

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	March 8, 2019, 11:40 p.m. [REDACTED] N. [REDACTED] Ave.
Date/Time of COPA Notification:	March 9, 2019, 3:10 a.m.
Involved Officer #1:	Michael Headley, Star #15206, Employee ID # [REDACTED], Date of Appointment: 31-Oct-2016, PO, Unit of Assignment: 012, DOB: [REDACTED] 1988, Male, White
Involved Officer #2:	Jorey Everett, Star #15394, Employee ID # [REDACTED] Date of Appointment: 29-Feb-2016, PO, Unit of Assignment: 016, DOB: [REDACTED] 1985, Male, Black
Involved Officer #3	David Bucio, Star #10222, Employee ID # [REDACTED], Date of Appointment: 16-Mar-2018, PO, Unit of Assignment: DOB: [REDACTED]-1987, Male, White
Involved Individual #1:	[REDACTED] DOB [REDACTED] 1988, Female, White
Case Type:	Domestic Criminal Damage to Property

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Michael Headley	1. It is alleged that on or about March 8, 2019, at approximately 11:40 p.m., at or near [REDACTED] N [REDACTED] Ave, Chicago, IL, the accused officer took [REDACTED] cell phone out of her hand without justification.	Sustained
	2. It is alleged that on or about March 8, 2019, at approximately 11:40 p.m., at or near [REDACTED] N [REDACTED] Ave, Chicago, IL, the accused officer damaged [REDACTED] cell phone by throwing it against the wall without justification.	Sustained
	3. It is alleged that on or about March 8, 2019, at approximately 11:40 p.m., at or near [REDACTED] N [REDACTED] Ave, Chicago, IL, the accused officer damaged [REDACTED] cell phone charging cord by cutting the cord with scissors without justification.	Sustained

	<p>4. It is alleged that on or about March 8, 2019, at approximately 11:40 p.m., at or near [REDACTED]N [REDACTED]Ave, Chicago, IL, the accused officer stated words to the effect of: "I will ruin you," "I will destroy your career," and "I will destroy you," to [REDACTED]</p> <p>5. It is alleged that on or about March 8, 2019, at approximately 11:40 p.m., at or near [REDACTED]N [REDACTED]Ave, Chicago, IL, the accused advised responding officers to turn their Body Worn Cameras off.</p> <p>6. It is alleged that on or about March 8, 2019, at approximately 11:40 p.m., at or near [REDACTED]N [REDACTED]Ave, Chicago, IL, the accused interfered with an investigation in that Officer Headley was uncooperative with the investigation and ultimately left the scene.</p> <p>7. It is alleged that on or about March 8, 2019, at approximately 11:40 p.m., at or near [REDACTED]N [REDACTED]Ave, Chicago, IL, the accused was intoxicated while off duty and operated a motor vehicle.</p>	<p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Not Sustained</p>
<p>Officer David Bucio</p>	<p>1. It is alleged that on or about March 8, 2019, at approximately 11:40 p.m., at or near [REDACTED]N [REDACTED]Ave, Chicago, IL, the accused officer failed to conduct a thorough preliminary investigation into a domestic violence incident, to wit: permitted Officer Michael Headley to leave the scene of a domestic incident.</p>	<p>Sustained</p>
<p>Officer Jorey Everett</p>	<p>1. It is alleged that on or about March 8, 2019, at approximately 11:40 p.m., at or near [REDACTED]N [REDACTED]Ave, Chicago, IL, the accused officer failed to conduct a thorough preliminary investigation into a domestic violence incident, to wit: permitted Officer Michael Headley to leave the scene of a domestic incident.</p>	<p>Sustained</p>

II. SUMMARY OF EVIDENCE¹

On March 8, 2019, at approximately 11:51 p.m., ██████████ (██████████) called for police assistance because her ██████████ came home intoxicated and harass[ed] her.”² A **Case Report for Criminal Damage to Property**³ documented that on March 8, 2019, at approximately 11:30p.m., Chicago Police Department (“CPD”) officers responded to a call of domestic battery involving a CPD member. Upon arrival, officers spoke with Officer Michael Headley (“Officer Headley”), who stepped out onto the porch and related that ██████████ was crazy, threatened him, and he advised responding officers not to believe ██████████. Officer Headley identified himself as a member of CPD and asked responding officers to turn their body-worn cameras (“BWC”) off. Responding Officers David Bucio (“Officer Bucio”) and Jorey Everett (“Officer Everett”) refused Officer Headley’s request. Officer Headley then became upset and stated he was going to leave the residence. After Officer Headley left the residence, ██████████ provided her account of events to Officers Bucio and Everett.

██████████ stated she was sleeping when Officer Headley came into the room and woke her up. An argument ensued when Officer Headley requested to view ██████████ text messages and she refused to reveal its contents. Officer Headley then took scissors and cut the charging cord to ██████████ cell phone and threw the cell phone against the wall.

The **BWC**⁴ footage was consistent with the Case Report. When Officer Headley exits the residence, he whispers to the responding officers, identifying himself as a police officer. Officer Headley (still whispering) then points to Officer Everett and says, “turn that shit off.”⁵ Officer Everett responded to Officer Headley saying, “we can’t do that man.”⁶ Officer Headley replies, “I’m gonna leave. You can’t stop me.”⁷ Officer Headley then re-enters his residence to retrieve his belongings. When Officers Bucio and Everett attempt to enter the residence to speak with ██████████, Officer Headley orders Officers Everett and Bucio from the home. Officers Bucio and Everett comply, and Officer Everett advises Officers Bucio to call a sergeant.⁸ Officer Bucio then requests a sergeant to the scene. As Officer Headley exits the home, he advises Officers Bucio and Everett, “just want you to know that everything is being audio and video recorded in front of my house.”⁹ Officer Headley then enters his vehicle, which is parked in the driveway, and leaves the scene.

After Officer Headley departs, ██████████ relates to responding officers essentially the same information as was documented in the case report. ██████████ tells the officers that Officer

¹ COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

² See Att. 2

³ See Att. 7

⁴ See Att. 26 & 27

⁵ Att. 27 at 3:11

⁶ *Id.* at 3:14

⁷ *Id.* at 3:18

⁸ *Id.* at 4:13

⁹ *Id.* at 5:27

Headley came home intoxicated, threatened to ruin her career, told her she is ruined, and that he will post videos of her. ██████████ stated she is in the process of becoming a police officer.

██████████ did not wish to be interviewed for COPA's investigation¹⁰ and an **Affidavit Override**¹¹ was obtained.

COPA obtained a statement from **Officer Everett**¹² on August 27, 2020. Officer Everett's statement was consistent with BWC and the Case Report. Additionally, Officer Everett stated he observed an FOP sticker on the vehicle parked in the driveway and inferred that a police officer or family member of a police officer was inside the home. Officer Everett did not actually see the damaged cell phone charging cord. He recalled ██████████ was using her cell phone at the time, but related that he believed Officer Headley had thrown it against the wall during the incident. Officer Everett did not observe signs of intoxication when speaking with Officer Headley, nor did Officer Everett know Officer Headley prior to this incident.

Officer Everett told investigators that when responding to a call where an off-duty officer is present he can give a direct order and detain the off-duty officer. In retrospect, Officer Everett stated that he "dropped the ball on that one,"¹³ referring to not detaining Officer Headley. Officer Bucio was a Probationary Police Officer ("PPO") at the time, so Officer Everett believe he had "more of the onus"¹⁴ for not detaining Officer Headley.

COPA obtained a statement from **Officer Bucio**¹⁵ on September 10, 2020. Officer Bucio's statement was consistent with Officer Everett's statement, BWC, and the Case Report. Additionally, Officer Bucio stated he was "following [Officer Everett's] lead,"¹⁶ as Officer Everett was the senior officer, and he was a PPO. This was his first response to a ██████████ incident involving an off-duty police officer.

COPA obtained a statement from **Officer Headley**¹⁷ on January 28, 2021. Officer Headley told COPA investigators that on the date of the incident he and ██████████ had a verbal altercation in their bedroom regarding phone conversations with other people. The two were ██████████ and Officer Headley believed ██████████ was being unfaithful, as she was being very secretive about her text messages. At the time of the incident, ██████████ phone was on the nightstand, and when the text message alert came through, she quickly grabbed the phone and would not share the contents of the text messages with him. Officer Headley denied taking the phone from her or damaging it. ██████████ was using a charging cord that belonged to Officer Headley, and he did

¹⁰ Att. 15

¹¹ Att. 65

¹² Officer Everett appeared with his attorney ██████████, who was present during the interview. Officer Everett's interview is incorporated as Att. 67.

¹³ *Id.* at 26:44

¹⁴ *Id.* at 27:48

¹⁵ Officer Bucio appeared with his attorney ██████████, who was present during the interview. Officer Bucio's interview is incorporated as Att. 66

¹⁶ *Id.* at 16:00

¹⁷ Officer Headley appeared with his attorney ██████████, who was present during the interview. Officer Headley's interview is incorporated as Att. 68, 69 & 70.

not want her to use it any longer; therefore, he grabbed a pair of scissors and cut the charging cord. In response, [REDACTED] was upset and went into the bathroom adjacent to their bedroom.

Officer Headley met the responding officers at the front door, as he wanted to share his side of events first. He requested responding officers turn off their BWCs because he did not believe there was a safety threat and did not want officers recording inside his home. Additionally, Officer Headley did not want responding officers in his home, because he wanted to retrieve his belongings and leave to de-escalate the situation. Officer Headley left to go talk with a friend and calm down. Finally, Officer Headley denied being intoxicated but admitted that he told [REDACTED] that the argument would ruin their relationship.

In the end, Officer Headley believed the incident helped [REDACTED] tremendously, because the two of them [REDACTED] and worked through their problems and insecurities.

III. LEGAL STANDARD

For each allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** is evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy.¹⁸ If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense.¹⁹ Clear and convincing is defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”

¹⁸ See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it has been found to be more probably true than not).

¹⁹ See e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016).

IV. ANALYSIS AND CONCLUSION

COPA finds **Allegations 1 through 4** alleging that Officer Headley took [REDACTED] cell phone out of her hand, damaged [REDACTED] cell phone by throwing it against the wall, damaged [REDACTED] cell phone charging cord by cutting the cord with scissors without justification and stated words to the effect of: “I will ruin you,” “I will destroy your career,” and “I will destroy you,” to [REDACTED] are **Sustained**. To sustain these allegations, COPA must find that it is more likely than not that the alleged misconduct occurred.

Based on the totality of the circumstances, [REDACTED] account of events is more credible. In this case, there was no delay in reporting. [REDACTED] called 9-1-1 to report the incident immediately after it occurred. [REDACTED] provided the same account to responding officers upon their arrival. COPA acknowledges the fact that [REDACTED] did not provide a statement and there were no witnesses to the incident. However, Officer Headley admitted to cutting the phone charger but attempted to mitigate this conduct by asserting that because the charger belonged to him, it was not misconduct. COPA finds that the charging chord is arguably [REDACTED]. Moreover, the act of cutting the cord is the threat, the ownership is largely irrelevant. Additionally, Officer Headley also admitted to telling [REDACTED] that the incident would “hurt our careers, and us”²⁰ Officer Headley also denied having possession of [REDACTED] cell phone during the incident; however, COPA does not find it plausible that upon seeing the controversial text message Officer Headley cut the charging cord but did not attempt to look at the cell phone. Additionally, [REDACTED] has no known motive to lie to responding officers immediately following the incident. Furthermore, Officer Headley’s conduct upon the arrival of the responding officers diminishes his credibility. Accordingly, Allegations 1 through 4 are Sustained, in violation of rules 2, 3, 8, and 9.

COPA finds **Allegations 5 & 6** alleging that the accused advised responding officers to turn their BWCs off and interfered with an investigation, in that, Officer Headley was uncooperative with the investigating by leaving the scene are **Sustained**. To sustain these allegations, COPA must find by that it is more likely than not that the alleged misconduct occurred.

Both the Case Report and BWC support the validity of these allegations. During his statement to COPA, Officer Headley admitted he asked responding officers “not to record inside [my] home.”²¹ as he did not believe there was a need for them to be recording. Additionally, when the officers failed to oblige Officer Headley’s request, [he] announced to them that [he] was leaving and moments later, left the scene. A mitigating factor regarding these allegations is Officer Headley’s belief that leaving the scene would de-escalate the situation. However, COPA finds Officer Headley’s demeanor on BWC was not that of someone attempting to de-escalate but of someone who was angry that police were at his residence investigating him. Officer Headley was not on duty during the incident, in fact police were responding to his home because he was the subject of a call. Office Headley did not have the option to utilize discretion in this incident and/or dictate to responding officers how the call should be resolve. The evidence provided supports the allegations and accordingly, Allegations 5 & 6 are Sustained, in violation of rules 2, 3, and 6.

²⁰ See Att. 70 *Id.* at 14:33

²¹ See Att. 70 *Id.* at 2:10

COPA finds **Allegation 7** alleging that Officer Headley the was intoxicated while off duty and operated a motor vehicle is **Not Sustained**. There is insufficient evidence to prove or disprove the misconduct occurred as alleged. According to BWC, Officer Headley left the scene in a White SUV and ██████████ advised responding officers that Officer Headley was intoxicated. However, there is a lack evidence to support this allegation. Officer Headley did not participate in a breathalyzer test and did not demonstrate obvious signs of impairment on BWC. During his interview with COPA, Officer Everett stated he and Officer Headley were standing within an arm's reach of one another and [he] did not believe Officer Headley was intoxicated as he did not smell alcohol. Therefore, the allegation is Not Sustained.

COPA finds **Allegation 1** alleging that Officer Bucio failed to conduct a thorough preliminary investigation into a domestic violence incident, to wit: permitted Officer Michael Headley to leave the scene of a domestic incident is **Sustained**. The Case Report and the BWC reveal that Officer Headley fled the scene without any protest or attempt to intervene from Officer Bucio. Officer Bucio was a PPO and followed the guidance of the more senior officer, Officer Everett. During Officer Bucio's statement to COPA, Officer Bucio stated it was his first time dealing with that type of incident, and based on his experience, he would make more of an effort to keep an officer at the scene moving forward. COPA will consider this in its disciplinary recommendation. However, the evidence shows that Allegation 1 is Sustained, in violation of rules 2, 3, 6, and 10.

COPA finds **Allegation 1** alleging that Officer Everett failed to conduct a thorough preliminary investigation into a domestic violence incident, to wit: permitted Officer Michael Headley to leave the scene of a domestic incident is **Sustained**. The Case Report authored by Officer Everett and the BWC reveal that Officer Headley fled the scene without any protest or attempt to intervene from Officer Everett. Officer Everett's admission to this allegation during his statement to COPA and his less than 3 years' experience on the job are mitigating factors; however, Allegation 1 is Sustained, in violation of rules 2, 3, 6 and 10.

V. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Michael Headley

i. Complimentary and Disciplinary History

1. **Complimentary History:** 1 2019 Crime Reduction Award, 1 Department Commendation, 1 Physical Fitness Emblem of Recognition, 33 Honorable Mentions, 1 Superintendent Award of Valor, 1 Unit Meritorious Performance Award
2. **Disciplinary History:** None

ii. Recommended Penalty, by Allegation

1. **Allegation No. 1:** 15-day Suspension
2. **Allegation No. 2:** 15-day Suspension
3. **Allegation No. 3:** 15-day Suspension
4. **Allegation No. 4:** 15-day Suspension
5. **Allegation No. 5:** 60-day Suspension

6. Allegation No. 6: 60-day Suspension

Officer Headley's actions against ██████████ were unbecoming of a Chicago Police Officer and demonstrated issues with impulse control. His conduct on the date of this incident became significantly worse when he attempted to interfere with the investigation and duties of the responding officers. Officer Headley attempted to pressure them into violating the Department's rules and orders. Apparently emboldened by his position as a police officer, he ultimately left the scene of an active investigation in which he was the subject. Such conduct must be treated seriously and face equally serious discipline. Thus, suspensions are appropriate.

b. Officer David Bucio**i. Complimentary and Disciplinary History**

1. **Complimentary History:** 1 2019 Crime Reduction Award, 2 Physical Fitness Emblems of Recognition, 2 Honorable Mentions
2. **Disciplinary History:** None

ii. Recommended Penalty, by Allegation

1. **Allegation No. 1:** Violation Noted

Officer Bucio's conduct did impede the Department's efforts to achieve its policies and goals and COPA finds it unlikely that he would have responded similarly if a civilian subject had attempted to leave the scene. However, COPA has considered Officer Bucio's status as a Probationary Police Officer and the guidance he was received from a senior officer. COPA has also considered Officer Bucio's honesty and forthrightness during his statement. Thus, a violation noted is appropriate.

c. Officer Jorey Everett**i. Complimentary and Disciplinary History**

1. **Complimentary History:** 1 2019 Crime Reduction Award, 10 Honorable Mentions, 1 Superintendent Award of Tactical Excellence
2. **Disciplinary History:** 1 Spar Preventable Accident

ii. Recommended Penalty, by Allegation

1. **Allegation No. 1:** Written Reprimand

Officer Everett's conduct did impede the Department's efforts to achieve its policies and goals and COPA finds it unlikely that he would have responded similarly if a civilian subject had attempted to leave the scene. However, COPA has considered Officer Everett's short length of time on the force and his honesty and forthrightness during his statement. Thus, a written reprimand is appropriate.

Approved:



8/17/2021

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	9
Investigator:	Shakira Nubern
Supervising Investigator:	Sharday Jackson
Deputy Chief Administrator:	Matthew Haynam