

# SUMMARY REPORT

Civilian Office of Police Accountability

LOG NO

1074886

TYPE

CR

DATE OF REPORT

28-DEC-2017

**INSTRUCTIONS: SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.  
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS**

TO:  DEPUTY CHIEF ADMINISTRATOR,  
Civilian Office of Police Accountability

CHIEF,  
BUREAU OF INTERNAL AFFAIRS

FROM - INVESTIGATOR'S NAME	RANK	STAR NO	EMPLOYEE NO	UNIT ASSIGNED	UNIT DETAILED
SCHAAF, GARRETT	9181	80		113	

REFERENCE NOS.(LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

INCIDENT ADDRESS: [REDACTED]	DATE / TIME: 27-APR-2015 19:04	BEAT: 1621
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## ACCUSED

NAME	RANK	STAR NO	EMP NO	UNIT ASSIGNED	UNIT DETAILED	SEX/RACE	DOB	APPOINTED DATE	ON DUTY ?	SWORN ?
MC MANAMON, NICK J	9161	19992	[REDACTED]	020		M / WHI	[REDACTED] 1961	08-JUL-1996	NO	YES
BANASZKIEWICZ, PHILIP R	9171	1695	[REDACTED]	016		M / WHI	[REDACTED] 1969	03-OCT-1994	YES	YES
FLIS, MARK J	9161	6252	[REDACTED]	016		M / WHI	[REDACTED] 1974	13-DEC-1999	YES	YES
TANG, WILLIAM	9161	19699	[REDACTED]	016		M / API	[REDACTED] 1967	17-MAR-1997	YES	YES

## REPORTING PARTY

NAME	ADDRESS*	CITY	STATE	TELEPHONE	SEX / RACE	DOB / AGE
[REDACTED]	[REDACTED] WELL	[REDACTED]	[REDACTED]	[REDACTED]	F / WHI	[REDACTED]-1966 / 51

## VICTIMS

NAME	ADDRESS*	CITY	STATE	TELEPHONE	SEX / RACE	DOB / AGE
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	F / WHI	[REDACTED]-1966 / 51

## WITNESSES

NAME	ADDRESS*	CITY	STATE	TELEPHONE	SEX / RACE	DOB / AGE
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	F / WHI	[REDACTED] 1998 / 19

\* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

## ALLEGATIONS

\*\* SEE LAST PAGE FOR INSTRUCTIONS FOR STATING ALLEGATIONS, AND COMPLETING THE REMAINDER OF THE SUMMARY REPORT.

See Report Beginning on Page 2

**Summary of Incident:<sup>1</sup>**

On April 27, 2015, [REDACTED], Officer Nick McManamon #19992 and [REDACTED] (collectively, the [REDACTED] while at their residence, [REDACTED], engaged in a verbal argument related to [REDACTED] texting their son while he was at a baseball game. During the argument, Officer McManamon informed [REDACTED] that if she began to harass their son upon his return home, Officer McManamon would have her arrested. At no time during the argument was there physical contact between Officer McManamon and [REDACTED].

After Officer McManamon left the residence, [REDACTED] contacted the Chicago Police Department (CPD.) Two officers and a sergeant responded. The sergeant interviewed [REDACTED] her daughter and Officer McManamon. After determining that no criminal offense had occurred, the sergeant ensured Officer McManamon left the residence for work. Later the sergeant obtained a CR log number and provided it to [REDACTED] however, the sergeant did not prepare a case report.

During its investigation of this incident, COPA learned of at least three prior instances where [REDACTED] alleged that she and Officer McManamon engaged in verbal or physical altercations. Those instances date back to January of 1999 and are detailed below.

**Allegations:****Accused Officer Nick McManamon #19992:**

1. It is alleged by the reporting party, [REDACTED], that in January 1999, at [REDACTED] during an argument, **Officer Nick McManamon #19992** pushed her on her chest causing her to fall onto the floor, in violation of Rule 9.
2. It is also alleged by the reporting party that on 08 April 2015, at approximately 1700 hours, at [REDACTED] while in the kitchen, **Officer Nick McManamon #19992** spat on her face after she refused to sign a tax return, in violation of Rule 9.
3. It is further alleged by the reporting party, that on 27 April 2015, at approximately 1955 hours, at [REDACTED] **Officer Nick McManamon #19992** threatened her with arrest and tried to “chest bump” her for texting their son, in violation of Rule 9.
4. It is further alleged by the reporting party that on 11 August 2014, that **Officer Nick McManamon #19992**, struck her in the face, in violation of Rule 9.

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

**Accused Sergeant Phillip Banaszkiwicz #1695:**

1. It is alleged by the reporting party that on 27 April 2015, at approximately 1955 hours, at [REDACTED] **Sergeant Phillip Banaszkiwicz #1695** failed to follow proper procedures in that he did not generate a General Case Report when the reporting party requested that he do so, in violation of Rule 6.

**Accused Officer William Tang #19699:**

1. It is alleged by IPRA Investigator A. Kuykendoll, #106 that on 27 April 2015, at approximately 1955 hours, at [REDACTED] **Officer William Tang #19699** failed to follow proper procedure in that he did not generate a general case report, in violation of Rule 6.

**Accused Officer Mark Flis #6252:**

1. It is alleged by IPRA Investigator A. Kuykendoll, #106 that on 27 April 2015, at approximately 1955 hours, at [REDACTED] **Officer Mark Flis #6252** failed to follow proper procedures in that he did not generate a general case report, in violation of Rule 6.

**Applicable Rules and Law:**

Rule 6: Disobedience of an order or directive, whether written or oral.

Rule 9: Engaging in any unjustified verbal or physical altercation with any person while on or off duty.

General Order G04-04 IV.B.3: Domestic Incidents, Preliminary Investigation – effective December 28, 2012.

**Investigation:****Testimonial Evidence****Complainant Interviews**

In a **statement to IPRA** on April 29, 2015, [REDACTED] alleged, on April 27, 2015, at approximately 7:55 pm at [REDACTED], Chicago IL [REDACTED], she and her husband, Officer Nick McManamon,<sup>3</sup> were arguing about [REDACTED] texting<sup>4</sup> their juvenile son, [REDACTED] during his baseball game. Officer McManamon was upset because he did not want [REDACTED] texting their son during baseball games. As Officer McManamon was exiting the

<sup>2</sup> The transcript contains an error, it lists the numerical address as [REDACTED], however [REDACTED] is not a valid address. The correct address, as stated in the interview, is [REDACTED].

<sup>3</sup> At the time of this argument [REDACTED] and Officer McManamon were in the process of divorcing. [REDACTED] filed for divorce on September 12, 2014 in Cook County Illinois under [REDACTED].

<sup>4</sup> The text message from [REDACTED] was inquiring where N.M. would reside if Officer McManamon moved out. [REDACTED] advised that she never received a response from N.M. and that N.M. never speaks to her.

residence, he took an aggressive stance<sup>5</sup> near [REDACTED] while yelling and screaming at her. Additionally, Officer McManamon informed [REDACTED] that if she harassed [REDACTED], about his failure to respond to her text messages, Officer McManamon would call the police and make sure she went to jail.

After Officer McManamon left the residence, [REDACTED] contacted CPD and requested their response. After several minutes a sergeant, later identified as Phillip Banaszkiwicz #1695, arrived at the residence and inquired why [REDACTED] requested assistance. [REDACTED] informed Sgt. Banaszkiwicz that she was in the process of [REDACTED] Officer McManamon and that it was difficult with him living in the residence. In response to her statement, Sgt. Banaszkiwicz informed her that Officer McManamon needed to remain in the residence, because, in his personal experience, a spouse can cause great damage to the house.<sup>6</sup> Additionally, [REDACTED] attempted to show Sgt. Banaszkiwicz photographs of bruises she had received from both Officer McManamon and [REDACTED] however Sgt. Banaszkiwicz did not express interest in the photographs. Furthermore [REDACTED] requested that Sgt. Banaszkiwicz provide her with a report to document the incident.<sup>7</sup>

After speaking to [REDACTED] Sgt. Banaszkiwicz spoke to the [REDACTED] juvenile daughter, [REDACTED] was not present during Sgt. Banaszkiwicz's conversation with [REDACTED]

Shortly after Sgt. Banaszkiwicz finished speaking with [REDACTED] he was joined in the hallway by two officers, later identified as William Tang #19699 and Mark Flis #6252. Soon thereafter, Officer McManamon returned home.

Upon entering the home, Officer McManamon requested to speak to Sgt. Banaszkiwicz and both walked to the basement.<sup>8</sup> [REDACTED] was not present for their conversation but advised that she was informed by [REDACTED] who also was not present for the conversation, that Sgt. Banaszkiwicz told Officer McManamon that [REDACTED] was screaming and yelling, and was crazy. Additionally, Officer McManamon informed Sgt. Banaszkiwicz that [REDACTED] needed to be on medication.

After speaking in the basement, Sgt. Banaszkiwicz and Officers McManamon, Tang and Flis stood outside of the residence and carried on a conversation during which they were all laughing. [REDACTED] did not hear the contents of the conversation.

Later in the evening [REDACTED] received an automated telephone call from Sgt. Banaszkiwicz during which she was given CR Log Number 1074886.

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<sup>5</sup> In her interview [REDACTED] described this action as a "chest bump;" however, she later clarified that Officer McManamon never made physical contact with her during the argument.

<sup>6</sup> According to [REDACTED] Sgt. Banaszkiwicz recounted that during, his divorce, his wife caused \$20,000 in damage to the house.

<sup>7</sup> [REDACTED] added that Sgt. Banaszkiwicz's failure to provide a report was the reason she contacted IPRA.

<sup>8</sup> During the divorce, Officer McManamon remained in the home but lived in the basement, separate from his wife.

The next day, Officer McManamon informed [REDACTED] that Sgt. Banaszkiwicz and Officers Tang and Flis did not believe “a word” she said.

In addition to the events that occurred on April 29, 2015, [REDACTED] stated that previously, both [REDACTED], and Officer McManamon had physically struck her, leaving bruises. She added that when those incidents occurred she did not contact CPD or any other agency because she did not want [REDACTED] to get in trouble. (Atts. 6, 15.)

In a second **statement to IPRA** on June 24, 2015, [REDACTED] alleged that there were three prior incidents between her and Officer McManamon. First, in January of 1999 she was changing the diaper of her then-infant daughter, [REDACTED] when she noticed a phone number written on her husband’s hand. [REDACTED] inquired as to the significance of the number, which caused Officer McManamon to become upset to the point that he pushed [REDACTED] causing her to fall to the ground.

Second, [REDACTED] alleged that on August 11, 2014, she was at a school fundraiser with her husband for one of their children when a female sat next to him and began to stroke his leg and hair. [REDACTED] was upset and embarrassed by this as well as by Officer McManamon’s failure to rebuff the female. During the fund raiser, the female also grabbed [REDACTED] and informed her that she was engaged in a sexual relationship with Officer McManamon. Officer McManamon denied the sexual relationship with the female because she was a “fat ass.”

After the fund raiser, the [REDACTED] were driving home together when they engaged in a verbal argument about the encounter with the female. During the argument, [REDACTED] accused Officer McManamon of infidelity. He denied the infidelity and told her to “[s]hut the fuck up” and called her a bitch. [REDACTED] responded: “That’s it. ... I’m [REDACTED] and you’re gonna get the hell out of here.” Officer McManamon then punched [REDACTED] in the face, bruising her right eye. [REDACTED] advised that she did not seek medical treatment, document the injuries with photographs, or contact CPD.

Third, [REDACTED] alleged that on April 8, 2015, at approximately 5:00 pm, while in the kitchen of [REDACTED] Officer McManamon spat in her face because she refused to sign their joint tax return. [REDACTED] advised that their daughter, [REDACTED] was present during the incident. (Atts. 43, 64.)

### **Witness Interviews**

In a **statement to IPRA** on June 24, 2015,<sup>9</sup> [REDACTED] advised that sometime in April of 2015,<sup>10</sup> she was in her room doing homework when she heard her father approach her mother in the living room and begin yelling at her for calling N.M. [REDACTED] determined, based on the volume of Officer McManamon’s voice, that he was approaching [REDACTED] to the point that he

<sup>9</sup> The interviewing investigator states that year as 2014, however the interview occurred in 2015 as documented on the accompanying documents for the interview (Atts. 18-24.)

<sup>10</sup> [REDACTED] could not provide the exact date but was certain it was not May 2015.

“chest bumped” her.<sup>11</sup> The argument ended when Officer McManamon left the residence to pick up [REDACTED]

After Officer McManamon left, [REDACTED] called CPD and Sgt. Banaszkiwicz responded. [REDACTED] spoke with Sgt. Banaszkiwicz about her observations. At some point Officer McManamon returned home and spoke to Sgt. Banaszkiwicz. [REDACTED] overheard Sgt. Banaszkiwicz tell Officer McManamon that [REDACTED] was yelling at him. Additionally, [REDACTED] heard Officer McManamon state “oh well, she needs to take medicine” or “there is something wrong with her. She needs to take medicine.”

Further, [REDACTED] recalled hearing [REDACTED] request a report from Sgt. Banaszkiwicz twice, once before he completed his interviews and once after he had completed his interviews. At no time did she hear Sgt. Banaszkiwicz refuse to provide a report. Rather, she heard Sgt. Banaszkiwicz state, “[w]e have to check a few things. We have to see what’s going on. We have to handle this first and then maybe we’ll doing (sic) it. I don’t know right now.”

Finally, [REDACTED] advised that prior to the April incident,<sup>12</sup> she observed her parents arguing about bills. During the argument, Officer McManamon spat in [REDACTED] face. (Att. 25, 44.)

### **Witness Officer Interview**

In a **statement to IPRA** on February 17, 2016, **Officer William Tang # 19699**<sup>13</sup> advised, that on April 27, 2015, he was on duty when he and his partner, Mark Flis #6252, responded to [REDACTED] for a domestic disturbance.

Upon arrival, Officers Tang and Flis learned that one of the involved parties was a Chicago Police Officer, prompting them to request a supervisor. Sergeant Phillip Banaszkiwicz #1695, responded and “took over the situation.” While Sgt. Banaszkiwicz was speaking to the [REDACTED] separately, Officers Tang and Flis remained on the sidewalk in front of the residence. Officer Tang was too far from Sgt. Banaszkiwicz to hear the conversation he was having with the [REDACTED]<sup>14</sup>

Officer Tang did not recall [REDACTED] requesting a report and is not aware of Sgt. Banaszkiwicz completing a report. The interview ended when the IPRA investigator served Officer Tang with an allegation of misconduct for failing to file a report for the incident. (Atts. 55, 68, 82.)

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<sup>11</sup> It is unclear how [REDACTED] observed Officer McManamon “chest bump” [REDACTED] from her bedroom. [REDACTED] could not provide the exact date but was certain the event occurred prior to April 27, 2015.

<sup>13</sup> Officer Tang was initially interviewed as a witness, however during this interview it was determined that potential misconduct occurred and he was served with allegations.

<sup>14</sup> Officer Tang estimated the distance from where Sgt. Banaszkiwicz conducted the interview and where Officer Flis and he were standing to be between fifteen and twenty feet.

### Accused Officer Interviews

In a **statement to IPRA** on February 10, 2016, **Officer Nick McManamon #19992** advised that he had no recollection of the events that occurred in January of 1999.<sup>15</sup>

Additionally, Officer McManamon advised that on April 8, 2015, an argument arose between him and his wife when she refused to sign their tax return. This argument occurred in the kitchen and in the presence of [REDACTED]. During the argument, Officer McManamon admitted that, while he was standing approximately three feet away from [REDACTED] he made the “motion” as if he was going to spit in [REDACTED] face. Officer McManamon demonstrated what “motion” he made and during the demonstration a sound consistent with spitting can be heard.<sup>16</sup> Further, Officer McManamon estimated the distance between his daughter and [REDACTED] was approximately three feet during the incident.

Additionally, Officer McManamon advised that on April 27, 2015, he and [REDACTED] engaged in a verbal argument over her text messages and phone calls to their son, [REDACTED] during his baseball practice. Officer McManamon was insistent that at no time did he make physical contact with [REDACTED]. Despite this insistence, Officer McManamon admitted that he told [REDACTED] “if you start your stuff with [REDACTED] when we get home, you’re gonna go to jail tonight.” Officer McManamon advised that the “stuff” he was referring to was [REDACTED] habit of harassing their son when he fails to respond to her text messages and telephone calls. Officer McManamon estimated he was between ten and fifteen yards from [REDACTED] during the argument.

When the argument ended, Officer McManamon left the residence to pick up his son from baseball practice. Upon his return, Officer McManamon observed a sergeant, later identified as Phillip Banaszkiwicz, in the driveway. Officer McManamon advised that the sergeant spoke to [REDACTED] and him separately. Thus, he did not know if [REDACTED] requested a case report. Officer McManamon further advised that he did not request a case report but assumed one had been completed due to the generation of a CR number.

Finally, Officer McManamon informed the investigator that the divorce from [REDACTED] was finalized at the time of the interview and that [REDACTED] has custody of [REDACTED] and he has custody of [REDACTED] (Att. 45.)

In a **statement to IPRA** on February 22, 2016, **Officer William Tang #19699** advised that, in addition to the information he provided during his February 17, 2016 interview, he did not complete a case report. Officer Tang explained that he did not do so because, after speaking with Sgt. Banaszkiwicz, it was determined that no criminal offense had occurred. (Atts. 63, 69.)

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<sup>15</sup> Officer McManamon’s attorney objected to the questions related to the January 1999 event due to a lack of timeliness.

<sup>16</sup> It is unknown what Officer McManamon was physically doing during the audiotaped demonstration as it is not documented on the record.

In a **statement to IPRA** on February 22, 2016, **Sergeant Phillip Banasziewicz #1695** advised, on April 27, 2015, he responded to [REDACTED] after being notified that an off-duty Chicago Police Officer was involved in a domestic disturbance.

Upon arrival, Sgt. Banasziewicz first spoke to [REDACTED]. She informed him that she and her husband had had an argument involving their children. During the argument Officer McManamon threatened to have [REDACTED] "locked up." Additionally, [REDACTED] showed Sgt. Banasziewicz "unidentifiable pictures"<sup>17</sup> that she described as depicting injuries from a prior domestic incident with her husband. [REDACTED] was, however, unable to provide any information related to when or how she received the injuries.

In addition to speaking to [REDACTED] Sgt. Banasziewicz spoke to [REDACTED] who advised that while she was in her bedroom she heard her parents arguing. [REDACTED] did not provide any information indicating that she heard or witnessed a physical altercation between her parents.

Additionally, Sgt. Banasziewicz spoke with Officer McManamon alone downstairs.<sup>18</sup> Afterwards, Sgt. Banasziewicz obtained Officer McManamon's firearm and instructed him to prepare for work early. Once Officer McManamon was ready for work, Sgt. Banasziewicz escorted him outside and returned his firearm to him.

After completing his interviews, Sgt. Banasziewicz determined that there was no indication that a physical altercation or a criminal offense had occurred; therefore, he did not generate a case report. Sgt. Banasziewicz did, however, complete an Initiation Report with IPRA. Sgt. Banasziewicz advised that he did not document [REDACTED] allegations of prior physical contact, in part because "an unknown event at an unknown time in the past with no corroboration does not rise to the level of a criminal complaint." (Atts. 60, 70.)

In a **statement to IPRA** on March 8, 2016, **Officer Mark Flis #6252** advised, that on April 27, 2015, he and his partner, William Tang #19699, responded to [REDACTED] for a domestic disturbance.

Upon arrival, he observed that Sgt. Banasziewicz was already there. Officer Flis entered the residence with Officer Tang and Sgt. Banasziewicz. Once inside, Sgt. Banasziewicz conducted individual interviews with [REDACTED] and Officer Nick McManamon #19992. Officer Flis did not hear either of the interviews.

After Sgt. Banasziewicz completed his interviews, he informed Officers Flis and Tang that they could "clear" the call for service. Additionally, Sgt. Banasziewicz informed them that they did not need to generate a report and that the "he would handle everything through Internal Affairs." (Atts. 77, 78.)

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<sup>17</sup> Sgt. Banasziewicz recalled that the photographs were of such a low quality that he could not determine what part of the body they depicted.

<sup>18</sup> The interviewing investigator did not inquire as to the substance of the conversation between Sgt. Banasziewicz and Officer McManamon.

In a **statement to COPA** on December 18, 2017, **Officer Nick McManamon #19992** advised, that on August 11, 2014, after leaving a school fundraiser he and his wife, [REDACTED] engaged in a verbal argument over his potential infidelity. However, he insisted that at no time did he strike [REDACTED]. Officer McManamon added that there is a history of verbal arguments in their relationship. (Att, 92.)

### Documentary Evidence

#### Photographs

On May 5, 2015, [REDACTED] provided IPRA investigators with **three photographs**<sup>19</sup> via email. The photographs were undated and were not accompanied by any description of who or what they were depicting. Further, the photographs were low-quality and appear to be close-up images of unknown body parts with splotches of red marks. (Att. 4.)

#### CPD Report

An **Initiation Report** dated April 27, 2015, from Sgt. Banaszkiwicz #1695 detailed that the [REDACTED] were in the process of divorcing and that Officer McManamon was seeking custody of their minor children.

Additionally, the report detailed that on April 27, 2015, at approximately 7:55 pm at [REDACTED] [REDACTED] Officer McManamon threatened to have [REDACTED] arrested for “messing” with their children. Further, the report detailed that [REDACTED] advised that in the past Officer McManamon had threatened her, pushed her, and told her that she would be “pulled over.”

The report details that although [REDACTED] had no visible signs of injury to her person, she did provide photographs, on a cellular telephone, that showed injuries from prior incidents. Additionally, the report details that [REDACTED] was verbally aggressive with Sgt. Banaszkiwicz. (Att. 10.)

#### OEMC Report

An **Event Query for event** [REDACTED], details that on April 27, 2015, at approximately 8:02 pm, Beats 1620, later identified as Sergeant Phillip Banaszkiwicz, and 1671, later identified as Officers William Tang and Mark Flis, were dispatched to [REDACTED] because of a domestic disturbance. At approximately 8:13pm, Sgt. Banaszkiwicz arrived at [REDACTED]. [REDACTED] here is no indication of when Officers Tang and Flis arrived at [REDACTED].

Submitted:

[REDACTED] #80  
Garrett Schaaf, #80  
Investigator, COPA

Approved:

[REDACTED] #14  
Brian Dollar, #14  
Supervising Investigator, COPA

<sup>19</sup> It is unknown if the photographs provided by [REDACTED] are the same photographs shown to Sgt. Banaszkiwicz on April 27, 2015.

**Analysis:**

The burden of proof COPA must reach on for a finding on each allegation is the preponderance of the evidence standard.

**Allegation 1 as to Officer McManamon, January 1999:**

During its investigation, COPA was unable to obtain any evidence, other than the statement provided by ██████████ that in January of 1999, Officer McManamon pushed her and caused her to fall to the ground. During Officer McManamon's interview he could not recall the interaction.

Based on the evidence, COPA is unable to determine if in January of 1999, Officer McManamon pushed ██████████ causing her to fall.

**Allegation 2 as to Officer McManamon, April 8, 2015:**

COPA learned that on April 8, 2015, while in the presence of their daughter, ██████████ Officer and ██████████ engaged in a verbal argument about a tax return.<sup>20</sup> It is during this argument that ██████████ alleges that Officer McManamon spat in her face. ██████████ allegation of being spat on is bolstered by the account of ██████████ who advised recalling an argument between her parents over bills, during which Officer McManamon spat in the face of ██████████. Further, Officer McManamon confirmed that the argument occurred and that ██████████ was present. Additionally, Officer McManamon admitted that he "motioned" as if he was spitting at ██████████ – specifically Officer McManamon demonstrated to the interviewing investigator his actions while making a sound consistent with spitting.

Based on the evidence, COPA has determined that the preponderance of the evidence supports that on April 8, 2015, Officer McManamon spat on ██████████ during an argument. This determination is based on reviewing and weighing each piece of evidence. There is no dispute that ██████████ was present during the argument; thus, her account of the event is afforded equal weight to the accounts from her parents. Additionally, COPA believes it is highly improbable that Officer McManamon only "motioned" as if he was going to spit on ██████████ especially considering he demonstrated actions in during his statement which were consistent with the sound of spitting.

**Allegation 3 as to Officer McManamon, April 27, 2015:**

COPA learned that on April 27, 2015, Officer McManamon and ██████████ engaged in a verbal argument, during which Officer McManamon informed ██████████ that he would not allow her to harass their son, ██████████ and that if she chose to harass ██████████ she may be subject to an arrest. Further, ██████████ admitted that during the argument, Officer

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<sup>20</sup> When ██████████ recalled the event, she advised that the argument was over bills. COPA believes that an argument about tax returns could be reasonably interpreted as an argument about bills, especially considering that this particular argument was related to a disagreement over the accuracy of a tax return.

McManamon never made physical contact with her. Additionally, [REDACTED]'s account of the argument was based solely on what she heard, as she was in the bedroom during the incident.

Based on the evidence, COPA has determined that Officer McManamon never "chest bumped" [REDACTED] as she initially claimed. However, COPA is unable to determine if Officer McManamon threatened [REDACTED] with arrest or if he advised her that an arrest could result from her harassment of [REDACTED]

#### **Allegation 4 as to Officer McManamon, August 11, 2014:**

COPA was unable to obtain any evidence, other than the statement provided by [REDACTED] that on August 11, 2014, Officer McManamon struck her in the face, injuring her right eye. During his statement, Officer McManamon recalled a verbal argument with [REDACTED] about his possible infidelity but denied ever striking her.

Based on the evidence, COPA is unable to determine if Officer McManamon did in fact strike [REDACTED] on August 11, 2014.

#### **Allegation 1 as to Sgt. Baszkiewicz, and Officers Tang and Flis, April 27, 2015:**

In his investigation of the April 27, 2015 argument, Sgt. Baszkiewicz interviewed [REDACTED] and Officer McManamon about the argument. During his interviews Sgt. Baszkiewicz did not observe any injuries to any party involved. Additionally, Sgt. Baszkiewicz learned that [REDACTED] was in her bedroom and did not visually witness the interaction between the [REDACTED]. Furthermore, Sgt. Baszkiewicz acknowledged that [REDACTED] had shown him photographs of possible prior injuries but she was unable to provide any information related to the date, time, or location of the incident. Based on all the information Sgt. Baszkiewicz gained during his investigation, he determined that [REDACTED] was not making a *bona fide* allegation of domestic violence and that there was no evidence that a criminal offense occurred. After making this determination, Sgt. Baszkiewicz informed Officers Tang and Flis that they needed to take no action and could "clear" the call. Finally, Sgt. Baszkiewicz completed an initiation report detailing his investigation and obtained a CR log number which he provided to [REDACTED]

Chicago Police Department General Order G04-04 Part IV.B.3., dictates when a case report is required for domestic incident. Specifically, the order requires officers to "prepare the appropriate case report for any *bona fide* allegation of domestic violence."<sup>21</sup> Further, the order mandates that the report will "establish all elements of the alleged crime and the probable cause for any arrest made" and "describe any physical injury to the victim and/or offender."

Based on the evidence, COPA determined that on April 27, 2015, [REDACTED] did not make a *bona fide* allegation of domestic violence and that Sgt. Baszkiewicz did not discover any evidence that domestic violence had occurred in the residence. Thus, Sgt. Baszkiewicz was not bound by General Order G04-04 to complete a case report documenting the incident. Further, because Sgt. Baszkiewicz completed the on-scene investigation and ordered Officers Tang and

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<sup>21</sup> (emphasis added.)

Flis to “clear” while telling them they had to take no action, COPA determined that Officer Tang and Flis had no responsibility in completing a case report. Finally, Sgt. Banazkiewicz’ action of obtaining a CR log number indicates that not completing a case report was more likely than not based on his on-scene investigation and not an attempt to hide [REDACTED] allegations against Officer McManamon.

**Conclusion:**

COPA recommends the finding of **Not Sustained** for Allegations 1, 3, and 4 against Officer Nick McManamon #19992, that in January 1999 Officer McManamon pushed [REDACTED] causing her to fall; that on April 27, 2015, Officer McManamon threatened [REDACTED] with arrest and “chest bumped” her; and that on August 11, 2014, Officer McManamon struck [REDACTED] in the face.

COPA recommends the finding of **Sustained** for Allegation 2 against Officer Nick McManamon #19992, that on April 8, 2015, Officer McManamon spat in the face of [REDACTED]

COPA recommends the finding of **Unfounded** for Allegation 1 against Sergeant Phillip Banaszkiwicz #1695, that on April 27, 2015, he failed to complete a general offense report.

COPA recommends the finding of **Exonerated** for Allegation 1 against Officer William Tang #19699, that on April 27, 2015, he failed to complete a general offense report.

COPA recommends the finding of **Exonerated** for Allegation 1 against Officer Mark Flis #9252, that on April 27, 2015, he failed to complete a general offense report.

[REDACTED]  
Josh Hunt #5  
Deputy Chief Administrator, COPA

**Findings:**

**Officer Nick McManamon #19992:**

Allegation 1: Not Sustained

Allegation 2: **Sustained** – Violation of Rule 9 – Engaging in any unjustified verbal or physical altercation with any person, while on or off duty; when he spat in the face of [REDACTED] during an argument about tax returns on April 8, 2015.

Allegation 3: Not Sustained

Allegation 4: Not Sustained

**Sergeant Phillip Banaszkiwicz #1695:**

Allegation 1: Unfounded

**Officer William Tang #19699:**

Allegation 1: Exonerated

**Officer Mark Flis #9252:**

Allegation 1: Exonerated

