also documented that Officer [REDACTED] had one drink at his home but did not know when he had that drink or when he had stopped drinking.<sup>53</sup>

The **Laboratory Report**<sup>54</sup> dated April 11, 2017 listed a negative result for all Substance Abuse of listed narcotics and illegal drugs in the provided urine sample. However, the report did not list alcohol and the urine sample was not tested for alcohol. An **email**<sup>55</sup> dated June 16, 2017, documented that Sergeant [REDACTED] told IPRA that he erroneously used the wrong code to have the urine sample tested. Additionally, the second urine sample, the B sample, was destroyed by CPD, as is routine, on April 12, 2017, because the A sample came back negative from Quest Diagnostics.

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<sup>51</sup> Att. 111.

<sup>52</sup> Att. 111 at 3.

<sup>53</sup> It was also documented that Officer [REDACTED] was ordered by Lieutenant [REDACTED] to respond to questioning.

<sup>54</sup> Att. 43.

<sup>55</sup> Att. 47.

The **Intoximeters Receipt for Breathalyzer**<sup>56</sup> dated April 10, 2017 at 5:55 a.m. documented an “Insufficient Sample.”

d. **Documentary Evidence**

The **OEMC (Office of Emergency Management and Communications) Event Queries**<sup>57</sup> documented that [REDACTED] called 911 on April 19, 2017, at 01:16:11 a.m., to report fighting upstairs and blood on the scene at [REDACTED] Drive.

In the **Initiation Report**,<sup>58</sup> Sergeant [REDACTED] wrote that he responded to a domestic battery involving a stabbing. Upon arrival, Sergeant [REDACTED] observed [REDACTED] sitting on the ground in the backyard and “bleeding profusely” from a stab wound on his left arm. Sergeant [REDACTED] then spoke with Officer [REDACTED] who stated that he was involved in an altercation with Mr. [REDACTED] but denied stabbing him. Officer [REDACTED] stated that he was drinking with Mr. [REDACTED] but could not articulate how he was stabbed. Sergeant [REDACTED] went inside the residence with Officer [REDACTED] to inspect the location of the incident. Sergeant [REDACTED] wrote that when he observed large amounts of blood, he immediately realized that the kitchen and hallway were a crime scene and directed Officer [REDACTED] to exit the residence. Officer [REDACTED] did not comply, so concerned for the integrity of the crime scene and uncertain as to what occurred, Sergeant [REDACTED] handcuffed Officer [REDACTED] with two sets of handcuffs to accommodate Officer [REDACTED] who related that he had shoulder surgery. It was noted that Ambulance [REDACTED] found no injuries on Officer [REDACTED] who did not complain of any injuries.

Sergeant [REDACTED] again asked Officer [REDACTED] what happened with Mr. [REDACTED]. Officer [REDACTED] stated that he did not know. Sergeant [REDACTED] then told him that he needed to explain what happened and Officer [REDACTED] explained that Mr. [REDACTED] was getting the best of him during the altercation, so he grabbed a knife and then they fell to the floor. Officer [REDACTED] again stated that he did not know how Mr. [REDACTED] was stabbed. [REDACTED] and [REDACTED] stated that they heard the altercation but did not see it.

Sergeant [REDACTED] observed Officer [REDACTED] to have “a strong smell of alcohol on his breath, slurred speech and being belligerent.” Officer [REDACTED] was informed that he had to take a Breathalyzer at the [REDACTED] District for investigation of being intoxicated. Officer [REDACTED] requested to go the hospital. During transport to the [REDACTED] Hospital, Officer [REDACTED] threatened to sue the transport officers, prompting Officer [REDACTED] to complete a report.

In a **To-From Subject Report**,<sup>59</sup> Officer [REDACTED] # [REDACTED] wrote that when he arrived on the scene, Officer [REDACTED] was handcuffed and acting “very irate.” Officer [REDACTED] wrote that as he tried to calm Officer [REDACTED] he brought his legs through the cuffs, bringing the cuffs to the front of his body. Officer [REDACTED] said that he was drinking and got into a physical altercation with his brother in law, [REDACTED] who jumped on him. Officer [REDACTED] related that he and Mr. [REDACTED] started wrestling and fell to the floor, causing a puncture wound to

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<sup>56</sup> Att. 44.

<sup>57</sup> Att. 21 & 22.

<sup>58</sup> Att. 4.

<sup>59</sup> Att. 6.

Mr. █████ bicep. Beat █████ removed the cuffs from Officer █████ when they escorted him to █████ Hospital for an Administrative Breathalyzer. Officer █████ stated that he was going to sue Officer █████ and for violating his rights and that he wanted the union. Officer █████ then stated that he “knew why the citizens hate the police.” Officer █████ then said, “screw this” and requested to the hospital. Officer █████ was transported to █████ Hospital at 3:17 a.m. Officer █████ complained of a cut on his foot, which he stated occurred during the altercation, and of shoulder pain.

The **Original Case Incident Report**,<sup>60</sup> █████, listed Officer █████ as the victim and Mr. █████ as the suspect. █████ and █████ were all listed as witnesses. All witnesses related that they did not observe the altercation, but heard a tussle and discovered a bleeding █████ outside and blood on the kitchen floor. Ms. █████ observed knives and blood on the floor, adding that she picked up the knives and placed them in the sink. Officer █████ was listed as having the minor injury of a laceration from broken glass on the floor. Mr. █████ was listed as being stabbed by an unknown kitchen knife.

It was documented that Mr. █████ told Officer █████ that he and Officer █████ were “goofing around, wrestling in the kitchen and it was just an accident.” Mr. █████ refused to answer further questions. Officer █████ provided numerous accounts of what occurred. He initially told Sergeant █████ that he was in an altercation and did not stab Mr. █████. Officer █████ then told him that he did not know what happened. Officer █████ third account was that Mr. █████ was getting the best of him during a physical altercation so he picked up a knife and then they both fell to the floor, but he was unsure how Mr. █████ was stabbed. Officer █████ then told Officer █████ that he had been drinking and Mr. █████ jumped on him during a physical altercation. He stated that they wrestled and fell to the floor but he did not know how he was stabbed. Officer █████ then told Officer █████ that he and Mr. █████ were wrestling in the kitchen and may have ended up on the floor after tripping on the dog. Officer █████ had no recollection of the knife.

It was also documented that the police investigation revealed blood in several areas of the residence, knives in the sink, one knife on the kitchen floor, and broken glass in the rear stairwell from the broken window pane on the rear door. At the █████ District, Officer █████ declined to sign complaints and refused to file charges against Mr. █████.

The **Tactical Response Report**<sup>61</sup> completed by Officer █████ documented that Officer █████ marked a box indicating that Mr. █████ “Did not follow verbal direction” and he utilized “Member Presence.” It was noted that Mr. █████ was not interviewed because he was undergoing surgery at █████ Hospital. Lieutenant █████ wrote that he reviewed the In-Car Camera of Vehicle █████ which captured the interaction upon Sergeant █████ arrival. Lieutenant █████ wrote that Officer █████ stated that there was a physical altercation after he and Mr. █████ were drinking but could not articulate how Mr. █████ was stabbed in the arm. It was noted that Officer █████ did not immediately obey Officer █████ directive to exit the crime scene when told it was necessary. Lieutenant █████ did not approve the report,

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<sup>60</sup> Att. 5.

<sup>61</sup> Att. 14.



writing that he was unable to determine if Officer [REDACTED] actions were justified without more information.

Officer [REDACTED] **Officer's Battery Report**<sup>62</sup> documented that was pushed by Mr. [REDACTED] with two hands to the ground during a domestic disturbance. It was also noted that Mr. [REDACTED] used verbal threats and that Officer [REDACTED] sustained minor injuries.

The **Tactical Response Report**<sup>63</sup> completed by Sergeant [REDACTED] documented that he utilized Member Presence and Verbal Commands against Officer [REDACTED] who did not follow verbal commands. It was noted that Sergeant [REDACTED] was handcuffed with two sets of handcuffs to minimize the impact on his shoulder, adding that Officer [REDACTED] was the possible offender of an aggravated battery and did not comply with verbal direction to vacate the crime scene. It was noted in the Watch Commander Comments section that Officer [REDACTED] stated to Sergeant [REDACTED] that he and the stabbed individual were related and had been drinking. The rest of the narrative essentially stated that same as the Initiation Report, Officer [REDACTED] Report, and the Case Report, adding that Officer [REDACTED] moved his cuffed hands from behind his back to in front of his abdomen.

The **Crime Scene Processing Report**<sup>64</sup> documented that the physical crime scene of [REDACTED] Drive was photographed. There is no record of any Evidence Technician photographs of [REDACTED] and/or Officer [REDACTED]

The **Synoptic Report**<sup>65</sup> completed by Sergeant [REDACTED] essentially documented what was said in his statement, adding that Officer [REDACTED] was ordered to report to the Public Safety Building on April 11, 2017, to surrender his star and hat shield.

## 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.

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<sup>62</sup> Att. 15.

<sup>63</sup> Att. 127.

<sup>64</sup> Att. 13.

<sup>65</sup> Att. 36.

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

COPA finds **Allegation #1**, that on April 10, 2017 at approximately 01:25 a.m. Officer [REDACTED] was intoxicated is **Sustained**. Sergeant [REDACTED] wrote in his Initiation Report and Tactical Response Report that Officer [REDACTED] appeared intoxicated. Officer [REDACTED] is heard slurring, sounding thick-tongued, and being emotionally erratic in the In-Car Camera Recording. Officer [REDACTED] stated to Sergeant [REDACTED] on the In-Car Recording that he had been drinking. Officer [REDACTED] stated that Officer [REDACTED] appeared intoxicated to him. Officer [REDACTED] stated that Officer [REDACTED] was intoxicated and that she smelled alcohol on his person. Officer [REDACTED] stated that while he did not smell alcohol, Officer [REDACTED] belligerent behavior was indicative of an intoxicated person. While Sergeant [REDACTED] shared no opinion of Officer [REDACTED] intoxication, it should be noted that he encountered him at 5:00 a.m., three and a half hours after the incident. Additionally, the Administrative Alcohol/Drug Influence Report completed by Sergeant [REDACTED] documents that Officer [REDACTED] exhibited a slight odor of alcoholic beverage, thick-tongued speech and bloodshot eyes and admitted to having one drink. While there is no Breathalyzer due to the insufficient sample and the urine sample was not tested for alcohol, the preponderance of evidence indicates that Officer [REDACTED] was more likely intoxicated than not, and therefore, the allegation is Sustained.

COPA finds **Allegation #2** and **Allegation #3**, that Officer [REDACTED] caused an injury to Mr. [REDACTED] with a knife during a physical altercation and was involved in a physical altercation with Mr. [REDACTED] are **Sustained**. Although [REDACTED] did not provide a statement to COPA and told police and [REDACTED] Medical staff that it was an accident, Mr. [REDACTED] did state that the accident happened during an altercation with a family member, Officer [REDACTED]. While Officer [REDACTED] denied this allegation to COPA, stating that there was no altercation, only mutual "rough housing," there is no question that there was physical contact between the two. At minimum, Officer [REDACTED] engaged in rough housing in the kitchen while intoxicated, resulting in Mr. [REDACTED] being stabbed badly enough that he required surgery to repair his radial nerve and sustain long lasting hand weakness.

Additionally, Officer [REDACTED] provided numerous accounts of what occurred. He initially told Sergeant [REDACTED] that he was in an altercation and did not stab Mr. [REDACTED] later

stating he did not know what happened. Officer [REDACTED] also reported on scene that Mr. [REDACTED] was getting the best of him during a physical altercation, so he picked up a knife and then they both fell to the floor, but he was unsure how Mr. [REDACTED] was stabbed. Officer [REDACTED] later stated he was drinking, and Mr. [REDACTED] jumped on him during a physical altercation. He stated that they wrestled and fell to the floor, but he did know how Mr. [REDACTED] was stabbed. Officer [REDACTED] then said he and Mr. [REDACTED] were wrestling in the kitchen and may have ended up on the floor after tripping on the dog. COPA finds that Officer [REDACTED] was intoxicated and was engaged in physical contact with Mr. [REDACTED] that lead to him sustaining a significant stab wound. According to the police reports, he admitting to picking up the knife. Therefore, based on the preponderance of the evidence, COPA finds that this allegation is Sustained.

COPA finds **Allegation #4**, that Officer [REDACTED] engaged in behavior unbecoming a member of the Chicago Police Department is **Sustained**. The judgement shown by Officer [REDACTED] throughout this incident is exceedingly poor. Officer [REDACTED] was intoxicated and then engaged in physical wrestling with Mr. [REDACTED] who was stabbed. Officer [REDACTED] was then loud and yelling at Sergeant [REDACTED] failing to immediately follow his request to vacate the crime scene and go outside. Officer [REDACTED] yelled and was disrespectful to responding officers, declaring he knew why people hated the police. Sergeant [REDACTED] and Officers [REDACTED] and [REDACTED] provided statements attesting to Officer [REDACTED] belligerent behavior. Officer [REDACTED] wrote in his report that Officer [REDACTED] was “very irate” and manipulated his cuffs to the front of his person from behind his back. The totality of the circumstances, including the fact that Mr. [REDACTED] was stabbed and required surgery, indicates that Officer [REDACTED] failed to exercise good judgement and demonstrate the character of cooperation and decorum that is required of a Chicago Police Officer. Therefore, based on the preponderance of the evidence, COPA finds this allegation is Sustained.

## VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

### a. Officer [REDACTED]

#### i. Complimentary and Disciplinary History

1. **Complimentary:** 1 Attendance Award, 7 Physical Fitness Awards, 1 Presidential Election Deployment Award, 84 Honorable Mentions, 3 Department Commendations, 5 Complimentary Letters, 1 NATO Summit Award, 1 2009 Crime Reduction Award, 1 Top Gun Arrest Award
2. **Disciplinary:** None

#### ii. Recommended Penalty, by Allegation

1. **Allegation No. 1:** 10-day Suspension
2. **Allegation No. 2:** 60-day Suspension
3. **Allegation No. 3:** 60-day Suspension

**4. Allegation No. 4: 60-day Suspension**

Officer ██████ engaged in conduct unbecoming of a police officer that lead to the stabbing of Mr. ██████. His intoxicated conduct during this incident caused a significant injury. Therefore, COPA recommends a suspension.

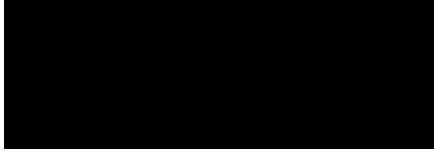
COPA further recommends that the responding officers involved in this incident receive retraining relative to officer-involved domestic violence protocols and report writing. There were significant issues raised by the reports generated (ie misidentifying the victim and accused) and various other procedures (ie mishandling of the urine sample and separation of witnesses on-scene). While there are no sustained allegations, COPA notes that the Department would benefit from a review of these issues.

**IX. CONCLUSION**

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

Officer	Allegation	Finding / Recommendations
Officer ██████	<p>1. It is alleged that on April 10, 2017, at approximately 0125 hours, at the residence located at ██████ Drive, Chicago, Illinois, the accused was intoxicated, in violation of Rule 15.</p> <p>2. It is alleged that on April 10, 2017, at approximately 0125 hours, at the residence, located at ██████ Drive, Chicago, Illinois, the accused caused an injury ██████ with a knife during a physical altercation in violation of Rules 2, 8, and 9.</p> <p>3. It is alleged that on April 10, 2017, at approximately 0125 hours, at the residence, located at ██████ Drive, Chicago, Illinois, the accused was involved in a physical altercation with ██████ in violation of Rules 2, 8, and 9.</p> <p>4. It is alleged that on April 10, 2017, at approximately 0130 hours, at the residence, located at ██████ Drive, Chicago, Illinois, the accused engaged in conduct unbecoming a member of the Chicago Police Department in violation of Rule 2.</p>	<p>Sustained / 10-day Suspension</p> <p>Sustained / 60-day Suspension</p> <p>Sustained / 60-day Suspension</p> <p>Sustained / 60-day Suspension</p>

Approved:



December 30, 2019

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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