

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:	[REDACTED]
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 # [REDACTED] Date of Appointment: March 5, 2013 PO / Unit: District 014 DOB: [REDACTED] 1979 Male / Hispanic
Subject #1:	Minor [REDACTED] DOB: [REDACTED] 2003 M/H
Subject #2:	[REDACTED] [Father of [REDACTED]] DOB: [REDACTED] 1973 M/H

III. ALLEGATIONS

Officer	Allegation	Finding
P.O. William Rivera	1. On September 25, 2015, at approximately 6:00 p.m., at or near [REDACTED] the accused called [REDACTED] “bitch,” in violation of Rule 9 of the CPD Rules of Conduct.	Exonerated

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.

	<p>2. On September 25, 2015, at approximately 6:00 p.m., at or near [REDACTED] the accused grabbed [REDACTED] by his face, in violation of Rules 1, 8, and 9 of the CPD Rules of Conduct.</p>	<p>Not Sustained</p>

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. INVESTIGATION²

A. Interviews

Minor [REDACTED] gave an **Interview** on October 11, 2015.³ The following is a summary:

[REDACTED] was twelve-years old at the time of the incident. At that time, he resided with his [REDACTED] [REDACTED] and his [REDACTED] [REDACTED] at [REDACTED]. [REDACTED] had visitation with his [REDACTED] [REDACTED] two weekends per month. Officer Rivera is [REDACTED] [REDACTED] and does not reside with her. At about 6:00 p.m. on the date in question, [REDACTED] observed a verbal altercation between [REDACTED] and Officer Rivera outside of his [REDACTED] house. [REDACTED] arrived previously with Officer Rivera to transport [REDACTED] to her house for visitation. During the ensuing altercation, [REDACTED] called [REDACTED] mother and Officer Rivera a “bitch” and [REDACTED] and Officer Rivera each responded in kind.

This exchange was the sum of the altercation and it prompted Officer Rivera to leave the scene with [REDACTED] and [REDACTED]. During the ride, [REDACTED] stated to Officer Rivera in a fit of anger, “F--k you, Bitch.” Officer Rivera stopped the vehicle, got out, opened the rear door, and grabbed [REDACTED] by the face, and stated, “Oh, you want to be a man? I’ll treat you like a man.”⁴ [REDACTED] asked Officer Rivera to let her son go, and Officer Rivera did so. Upon arriving at [REDACTED] residence, [REDACTED]

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. [REDACTED] applied Neosporin.⁵ When [REDACTED] returned to his [REDACTED] residence three days later, he told his [REDACTED] about the incident.

[REDACTED] father, gave an Interview on October 11, 2015. [REDACTED] was at work and did not witness either incident, which occurred after his [REDACTED], [REDACTED] arrived to pick up [REDACTED] for a scheduled visit. [REDACTED] lives with [REDACTED]

At approximately 6:00pm on September 25, 2015, [REDACTED] was on the phone with his wife, [REDACTED] and could hear her exchange of foul language with [REDACTED] in the background. [REDACTED] later received a phone call from Officer Rivera [time lapse unknown] in which Officer Rivera advised [REDACTED] that [REDACTED] and [REDACTED] argued about picking [REDACTED] up from school, and that he called [REDACTED] a "bitch." [REDACTED] 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, [REDACTED] dropped off [REDACTED]. At that time, [REDACTED] told him about the face grabbing incident. Mr. [REDACTED] stated that [REDACTED] still had a bruise on his neck, and he took a picture of the bruise.⁷ Mr. [REDACTED] notified the police, who came to his house and took his report.

Witness [REDACTED] gave an interview on November 9, 2015.⁸

On September 25, 2015, [REDACTED] and [REDACTED] got into a heated argument at [REDACTED] home concerning [REDACTED] behavior. Officer Rivera drove [REDACTED] there and remained seated in his truck, while [REDACTED] stood outside the truck arguing with [REDACTED]. [REDACTED] stated that she heard [REDACTED] talking to someone on a cellphone, and [REDACTED] referred to [REDACTED] as a "bitch." Officer Rivera, who was still sitting in his vehicle, called [REDACTED] a "bitch" in return. [REDACTED] got into Officer Rivera's truck with [REDACTED] and they drove away.

[REDACTED] stated that [REDACTED], [REDACTED] [REDACTED]. The reason [REDACTED] was living with his [REDACTED] was because [REDACTED] had been in three major fights at his old school and was getting too violent.⁹

While in the truck, [REDACTED] stated that [REDACTED] called Officer Rivera a "bitch," removed his seatbelt, and was moving toward the front of the vehicle to strike him. [REDACTED] refused orders from [REDACTED] and Officer Rivera to put his seatbelt back on while continuing to move toward Officer Rivera. [REDACTED] tried to hold [REDACTED] back from the front seat, but [REDACTED] continued trying to get at Officer Rivera. Officer Rivera then pulled over, got out, opened the rear door, and attempted to restrain [REDACTED] by open-hand techniques to the underside of [REDACTED] chin. [REDACTED] stated Officer Rivera did not grab [REDACTED] neck or face, just open-handed push-backs to [REDACTED] neck area.

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.

████████████████████ gave an Interview on February 6, 2016. ██████████ is married to ██████████

On September 25, 2015, at approximately 6:00pm, ██████████ stated that she picked ██████████ up from school because ██████████ had not shown. As ██████████ arrived at her house, she could hear ██████████ yelling at ██████████ on his cellphone. Shortly thereafter, ██████████ arrived with Officer Rivera. ██████████ and ██████████ then engaged in a verbal altercation.

██████████ stated that ██████████ and ██████████ got into Officer Rivera's truck and left. She did not hear Officer Rivera curse at her. ██████████ did not witness the incident where Officer Rivera grabbed ██████████. However, she stated that on the following Sunday when he returned home, ██████████ recounted how Officer Rivera called her a "bitch," and ██████████ verbally defended the absent ██████████ by retaliating and calling Officer Rivera a "bitch." ██████████ stated that when ██████████ returned home, she observed bruises on ██████████ neck, and that ██████████ recounted how Officer Rivera grabbed ██████████ by the neck and face.

Statement #1 of Officer William Rivera¹¹ was taken on December 11, 2015. Officer Rivera was off-duty on the day of the incident. He stated that ██████████ is his girlfriend, he does not live with her, and she is ██████████ mother. Officer Rivera has known ██████████ and ██████████ for approximately 8 years.¹² ██████████ does not drive, so Officer Rivera provides transportation for her and ██████████ during their visitations.

Officer Rivera stated that he and ██████████ were to pick up ██████████ at school at approximately 6:00pm, but ██████████ had already gone to his ██████████'s house when they arrived. Officer Rivera drove ██████████ to ██████████ house, where the two women engaged in a heated argument. Officer Rivera remained in his truck. When ██████████ and ██████████ got into Officer Rivera's truck, he heard ██████████ call ██████████ a bitch, he responded to ██████████ in kind, and then he drove away.¹³

As Officer Rivera drove off, ██████████ called him a "bitch." ██████████ was sitting in the backseat and Rivera observed him remove his seatbelt and began moving towards the front as if to assault Officer Rivera. ██████████ refused to obey commands from ██████████ and Officer Rivera to stay in his seat and put on his seatbelt. Officer Rivera stated he had previously seen ██████████ punch his mother, so he stopped his vehicle, got out of the vehicle, opened the back door of the vehicle, and attempted to calm ██████████ down. ██████████ was angry and agitated and was trying to punch and push Officer Rivera, so Officer Rivera used an open-hand technique to hold ██████████ by shoulders to restrain him until he calmed down. ██████████ tried to get between ██████████ and Officer Rivera, while ██████████ was still struggling. Officer Rivera let ██████████ go after ██████████ told him to and ██████████ calmed down. Officer Rivera stated that he never grabbed ██████████ by the neck or face, but only the shoulders. Afterwards, all parties got back in Officer Rivera's truck and proceeded to ██████████'s home.

¹⁰ Att. #58, Transcribed statement of ██████████

¹¹ Att. #45.

¹² *Id.* at 16:6-10.

¹³ *Id.* at 7:3-13.

Officer Rivera stated that he called [REDACTED] to explain what occurred, but he only got to the name calling portion, and not the physical restraint of [REDACTED] as he hung up early because [REDACTED] began to curse at him.

6. Statement #2 of Officer Rivera¹⁴ was taken on February 19, 2016. This interview was limited in scope to the allegation that Officer Rivera cursed at [REDACTED] before leaving her house. Officer Rivera freely admitted to using that language while providing details about the strained relationship that he and [REDACTED] have with [REDACTED] and her husband.

a. Physical Evidence

Two photographs provided by [REDACTED] accompanied by the date and time of September 27, 2015 at 6:50 p.m. show what might be a faint bruise to [REDACTED] neck.¹⁵

b. Documentary Evidence

Original Case Incident Report¹⁶

[REDACTED] told the Reporting Officer (R/O) that [REDACTED] was dropped off at his house on September 27, 2015, after spending the weekend with his [REDACTED]. [REDACTED] told his [REDACTED] that his [REDACTED] and [REDACTED] had a minor argument on Friday, September 25, 2015, when his [REDACTED] and her [REDACTED] off-duty Officer William Rivera, came by the house to pick him up for a weekend visit. As they drove away, Officer Rivera asked [REDACTED] why he stuck up for his [REDACTED] and not his [REDACTED] during the argument. [REDACTED] responded, telling Officer Rivera, "fuck you bitch." Officer Rivera got angry, stopped his vehicle, got out and grabbed [REDACTED] by the face, causing a minor abrasion to the left side of [REDACTED] neck. The R/O noted that he did not observe abrasions and [REDACTED] refused medical treatment for [REDACTED] after he was given domestic violence information.

Case Supplementary Report¹⁷

The Supplementary Report relates the history of this incident and covers the Reporting Detective's (R/D) interviews with [REDACTED] Officer Rivera, and [REDACTED]. The R/D summarized his interview with [REDACTED] noting that [REDACTED] stated that Officer Rivera did grab his face, did not hit him, and did not grab his neck. [REDACTED] was unsure how the scratch or redness that [REDACTED] saw occurred. The R/D concluded that Officer Rivera only grabbed [REDACTED] to get control of him until [REDACTED] took could gain control. The R/D unfounded [REDACTED] allegations against Officer Rivera of aggravated battery of a child.¹⁸

VI. ANALYSIS

¹⁴ Att. #57.

¹⁵ Att. #21.

¹⁶ Att. #59, Original Case Incident Report, #HY440756.

¹⁷ Att. #63, Case Supplementary Report, #HY440756.

¹⁸ The R/D also notes that, when he tried to contact [REDACTED] with a follow-up request for information, [REDACTED] informed him that, "I already notified the I.P.R.A." and that he was at work and "I don't have time for this" before hanging up.

COPA recommends that **Allegation 1** against Officer Rivera, that he called ██████ an 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.

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. 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.	Exonerated Not Sustained

Approved:



Erica Sangster
Acting Deputy Chief Administrator

Date 8/7/2018

Appendix A

Assigned Investigative Staff

Squad#:	11
Investigator:	Leon Stiles, Jr.
Supervising Investigator:	Brian Dollar
Acting Deputy Chief Administrator:	Erica Sangster