SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	September 25, 2015
Time of Incident:	6:00-6:30 p.m.
Location of Incident:	
Data of CODA Natification	Ortobar 2, 2015
Date of COPA Notification:	October 3, 2015
Time of COPA Notification:	1:31 p.m.

This case involves two allegations from a domestic incident where: (1) an off-duty CPD officer called a woman a "bitch" during a verbal altercation; and (2) the officer grabbed his girlfriend's twelve-year old son by his face.

II. INVOLVED PARTIES

Involved Member #1:	William Rivera Star #17933, Employee # Date of Appointment: March 5, 2013 PO / Unit: District 014 DOB: 1979 Male / Hispanic
Subject #1:	Minor DOB: 2003 M/H
Subject #2:	[Father of DOB: 1973 M/H

III. ALLEGATIONS

Officer	Allegation	Finding
	1. On September 25, 2015, at approximately 6:00 p.m., at or near the accused called "bitch," in violation of Rule 9 of the CPD Rules of Conduct.	

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

2. On September 25, 2015, at approximately 6:00	Not Sus-
	tained
accused grabbed by his face, in violation of	
accused grabbed by his face, in violation of Rules 1, 8, and 9 of the CPD Rules of Conduct.	

IV. APPLICABLE RULES AND LAWS

CPD RULES OF CONDUCT

- 1. Rule 1 (prohibiting the violation of any law or ordinance).
- 2. Rule 8 (prohibiting disrespect to or maltreatment of any person, while on or off duty).
- 3. Rule 9 (prohibiting members from engaging in any unjustified verbal or physical altercation with any person, while on or off duty).

State Laws

720 ILCS 5/12-3: Battery

V. INVESTIGATION 2

A. Interviews gave an **Interview** on October 11, 2015.³ The following is a summary: Minor was twelve-years old at the time of the incident. At that time, he resided with his and his had two weekends per month. Officer Rivera is visitation with his and does not reside with her. At about 6:00 p.m. on the date in question, a verbal altercation between and Officer Rivera outside of his arrived previously with Officer Rivera to transport to her house for visitation. During the ensuing altercation, called mother and Officer Rivera a "bitch" and Officer Rivera each responded in kind. This exchange was the sum of the altercation and it prompted Officer Rivera to leave the During the ride, stated to Officer Rivera in a fit of anger, "F--k and you, Bitch." Officer Rivera stopped the vehicle, got out, opened the rear door, and grabbed by the face, and stated, "Oh, you want to be a man? I'll treat you like a man." Rivera to let her son go, and Officer Rivera did so. Upon arriving at

²The following is a summary of the material evidence gathered by IPRA and relied upon by COPA in our analysis.

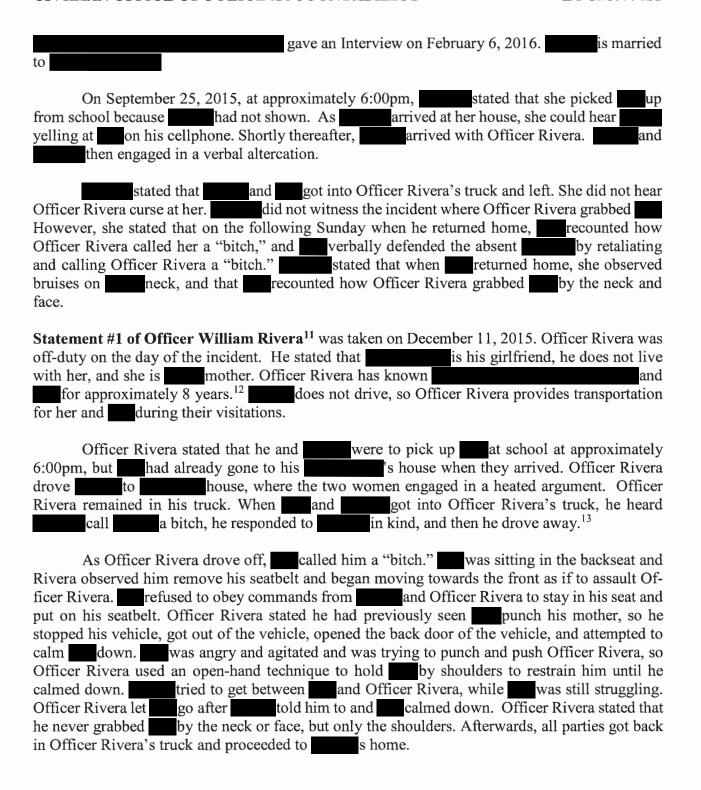
³ Attachment # 38 is a transcript of that interview.

⁴ Att. #38, p. 8:20-24.

discovered that he had a small scratch on the left side of his neck. When returned to his residence three days later, he told his about the incident.
father, gave an Interview on October 11, 2015. was at work and did not witness either incident, which occurred after his for a scheduled visit.
At approximately 6:00pm on September 25, 2015, was on the phone with his wife, and could hear her exchange of foul language with in the background. [a later received a phone call from Officer Rivera [time lapse unknown] in which Officer Rivera advised that and argued about picking up from school, and that he called a "bitch." and Officer Rivera then proceeded to argue over the phone, and then Officer Rivera hung up on him. 6
On Sunday, September 27, 2015, at approximately 6:00 pm, dropped off At that time, told him about the face grabbing incident. Mr. stated that still had a bruise on his neck, and he took a picture of the bruise. Mr. notified the police, who came to his house and took his report.
Witness gave an interview on November 9, 2015. 8
On September 25, 2015, and got into a heated argument at home concerning behavior. Officer Rivera drove there and remained seated in his truck, while stood outside the truck arguing with stated that she heard talking to someone on a cellphone, and referred to as a "bitch." Officer Rivera, who was still sitting in his vehicle, called a "bitch" in return. got into Officer Rivera's truck with and they drove away.
stated that,
While in the truck, stated that called Officer Rivera a "bitch," removed his seatbelt, and was moving toward the front of the vehicle to strike him. refused orders from and Officer Rivera to put his seatbelt back on while continuing to move toward Officer Rivera. tried to hold back from the front seat, but continued trying to get at Officer Rivera. Officer Rivera then pulled over, got out, opened the rear door, and attempted to restrain

⁵ Att. #38, p. 18:1-24. ⁶ Att. #39, p. 9:1-10. ⁷ Att. #21. ⁸ Att. #44.

⁹ Att. #44, at 8:1-24.

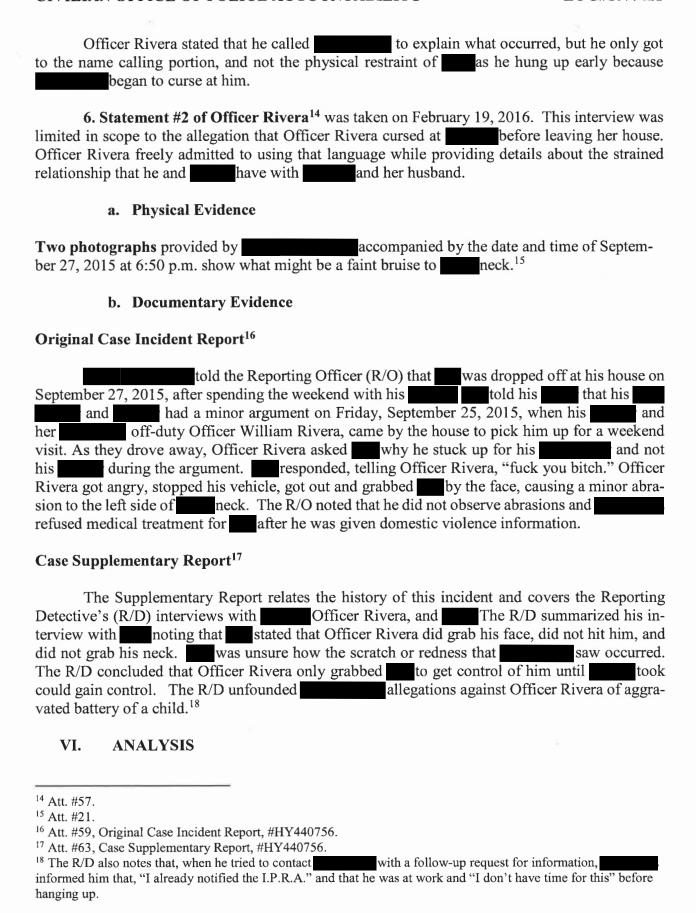


¹⁰ Att. #58, Transcribed statement of

¹¹ Att. #45.

¹² Id. at 16:6-10.

¹³ *Id.* at 7:3-13.



COPA recommends that Allegation 1 against Officer Rivera, that he called
expletive, be Exonerated. He did so after used the same against his
Rivera acknowledged doing so and, by all accounts, there was a heated exchange between
and Although Officer Rivera's use of profanity could be fairly characterized as ill-advised,
all accounts indicate that he was caught in the middle of an argument, he left at his first opportunity,
and he tried to call to explain the situation. COPA determines that this conduct
does not rise to the level of a rule violation.
COPA recommends that Allegation 2, that Officer Rivera grabbed by the face be Not
Sustained. Officer Rivera and agree that Officer Rivera used open hand techniques and
minimal physical force to temporarily restrain Officer Rivera and described as a
child with a history of anger management issues. They both described attempt to attack Officer Rivera while he was driving. Statements to IPRA (Officer Rivera grabbed him by
the face); to his (Officer Rivera wrapped his hands around his face, and bruised his neck),
and to the R/D (Officer Rivera grabbed his face, but not his neck) are inconsistent and conflict
with the accounts of Officer Rivera and Further, all three accounts describe how Officer
Rivera ceased as soon as calmed down. Further, COPA finds that the photographs of
submitted by his father do not prove or disprove whether this incident occurred as alleged.
submitted by his father do not prove of disprove whether this incident occurred as an eged.

VII. CONCLUSION

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

Officer	Allegation	Finding
P.O. William Rivera	1. On September 25, 2015, at approximately 6:00 p.m., at or near 8411 S. Kenton Ave. in Chicago, the accused called "bitch," in violation of Rule 9 of the CPD Rules of Conduct.	Exonerated
	2. On September 25, 2015, at approximately 6:00 p.m., at or near 4635 W. 84 th Street in Chicago, the accused grabbed by his face, in violation of Rules 1, 8, and 9 of the CPD Rules of Conduct.	Not Sus- tained

Approved:

Erica Sangster

Acting Deputy Chief Administrator

8/7/208 Date

Appendix A

Assigned Investigative Staff

Squad#: 11

Investigator: Leon Stiles, Jr.

Supervising Investigator: Brian Dollar

Acting Deputy Chief Administrator: Erica Sangster