

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	12/21/18
Time of Incident:	11:30 AM
Location of Incident:	██████████
Date of COPA Notification:	12/21/18
Time of COPA Notification:	1:44 PM

On the evening of December 20, 2018, Officer ██████████ a Chicago Police Officer who had recently been romantically involved with ██████████ began to repeatedly call Ms. ██████████ cell phone despite her expressed wishes to not speak over the phone at that time. The next morning, Ms. ██████████ went over to Officer ██████████ apartment to speak with him. The discussion turned into a physical altercation during which Ms. ██████████ was injured and Officer ██████████ took Ms. ██████████ cell phone from her and refused to return it. Ms. ██████████ then called the police from the security desk at her nearby apartment.

The responding officers were Field Training Officer ██████████ and two Probationary Police Officers, ██████████ and ██████████. When Ms. ██████████ answered the door at her apartment to let the officers in, Officer ██████████ and Ms. ██████████ recognized each other from their prior working relationship at Bloomingdales. Officer ██████████ was also aware that Officer ██████████ was Ms. ██████████ boyfriend. As Ms. ██████████ gave her statement about the incident to the officers, Officer ██████████ became aware that she was talking about Officer ██████████. At that point, she made several attempts to communicate with Ms. ██████████ and her fellow officers out of sight of the body-worn cameras but stopped these attempts after Ms. ██████████ announced that her boyfriend was a police officer. After Ms. ██████████ made her statement, the officers brought her to the ██████████ District station to speak with Sgt. ██████████. Sgt. ██████████ then filed an initiation report about the incident. Based on the preponderance of the evidence, COPA finds the allegations are Sustained, in part.

II. INVOLVED PARTIES

Involved Officer #1:	██████████ star # ██████████, employee ID# ██████████, Date of Appointment: ██████████/15, rank: PO, Unit of Assignment: ██████████, DOB: ██████████/92, Male, Black
Involved Officer #2:	██████████ star # ██████████, employee ID# ██████████, Date of Appointment: ██████████98, rank: PO, Unit of Assignment: ██████████, DOB: ██████████66, Male, Black

Involved Officer #3: [REDACTED] star # [REDACTED], employee ID# [REDACTED], Date of Appointment: [REDACTED]18, rank: PO, Unit of Assignment: [REDACTED], DOB: [REDACTED]82, Female, White Hispanic

Involved Officer #4: [REDACTED] star # [REDACTED], employee ID# [REDACTED], Date of Appointment: [REDACTED]18, rank: PO, Unit of Assignment: [REDACTED], DOB: [REDACTED]95, Female, White

Involved Individual #1: [REDACTED] DOB: [REDACTED]92, Female, White

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	<p>1. On or about December 21, 2018 you harassed [REDACTED] by repeatedly calling her in violation of Rule 2 and Rule 8.</p> <p>2. On or about December 21, 2018 at approximately 11:00AM at or near the location of [REDACTED], Officer [REDACTED] forcibly threw [REDACTED] to the ground in violation of Rule 2 and Rule 9.</p> <p>3. On or about December 21, 2018 at approximately 11:00AM at or near the location of [REDACTED], Officer [REDACTED] forcibly took [REDACTED] cellular phone and kept it from her against her will in violation of Rule 2 and Rule 8.</p> <p>4. On or about December 21, 2018 at approximately 11:00AM at or near the location of [REDACTED] Officer [REDACTED] forcibly removed [REDACTED] from his apartment in violation of Rule 2 and Rule 9.</p>	<p>Sustained /10-day Suspension</p> <p>Sustained / 30-day Suspension</p> <p>Sustained / 10-day Suspension</p> <p>Sustained / 15-day Suspension</p>
Officer [REDACTED] [REDACTED]	<p>1. On or about December 20, 2018 at approximately 1:30 PM, while responding to a domestic disturbance involving another police officer, you failed to request a higher-ranking officer be assigned as the investigating supervisor in violation of department policy in violation of Rule 6 and G04-04.</p>	<p>Unfounded</p>

Officer [REDACTED]
[REDACTED]

2. On or about December 20, 2018 at approximately 1:30 PM, while responding to a domestic disturbance involving another police officer you deactivated your body worn camera while still engaged in law enforcement activity in violation of department policy in violation of Rule 6 and S03-14.

Unfounded

1. On or about December 20, 2018 at approximately 1:30 PM, while responding to a domestic disturbance involving another police officer you attempted to defeat your body worn camera by attempting to speak to [REDACTED] without recording in violation of Rule 2, Rule 6 and S03-14.

Sustained /30-day Suspension

2. On or about December 20, 2018 at approximately 1:30 PM, while responding to a domestic disturbance involving another police officer, you failed to request a higher-ranking officer be assigned as the investigating supervisor in violation of department policy in violation of Rule 6 and G04-04.

Unfounded

3. On or about December 20, 2018 at approximately 1:30 PM, while responding to a domestic disturbance involving another police officer you deactivated your body worn camera while still engaged in law enforcement activity in violation of department policy in violation of Rule 6 and S03-14.

Unfounded

Officer [REDACTED]
[REDACTED]

1. On or about December 20, 2018 at approximately 1:30 PM, while responding to a domestic disturbance involving another police officer, you failed to request a higher-ranking officer be assigned as the investigating supervisor in violation of department policy in violation of Rule 6 and G04-04.

Unfounded

2. On or about December 20, 2018 at approximately 1:30 PM, while responding to a domestic disturbance involving another police officer you deactivated your body worn camera while still engaged in law enforcement activity

Unfounded

| in violation of department policy in violation of |
| Rule 6 and S03-14. |

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 6: Disobedience of any order or directive, whether written or oral.
 3. Rule 8: Disrespect or maltreatment of any person, while on or off duty.
 4. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
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General Orders

1. General Order G04-04: Domestic Incidents
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Special Orders

1. Special Order S03-14 Body Worn Cameras

V. INVESTIGATION

a. Interviews

COPA was unable to speak with ██████████ in this case. BWC footage of her account of the events to the responding officers will be discussed below. An affidavit override was obtained in this case.¹

On October 23, 2019 at approximately 10:00 AM, Sgt ██████████ gave a statement to COPA at 1615 W. Chicago Ave. Sgt. ██████████ stated that on December 21, 2018 at 11:30 AM she was on duty and was assigned to beat ██████████, which was a street position. She became aware of the incident involving Officer ██████████ when she was called by the responding officers after they completed their investigation. At that time, there was not a desk sergeant at the ██████████ District, so Sgt. ██████████ was at the station processing prisoners. Her lieutenant instructed her to remain at the station and have the responding officers bring the victim, Ms. ██████████ to the station. Ms. ██████████ arrived at the station at approximately 12:30 PM. Sgt. ██████████ spoke with Ms. ██████████ with the doors closed in the community room. No other officers were present while Sgt. ██████████ conducted her interview. Sgt. ██████████ relayed that Ms. ██████████ told her she went to Officer ██████████ apartment because she had received repeated phone calls from him. When she got to his apartment they got into a verbal altercation. He then grabbed her cell phone from her and grabbed her arms to push her out of the apartment. He dropped the phone, and as she tried to grab the phone, he pushed her completely out of the apartment into the hall. Sgt. ██████████ described Ms. ██████████ as "very shaken up,"³ later describing Ms. ██████████ as crying and asking about getting her phone back. Sgt.

¹ Att. 23

² Att. 17

³ Id at 5:21

█████ stated that she noticed redness on Ms. █████ arms. She ordered an evidence technician to take photos of the injuries. Sgt. █████ asked Ms. █████ if she wanted Officer █████ arrested. Ms. █████ refused, stating that she did not want to endanger his career as a police officer. Sgt. █████ stated she did not discuss the possible consequences to Officer █████ career with Ms. █████

Due to issues with the evidence technician's availability, Ms. █████ waited in the community room for over an hour. During this time, Officer █████ stayed in the room to comfort Ms. █████ Because Officer █████ knew Ms. █████ socially, Sgt. █████ instructed her that she was no longer investigating the case and that she should not ask Ms. █████ questions nor advise her about the incident. Sgt. █████ never witnessed Officer █████ violate that instruction, though Sgt. █████ did leave the room periodically. After the evidence technician took photos, an officer from the █████ District drove Ms. █████ home.

On July 26, 2019 at 8:20 AM, Officer █████ █████ gave a statement to COPA at the COPA offices located at 1615 W. Chicago Ave. Officer █████ stated that on December 20, 2018 at 12:00 PM, he was working as a field training officer (FTO) in the █████ District. He was supervising Probationary Police Officers █████ and █████ The officers were called to █████ to respond to a domestic violence call. The officers were greeted at the door of the apartment by the victim, █████ Ms. █████ told the officers that she had been in an altercation with her boyfriend, a police officer, who took her phone from her. The officers took her statement, but Ms. █████ did not want to press charges, despite Officer █████ reassuring her that Officer █████ should be held responsible for his actions. Officer █████ became aware that Officer █████ knew Ms. █████ socially when they greeted each other at the door of the apartment. Officer █████ initially requested to speak with Ms. █████ alone. Officer █████ told her not to. He stated he did not know why she was making that request, and at the time, he just wanted to understand what was going on. He advised her to not deactivate the body worn camera. After speaking with Ms. █████ Officer █████ left the apartment and walked out into the hall. He called dispatch for an event number and deactivated his body-worn camera. He then attempted to call a sergeant, but no sergeant was available. The officers, therefore, took Ms. █████ to the █████ District so she could speak with the desk sergeant. Officer █████ claimed he had no further conversations with Ms. █████ after the body worn camera was deactivated. Officer █████ did not recall how Ms. █████ got to the █████ District. Officer █████ stated that he deactivated his body-worn camera because he was finished taking Ms. █████ statement.

On July 26, 2019 at approximately 8:05 AM Officer █████ █████ gave a statement to COPA at the COPA offices located at 1615 W. Chicago Ave. On December 20, 2018, she and her partners were called to respond to a domestic incident at █████. When the officers knocked on the door, █████ answered and let them. Officer █████ knew Ms. █████ from working at Bloomingdale's before becoming a police officer. When the two worked together at Bloomingdale's, Ms. █████ was Officer █████ boss. Officer █████ met Officer █████ Ms. █████ boyfriend, through Ms. █████ briefly and was aware he was a Chicago police officer. Officer █████ stated that she did not socialize with either Ms. █████ or Officer █████ and only met Officer █████ on one occasion.

⁴ Att. 11

⁵ Att. 10

Officer ██████ stated that shortly after she arrived on scene, she asked to speak with Ms. ██████ privately because Ms. ██████ was hysterical and she wanted to calm her down as a friend. She stated she asked to turn her body worn camera off because she thought her friend would not want to be taped in that state. At that time, she was knew that the offender in the case was a Chicago police officer but was aware that none of the other officers on the scene knew. When asked about her attempt to cover the body worn camera and communicate with the other officers via her notepad, she stated that did not know what she was trying to write. Officer ██████ stated that she deactivated her body worn camera while still in the apartment because she heard Officer ██████ get an event number from OEMC, and they previously always turned their body worn cameras off once they got an event number. After the cameras were turned off, the officers took Ms. ██████ to the ██████ District to speak with their sergeant. Officer ██████ also sat with Ms. ██████ at the station for several hours, but stated she didn't recall speaking with Ms. ██████ about potential discipline for Officer ██████. Officer ██████ stated her conversations with Ms. ██████ after the body worn camera was turned off involved her explaining the next steps to Ms. ██████ and comforting her.

On August 1, 2019 at approximately 3:26 PM, Officer ██████ ██████ gave a statement to COPA. Officer ██████ stated that on December 21, 2019 she was a probationary police officer (PPO) working in the ██████ District. Officer ██████ did not know either the victim, ██████ or Officer ██████. Officer ██████ stated that she did not observe Officer ██████ attempt to obstruct her body worn camera while in the apartment. She was aware at the time that a sergeant must be called to the scene when an officer is involved in a domestic incident. Officer ██████ stated that Officer ██████ attempted to call a sergeant to the scene, but no one was available. Officer ██████ related that they were instructed to bring Ms. ██████ to the station, so they transported her in their police vehicle.

When asked about why she deactivated her body worn camera while still in the apartment, she stated that at the time, her understanding of procedure was that body worn cameras were to be deactivated once an event number had been obtained from OEMC. Therefore, once Officer ██████ heard Officer ██████ obtain an event number, she turned off her camera.

It should be noted that Officer ██████ stated that she spoke with Officer ██████ before Officer ██████ gave her statement to COPA. During that conversation, they discussed what took place when they arrived at the victim's apartment and how a sergeant was called.

On August 12, 2019 at 4:00 PM, Officer ██████ ██████ gave a statement to COPA at the COPA officers located at 1615 W. Chicago Ave. On December 21, 2018 at around 11:00 AM Officer ██████ was home and off duty. He stated that previously, he and Ms. ██████ were involved in a romantic relationship for a couple of years. Their relationship ended in January or February of 2019. While they previously lived together at ██████ Ms. ██████ moved out of the apartment in early December 2018. Officer ██████ recalled meeting Officer ██████ through Ms. ██████ prior to her start at the police academy. Other than their first conversation, Officer ██████ did not have any further contact with her.

⁶ Att. 12

⁷ Att. 13

Officer ██████ stated that he and Ms. ██████ had an argument the night of December 20, 2018, so Ms. ██████ came to his apartment the morning of December 21, 2018 to discuss it. Officer ██████ said he called her more than 10 times the previous evening due to Ms. ██████ sending him a text saying something had occurred and she couldn't talk. Officer ██████ stated he called her multiple times out of a concern for her well-being. When she came over, he asked her what happened the night before. She told him she was at work and then she went out drinking with friends. Officer ██████ believed this to be a lie, so he told her he was ending the relationship. He described Ms. ██████ reaction as hysterical. Officer ██████ stated that her phone was on a nearby desk, and he walked over and took it. As he began to leave the apartment to go to work, Ms. ██████ asked him if he had her phone. He replied that he was keeping it because it was his phone and he only let her borrow it. He stated that she then attacked him and jumped on him to get the phone back, and a tussle ensued. He kept the phone away from her. He stated that she scratched his hands and drew blood. He walked out of the apartment, she then followed him. Once she was in the hall, he doubled back into his apartment and shut the door. When he left the apartment a half hour later, she was gone. He could not recall whether Ms. ██████ had fallen to the floor during the altercation.

Later, when CPD detectives came to investigate, Officer ██████ surrendered the phone to them. He also made no mention to the responding detectives about the attack by Ms. ██████. Officer ██████ stated that he had originally purchased the phone for himself to use for work purposes, specifically as a number to give to confidential informants.

b. Digital Evidence

All three officer were wearing their **body-worn cameras**⁸ when they responded to ██████. The video shows the officers arrive the apartment and knock at the door. When Ms. ██████ answers, she is crying and her face is red. When she answers, it appears that Ms. ██████ and Officer ██████ recognize each other. Officer ██████ states, "█████! Hi!" and Ms. ██████ looks at Officer ██████ and says, "Oh my God! Hi!" Ms. ██████ does not exchange similar greetings with the other responding officers. The officers then proceed into the apartment.

Ms. ██████ begins relating her account of the incident to the responding officers. Ms. ██████ states that Officer ██████ called her over 35 times her during work the previous evening. He asked her to come over on the morning of December 21, 2018. She went to his apartment, where he accused her of cheating on him. She denied she had been cheating, and he demanded to see her phone. When she refused, he attempted to take the phone by force from her pocket. She grabbed the phone with her left hand to keep it away from him and they began to wrestle on the floor. He eventually threw her to the ground and got on top of her, eventually taking the phone away from her. She stated she was thrown "pretty hard." When she got up to retrieve the phone he pushed her out into the hallway, outside his apartment and shut the door, keeping the phone. Ms. ██████ states that the two share a phone plan, but it is her phone. Ms. ██████ states she is unsure what she wants to happen to Officer ██████ stating she does not want him arrested or to ruin his career. Officer ██████ explains that as a police officer, Officer ██████ knows better. Ms. ██████ states that this is the first incident of physical abuse.

⁸ Att. 24

Early in this explanation before Ms. [REDACTED] had identified Officer [REDACTED] Officer [REDACTED] asked her “Did you say [REDACTED] did this?” Ms. [REDACTED] confirmed he had. Upon hearing that, Officer [REDACTED] asks the other officers, “Can I talk to her for a sec please? I need to talk to her in private for a sec and I need to turn this off.” Officer [REDACTED] appears uncertain as to why Officer [REDACTED] is making this request, asking if the officers had this incident before. Officer [REDACTED] tells officer [REDACTED] not to turn off her body-worn camera. Officer [REDACTED] then covers her own body-worn camera with her arm, while she attempts to write something on a notepad. While Officer [REDACTED] is writing, Ms. [REDACTED] tells the other officers that her boyfriend, [REDACTED] is a police officer. Immediately after Ms. [REDACTED] states that he is a police officer, Officer [REDACTED] audibly sighs, stops writing, nods her head and tells Officer [REDACTED] “That’s what I, yeah.”

During this time, Officer [REDACTED] takes Ms. [REDACTED] identification and begins filling out paperwork. Officer [REDACTED] explains to Ms. [REDACTED] how to obtain an order of protection from 555. W. Harrison, as well as her options for pressing charges. Officer [REDACTED] steps out of the apartment, obtains an event number from OEMC and turns off his body-worn camera. The other two officers deactivated their cameras around the same time but were still inside the apartment. Ms. [REDACTED] is visibly upset and crying throughout the duration of her interaction with the officers on body-worn camera.

ET Photos⁹ were taken at the [REDACTED] District police station. The evidence technician took 18 separate photos of Ms. [REDACTED] These photos show a red abrasion on Ms. [REDACTED] stomach, making a line across her navel. The photos show bruising on her left forearm as well as some small scrapes on the tops of the fingers of her left hand. There is also a distinct red scrape on the inner wrist of her right hand.

A single **photograph of Officer [REDACTED]** was provided by Officer [REDACTED] The photo shows what appears to be Officer [REDACTED] right hand with an injury causing some minor bleeding on the top of his hand.

c. **Documentary Evidence**

The **Case Incident Report**¹¹ was drafted by Officer [REDACTED] The facts relayed in the report are consistent with the events depicted on the body worn camera. It states that Ms. [REDACTED] related that after repeated calls from Officer [REDACTED] the night before, she went to his apartment to speak with him. He demanded her phone. When she refused, he took it from her by force and a physical altercation ensued. Ms. [REDACTED] was forced from his apartment out into the hall. She then called the police from her building’s security desk.

According to the **Detective Supplementary Report**¹² Detective [REDACTED] contacted Ms. [REDACTED] on December 22, 2018. Ms. [REDACTED] related essentially the same facts she previously reported to police. She added that Officer [REDACTED] bought the phone for her and it was in his name,

⁹ Att. 20

¹⁰ Att. 18

¹¹ Att. 22

¹² Att. 16

but that she paid her portion of the monthly bill to him. She stated that she did not want to press charges. Detective [REDACTED] then met with Officer [REDACTED] at this home, where Officer [REDACTED] surrendered the phone to him. Detective [REDACTED] then returned the phone to Ms. [REDACTED] who related she was immediately going to the Verizon store to pay off the phone and purchase her own plan.

The **OEMC Event Query shows**¹³ that Ms. [REDACTED] called 911 on December 21, 2018 at approximately 11:54 AM and reported that her ex-boyfriend attacked her and took her cell phone.

Officer [REDACTED] submitted a redacted **phone bill**¹⁴ to COPA. The bill contains only Officer [REDACTED] name and Verizon shows bills for two separate data plans and two iPhone XS devices for numbers ending in [REDACTED] and [REDACTED]. The billing period the bill covers is from September 20, 2018 through October 19, 2018.

As part of this investigation, COPA went to Officer [REDACTED] apartment building and spoke with the building manager, [REDACTED]. COPA learned that the only **video footage**¹⁵ in the building captured the lobby area, which was not where the incident took place. Additionally, COPA learned that there was a **noise complaint**¹⁶ made around 11:30 AM on December 21, 2018 regarding shouting and noise from the 10th floor, but Ms. [REDACTED] did not provide further information.

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 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.

¹³ Att.5

¹⁴ Att. 19

¹⁵ Att. 4

¹⁶ Id.

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

a. Credibility Assessment

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory.

i. [REDACTED] Account

A preponderance of the evidence demonstrates that Ms. [REDACTED] account of the incident is credible.

First, Ms. [REDACTED] account remained consistent. Ms. [REDACTED] gave her account of the incident three times to police. First, she spoke with the responding officers in her apartment while being recorded on body worn camera. Second, she spoke with Sgt. [REDACTED] at the [REDACTED] District Station. Based on Sgt. [REDACTED] statement, Ms. [REDACTED] account remained consistent. Third, she spoke with Detective [REDACTED] and related essentially the same account. Further, parts of her statement are corroborated by the available evidence. It is an undisputed fact that Officer [REDACTED] took her phone and kept it from her. He still had the phone when detectives visited him later that same week. Further, Ms. [REDACTED] submitted to ET photos of her injuries soon after the altercation. The injuries depicted in those photos, though minor, are consistent with the physical altercation she describes in which Officer [REDACTED] threw her down, wrestled her on the ground, and grabbed her by the arms and forced her out of the apartment.

Second, Ms. [REDACTED] account was plausible, and her emotional disposition and immediate outcry support her reliability. Ms. [REDACTED] called the police immediately after the incident. Furthermore, Ms. [REDACTED] emotional state immediately following the incident enhances her credibility. Her demeanor on body worn camera shows that she is visibly upset and crying throughout her interaction with the responding officers on scene. Sgt. [REDACTED] described her later demeanor at the [REDACTED] District as "very shaken up." This demeanor is consistent with someone who had been attacked in a physical confrontation. Ms. [REDACTED] also has no obvious motive to falsify her account of what happened. When asked if she wanted Officer [REDACTED] arrested, she declined and merely wanted her phone back. She further stated that she did not want to jeopardize Officer [REDACTED] job. Therefore, she has no obvious motivation to lie.

ii. Officer [REDACTED] Account

A preponderance of the evidence demonstrates that Officer [REDACTED] account is *not* credible.

Officer [REDACTED] account of events is not corroborated by the evidence or his actions subsequent to the altercation. Officer [REDACTED] states that he took Ms. [REDACTED] phone from a desk where she put it down previously and that she attacked him to get it back. He provided a photo of the top of his hand where he claimed she scratched him. He stated his reason for taking the phone was that he had merely loaned it to her and was taking back his property. These assertions are not corroborated by Officer [REDACTED] subsequent actions. Officer [REDACTED] did not contact the police after Ms. [REDACTED] allegedly attacked him and nor did he complain of an attack when detectives came to his apartment to question him. He also willingly surrendered the phone to detectives to return to Ms. [REDACTED]. This is not behavior consistent with someone who was attacked for reclaiming loaned property. Additionally, his account does not explain the injuries shown in Ms. [REDACTED] ET photographs.

Therefore, COPA finds that the preponderance of the evidence shows that Ms. [REDACTED] account is more credible.

b. Allegations Against Officer [REDACTED]

COPA finds that **Allegation 1 against Officer [REDACTED]** that on or about December 21, 2018 Officer [REDACTED] harassed [REDACTED] by repeatedly calling her, is **Sustained**. Officer [REDACTED] is accused of harassing Ms. [REDACTED] by calling her cell phone multiple times while she was at work. Ms. [REDACTED] states that Officer [REDACTED] called her around 30 times during her shift. Officer [REDACTED] says he called approximately 10 times. According to the Illinois Domestic Violence Act, “‘Harassment’ means knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances; would cause a reasonable person emotional distress; and does cause emotional distress to the petitioner. Unless the presumption is rebutted by a preponderance of the evidence, the following types of conduct shall be presumed to cause emotional distress: [...] (ii) repeatedly telephoning the petitioner’s place of employment, home, or residence.” 750 ILCS 60/103 (7).

Officer [REDACTED] claims he was calling in response to a text sent by Ms. [REDACTED] indicating a crisis at work. Ms. [REDACTED] stated Officer [REDACTED] suspected her of cheating. Neither party produced the texts to COPA, so it was unclear what began the string of calls. What is clear, as Officer [REDACTED] admitted in his statement, was that Ms. [REDACTED] was unwilling or unable to talk to him at that time, yet Officer [REDACTED] continued to call at least 10 times. This conduct is harassment as defined by the Illinois Domestic Violence Act. Therefore, based on a preponderance of the evidence, Allegation 1 is Sustained.

COPA finds that **Allegations 2, 3 and 4 against Officer [REDACTED]** that Officer [REDACTED] forcibly threw [REDACTED] to the ground, took her cell phone and kept it from her against her will, and forcibly removed her from his apartment are **Sustained**. Here, there are two competing narratives: one in which Ms. [REDACTED] was the aggressor and Officer [REDACTED] was defending himself, and one in which Officer [REDACTED] was the aggressor and Ms. [REDACTED] was trying to maintain possession of her property. As discussed above, COPA finds Ms. [REDACTED] account is more credible.

In her statement to the responding officers, Ms. [REDACTED] states that Officer [REDACTED] while attempting to take her phone from her pocket by force, threw her to the ground. Officer [REDACTED] states that he took the phone off a desk and Ms. [REDACTED] tried to forcibly take it back causing a

physical altercation where the two were engaged in a tussle. It is clear from both narratives that she was unwilling to part with the phone and that Officer ██████ knew she was unwilling to part with it. It is also clear that a physical altercation ensued as a result of the disagreement over the phone. Furthermore, although Officer ██████ claimed the phone was his, that did not give him the authority to forcibly remove it from her and engage in a physical altercation to do so.¹⁷ As discussed above, COPA finds Ms. ██████ account more credible. Therefore, based on a preponderance of the evidence, Allegations 2 and 3 are Sustained.

Officer ██████ claims Ms. ██████ followed him into the hall, where he quickly doubled back to lock her out of the apartment. Ms. ██████ claims Officer ██████ forcefully grabbed her arms and shoved her out into the hallway. The ET photos of Ms. ██████ show red abrasions and possible bruising on her arms. This is consistent with Ms. ██████ account of being forced out of Officer ██████ apartment. As also discussed above, COPA finds Ms. ██████ account of events is more credible than Officer ██████ account. Therefore, based on a preponderance of the evidence, Allegation 4 is Sustained.

c. Allegations Against Responding Officers

COPA finds that **Allegation 1 against Officers ██████ and ██████ and Allegation 2 against Officer ██████** that they failed to request a higher-ranking officer be assigned as the investigating supervisor in violation of department policy, is **Unfounded**. Department policy requires that when a department member is involved in a domestic disturbance, the responding officers are required to call a sergeant or other higher-ranking officer to respond. While no sergeant appeared at ██████ to speak with Ms. ██████ this was because no sergeant was available to come to the scene. Officer ██████ discovered this when he called for a higher-ranking officer. This was confirmed by Sgt. ██████ in her statement to COPA. In that situation, the responding officers did the next best thing and brought Ms. ██████ to the ██████ District station to speak with a sergeant there. Sgt. ██████ spoke with Ms. ██████ at the district, requested ET photos, and drafted an initiation report. Therefore, a higher-ranking officer did investigate Ms. ██████ complaint. Based on clear and convincing evidence, COPA finds Allegation 1 against Officers ██████ and ██████ and Allegation 2 against Officer ██████ are Unfounded.

COPA finds that **Allegation 2 against Officers ██████ and ██████ and Allegation 3 against Officer ██████** that they deactivated their body-worn cameras while still engaged in law enforcement activity in violation of department policy, is **Unfounded**. The body-worn camera footage from all three officers shows they each had their body-worn cameras on while speaking with Ms. ██████. However, all three officers deactivated their cameras while they were still with Ms. ██████ at ██████. Officer ██████ can be seen stepping into the hallway and calling dispatch for an event number. Once he does so, he deactivates his camera. The two PPOs ██████ and ██████, do the same after Officer ██████ has obtained the event number. All three officers explained that they had taken Ms. ██████ statement and typically the last thing done before deactivating body-worn cameras is getting an event number. Based on their statements, the officers believed this was the correct procedure.

¹⁷ See *People v. Robinson*, 68 Ill. App. 3d 687, 691-92 (4th Dist. 1979) (holding that use of force in recovery of personal property to which a person believes themselves entitled is not legally justified, and in fact is properly considered robbery).

Special Order S03-14 is what governs proper body worn camera procedure. While on scene and in the presence of a victim or potential witness, the police officers are engaged in law enforcement activity. The rule explicitly requires the camera to be on for the entire encounter. The order also discusses when a body-worn camera should be deactivated and considers clearing an assignment as the end of a law enforcement related activity. In this case, it appears that the officers considered the case cleared, as they had obtained an event number. Although COPA finds this potentially problematic since the officers were still with the complainant and it is possible that she continued to discuss the incident with them as they proceeded to the district, there is no evidence that this occurred. For these reasons, based on clear and convincing evidence, COPA finds Allegation 2 to be Unfounded against Officers ██████████ and ██████████ and Allegation 3 against Officer ██████████ to be Unfounded.

Lastly, COPA finds that **Allegation 1 against Officer ██████████** that she attempted to defeat her body worn camera by attempting to speak to ██████████ without recording is **Sustained**. When Officer ██████████ entered Ms. ██████████ apartment, it was clear that she was associated with Ms. ██████████. Eventually, it became clear that she knew the Accused, Officer ██████████ as well. She asked Ms. ██████████ “Did you say ██████████ did this?” Once Ms. ██████████ confirmed that it was “█████████,” Officer ██████████ began her attempt to communicate with her fellow officers off-camera. Officer ██████████ attempted to speak with Ms. ██████████ privately and asked to deactivate her body-worn camera. When she was ordered not to deactivate her camera, she instead blocked her camera’s view with her arm while she attempted to covertly write a note to her fellow officers. Immediately after Ms. ██████████ stated that he is a police officer, Officer ██████████ audibly sighed, stopped writing, nodded her head and told Officer ██████████ “That’s what I, yeah,” implying that this was what she was attempting to communicate the fact that he was a police officer to the other officers.

When Officer ██████████ was questioned by COPA about why she wanted to turn her camera off, she said it was out of concern for Ms. ██████████ and she thought Ms. ██████████ might not want to be filmed while she was so upset. Yet, at no time did she ask Ms. ██████████ if she wanted the camera deactivated. When she was asked what she was attempting to write on her notepad, she claimed she did not remember. Given the timing of her request to deactivate the camera and her attempts to write a note to her fellow officers, it is clear that her intent was to prevent ██████████ status as a police officer from being revealed on camera. For the reasons stated above, based on a preponderance of the evidence, Allegation 1 is Sustained.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer ██████████

i. Complimentary and Disciplinary History

- 1. Complimentary:** 1 Problem Solving Award; 1 Emblem of Recognition (Physical Fitness); 1 Attendance Recognition Award; 1 Special Commendation; 1 Traffic Stop of the Month Award; 75 Honorable Mentions; 3 Department Commendations; 1 Crime Reduction Award (2019); 1 Superintendent’s Award of Tactical Excellence

2. **Disciplinary:** 1 Violation of a Court Appearance (no disciplinary action); 1 Preventable Accident (Reprimand)

ii. Recommended Penalty, by Allegation

1. **Allegation No. 1:** 10-day Suspension
2. **Allegation No. 2:** 30-day Suspension
3. **Allegation No. 3:** 10-day Suspension
4. **Allegation No. 4:** 10-day Suspension

Officer ██████ conduct in this case was in violation of department policy and was unbecoming conduct for a Chicago Police Officer. Officer ██████ engaged in a physical altercation and deprived the complainant of her property. Officer ██████ was not forthcoming about his conduct and did not accept responsibility for his actions. COPA has considered the nature of the injuries in this case. Therefore, COPA recommends a significant Suspension.

b. Officer ██████

i. Complimentary and Disciplinary History

1. **Complimentary:** 1 Emblem of Recognition (Physical Fitness); 4 Honorable Mentions; 1 Crime Reduction Award (2019)
2. **Disciplinary:** None

ii. Recommended Penalty, by Allegation

1. **Allegation No. 1:** 30-day Suspension

Officer ██████ conduct in this case is made especially troubling given her status as a probationary officer. It is easy to imagine a member of the public viewing the footage in this case and coming to the conclusion that Officer ██████ was trying to cover for Officer ██████ causing public trust in the Department to be undermined. Officer ██████ behavior that day not only violated established police procedure, it served to undermine a core objective of the Chicago Police Department. COPA recognizes that were it not for Officer ██████ presence and directives to Officer ██████ to keep her body-worn camera on, this incident may never have been reported, and Officer ██████ may never have been held accountable. Additionally, COPA notes that Officer ██████ conduct on scene very likely had an impact on the complainant and her willingness to cooperate in COPA's investigation. Moreover, Officer ██████ was not forthcoming about her behavior in any way. Lastly, COPA is forced to wonder what Officer ██████ might do if she had knowledge of misconduct involving an officer that she had a close personal relationship with, given that she only met Officer ██████ on one occasion and seemed to have a closer relationship with the victim reporting the crime in this case. Therefore, COPA recommends a 30-day suspension.

IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	<p>1. On or about December 21, 2018 you harassed [REDACTED] by repeatedly calling her in violation of Rule 2 and Rule 8.</p> <p>2. On or about December 21, 2018 at approximately 11:00AM at or near the location of [REDACTED], Officer [REDACTED] forcibly threw [REDACTED] to the ground in violation of Rule 2 and Rule 9.</p> <p>3. On or about December 21, 2018 at approximately 11:00AM at or near the location of [REDACTED], Officer [REDACTED] forcibly took [REDACTED] cellular phone and kept it from her against her will in violation of Rule 2 and Rule 8.</p> <p>4. On or about December 21, 2018 at approximately 11:00AM at or near the location of [REDACTED] Officer [REDACTED] forcibly removed [REDACTED] from his apartment in violation of Rule 2 and Rule 9.</p>	<p>Sustained /10-day Suspension</p> <p>Sustained / 30-day Suspension</p> <p>Sustained / 10-day Suspension</p> <p>Sustained / 15-day Suspension</p>
Officer [REDACTED]	<p>1. On or about December 20, 2018 at approximately 1:30 PM, while responding to a domestic disturbance involving another police officer, you failed to request a higher-ranking officer be assigned as the investigating supervisor in violation of department policy in violation of Rule 6 and G04-04.</p> <p>2. On or about December 20, 2018 at approximately 1:30 PM, while responding to a domestic disturbance involving another police officer you deactivated your body worn camera while still engaged in law enforcement activity in violation of department policy in violation of Rule 6 and S03-14.</p>	<p>Unfounded</p> <p>Unfounded</p>
Officer [REDACTED]	<p>1. On or about December 20, 2018 at approximately 1:30 PM, while responding to a domestic disturbance involving another police</p>	<p>Sustained /30-day Suspension</p>

officer you attempted to defeat your body worn camera by attempting to speak to [REDACTED] without recording in violation of Rule 2, Rule 6 and S03-14.

Unfounded

2. On or about December 20, 2018 at approximately 1:30 PM, while responding to a domestic disturbance involving another police officer, you failed to request a higher-ranking officer be assigned as the investigating supervisor in violation of department policy in violation of Rule 6 and G04-04.

Unfounded

3. On or about December 20, 2018 at approximately 1:30 PM, while responding to a domestic disturbance involving another police officer you deactivated your body worn camera while still engaged in law enforcement activity in violation of department policy in violation of Rule 6 and S03-14.

Officer [REDACTED]
[REDACTED]

1. On or about December 20, 2018 at approximately 1:30 PM, while responding to a domestic disturbance involving another police officer, you failed to request a higher-ranking officer be assigned as the investigating supervisor in violation of department policy in violation of Rule 6 and G04-04.

Unfounded

2. On or about December 20, 2018 at approximately 1:30 PM, while responding to a domestic disturbance involving another police officer you deactivated your body worn camera while still engaged in law enforcement activity in violation of department policy in violation of Rule 6 and S03-14.

Unfounded

Approved:

[REDACTED]

4/29/20

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

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