

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	December 18, 2016
Time of Incident:	9:30am
Location of Incident:	██████████
Date of COPA Notification:	December 18, 2016
Time of COPA Notification:	1:45pm

On December 18, 2016, the Chicago Police Department (CPD) responded to the call of a domestic disturbance at the home of ██████████ her ██████████ Officer Rafael Altamirano. The altercation between Ms. ██████████ and Officer Altamirano began as the couple argued about Officer Altamirano's alleged infidelity. The argument escalated and became physical, ultimately resulting in Officer Altamirano grabbing Ms. ██████████ and tackling her to the ground. Officer Altamirano was not arrested, but CPD filed initiation report with the Independent Police Review Authority (IPRA)¹ relative to Officer Altamirano's actions. The Civilian Office of Police Accountability (COPA) subsequently completed the investigation and concluded that several allegations against Officer Altamirano were sustained.

II. INVOLVED PARTIES

Accused Officer #1:	ALTAMIRANO, Rafael, star # 13298, employee ID ██████████, Date of Appointment – February 23, 2015, Police Officer, Date of Birth – ██████████, 1983, male, Hispanic
Involved Civilian #1:	██████████ Date of Birth – ██████████ 1987, female, Hispanic

III. ALLEGATIONS

Officer	Allegations	Finding
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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.

Officer Altamirano	1. [REDACTED] alleged that on December 18, 2016 at 9:30am Officer Rafael Altamirano engaged in a verbal altercation with her.	Sustained
	2. [REDACTED] alleged that on December 18, 2016 at 9:30am Officer Rafael Altamirano grabbed her around her neck.	Sustained
	3. [REDACTED] alleged that on December 18, 2016 at 9:30am Officer Rafael Altamirano tackled her to the floor.	Sustained
	4. [REDACTED] alleged that on December 18, 2016 at 9:30am Officer Rafael Altamirano pushed her.	Sustained
	5. [REDACTED] alleged that on December 18, 2016 at 9:30am Officer Rafael Altamirano squeezed her arm causing bruising.	Not Sustained
	6. [REDACTED] alleged that on December 18, 2016 at 9:30am Officer Rafael Altamirano directed profanities at her.	Sustained
	7. [REDACTED] a minor child, alleged that on an unknown date and time, at [REDACTED] Officer Rafael Altamirano threw a diaper at her on the back.	Not Sustained
	8. [REDACTED] a minor child, alleged that on an unknown date and time, at [REDACTED] Officer Rafael Altamirano threw a diaper at her on the back.	Not Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. Chicago Police Rule 1 prohibits any violation of any law or ordinance.
2. Chicago Police Rule 2 prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
3. Chicago Police Rule 6 prohibits any action that violates a general order.

4. Chicago Police Rule 8 prohibits the disrespect to or maltreatment of any person, while on or off duty.

5. Chicago Police Rule 9 Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

General Orders

1. Domestic Incidents G04-04

V. INVESTIGATION²

a. Interviews

In an interview with IPRA, **Complainant**, ██████████ related that on December 18, 2016 she was at home with her three children, when her eight-year-old ██████████ brought ██████████ a cell phone she did not recognize. ██████████ stated that she called her ██████████ Officer Rafael Altamirano, and confronted him after discovering the phone contained messages that indicated an extramarital affair. ██████████ next stated that she got off the phone with Officer Altamirano and called her ██████████ to come pick up ██████████ three children.

██████████ related that Officer Altamirano came home and immediately demanded the cell phone from ██████████ Officer Altamirano then grabbed her and started to physically search her for the phone. ██████████ stated that she broke free from Officer Altamirano's grasp and ran away from him to a nearby bedroom. ██████████ next stated that Officer Altamirano caught up with her, and tackled her to the ground. ██████████ stated that as she tried to get up and run again Officer Altamirano grabbed her and held her down. ██████████ related that as she was struggling with Officer Altamirano when she heard a knock at the door. ██████████ stated that she got up, and ran toward the door when Officer Altamirano caught her and put her in a chokehold / headlock from behind. ██████████ the stated her ██████████ walked through the door and handed the phone to her ██████████

██████████ stated that after her ██████████ took the children outside, Officer Altamirano yelled and berated her, called her a "piece of shit", and told her that no one was going to believe her because he is a police officer.

██████████ stated that two police officers came shortly after, and that one officer spoke with her while the other officer spoke with Officer Altamirano. ██████████ stated that Officer Altamirano then left with police officers and that the officer she was talking to did not write her a report and that he only listened to her story.

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

██████████ stated that later the same day she called the police on the advice of her older ██████████ in order to procure a report and asked to speak to a sergeant. Sergeant Martin came to the scene along with the same two officers from before. ██████████ stated that she told the officers that Officer Altamirano tackled her and put her in a chokehold. The officer from before objected and said that ██████████ never told her she was tackled. After a short disagreement between ██████████ and the beat officer, the officers wrote a police report and Sergeant Martin drafted an initiation report against Officer Altamirano. ██████████ also stated on other occasions that Officer Altamirano squeezed her arm causing bruising.³

In an interview with IPRA on December 19, 2016, witness ██████████ stated that on the date in question she received a phone call from her ██████████ requesting that she pick up ██████████ children. ██████████ stated that when she arrived at ██████████ residence ██████████ 8-year-old ██████████ immediately opened the front door. ██████████ stated that when she entered the residence, she saw Officer Altamirano with one hand around ██████████ waist and his other arm around her neck. ██████████ stated that ██████████ gave her a cell phone and told ██████████ to call the police. ██████████ saw her ██████████ run outside. ██████████ stated that she stepped out of the door way and then called the police using her own cell phone. ██████████ then stated she went to ██████████ neighbor's house and requested help. ██████████ related that the neighbor called 911 again and that Officer Altamirano came outside and handed ██████████ her 4-year-old ██████████ stated that she stayed at the neighbor's house until the police arrived.

██████████ stated Officer Altamirano went with the police and that after Officer Altamirano left she went back to ██████████ home with her ██████████ and called her older ██████████ stated that Officer Altamirano came back to the residence but does not know what happened because she stayed with her ██████████ until Officer Altamirano left again.

██████████ also stated that ██████████ 8-year-old ██████████ often complains about getting punched by Officer Altamirano and that ██████████ is afraid of Officer Altamirano. ██████████ also related that Officer Altamirano will not buy food or clothes for ██████████ s ██████████, and that ██████████ often calls ██████████ so that ██████████ can buy food for her family.⁴

In an interview with IPRA on December 19, 2016, ██████████ stated that on the date in question she lived with her ██████████ and two ██████████ age 4, and ██████████ who is an infant. ██████████ stated that in the early morning of December 18, 2016, she found a cell phone that she did not recognize charging. ██████████ related that she brought the cell phone to her ██████████ and her ██████████ then called Officer Altamirano to talk to him about the phone. ██████████ stated that when

³ Att. 19

⁴ Att. 26

Officer Altamirano came home later that day, her [REDACTED] and Officer Altamirano started to fight by yelling at each other. [REDACTED] stated that she was initially in the kitchen, but when she heard the yelling she ran into the living room and sat on the couch. She witnessed [REDACTED] and Officer Altamirano push each other throughout the house. [REDACTED] stated that she saw [REDACTED] and Officer Altamirano knock down the [Christmas] tree and lamps. [REDACTED] did not see Officer Altamirano grab or choke [REDACTED] she only saw pushing.

During her statement [REDACTED] also stated that Officer Altamirano randomly punches her from time to time, and that Officer Altamirano once threw a dirty diaper at her. She could not remember the date or times of these incidents. [REDACTED] stated that Officer Altamirano does not get angry when he hits her and she has not suffered any injuries as a result of Officer Altamirano's punches.⁵

In a statement to COPA on February 9, 2018, **Officer Rafael Altamirano** stated that on the date in question he lived with his [REDACTED] his [REDACTED] his four-year-old and infant [REDACTED] Altamirano. Officer Altamirano recalled being off duty at Wal-Mart picking up medicine for one of his [REDACTED] who was sick. While at the store, Officer Altamirano remembered receiving a phone call from his [REDACTED] whom he stated was highly upset with him because she found a cell phone that Officer Altamirano used to cheat on her with. Officer Altamirano stated that he immediately went home and that when he arrived home he demanded the phone back from [REDACTED] Officer Altamirano stated that he really wanted the phone back because there were pictures and messages on the phone that he did not want his [REDACTED] to see.

Officer Altamirano stated that [REDACTED] refused to give him the phone and told Officer Altamirano that they were going to sit and talk about his infidelity. [REDACTED] then walked away from Officer Altamirano and went to go check up on their infant child. Officer Altamirano then went into [REDACTED] purse and found the phone. Officer Altamirano then stated that once he retrieved the phone [REDACTED] got angrier and hysterical and began reaching and grabbing for the phone. Officer Altamirano stated that because [REDACTED] was so hysterical he allowed her to take the phone from him but he still wanted the phone back because it contained evidence of his infidelity. As [REDACTED] walked away with the phone she turned her back towards Officer Altamirano. Officer Altamirano stated that while he was behind her he put his arms around her in a bear hug to try to get the phone from her but he did not squeeze her. At that moment, Officer Altamirano stated that [REDACTED] walked in and "freaked out" at what she saw. When asked to elaborate, Officer Altamirano stated that [REDACTED] always gets hysterical and when she saw Officer Altamirano's bear hug around [REDACTED] it exacerbated her hysteria. Officer Altamirano stated that although the Christmas tree may have fallen, nothing else was damaged in the apartment.

Officer Altamirano related that when [REDACTED] arrived, he let [REDACTED] free and that [REDACTED] blew everything out of proportion. Officer Altamirano stated that [REDACTED] took [REDACTED] and [REDACTED] to the neighbor's house next door. Officer Altamirano said that police were called and that [REDACTED] kept the phone and that [REDACTED] demanded that the couple stay at their home until police showed up. When police arrived the two officers spoke to them separately, and told Officer Altamirano that he needed to go into the district to speak to a supervising officer. Officer

⁵ Att. 23

Altamirano stated he went to the 8th District police station and that police officers wrote a report and gave him the police report number. Officer Altamirano admitted to getting into a verbal altercation with [REDACTED] but denied using any profanities.⁶

b. Documentary Evidence

There are two **Original Case Incident Reports** associated with this matter. The first was written by Officer Joseph Engelhardt. This report was written on December 18, 2016, at 10:59am. The report notes that Officer Altamirano and [REDACTED] were having a verbal altercation over infidelity. Officer Engelhardt indicated that he did not observe any marks to [REDACTED] nor did he notice any damage within the residence.

The second case incident report was written again by Officer Engelhardt. This report was made on December 18, 2016, at 1:21pm. In this report Officer Engelhardt notes that [REDACTED] related to him that Officer Altamirano put his arm around her neck and tackled her to the floor during a verbal altercation. The report documents that [REDACTED] did not tell Officer Engelhardt and his partner about this before because she was stressed and afraid.⁷

An **Initiation Report** was written by Sergeant Michael Martin # 1891 on December 18, 2016. The report documented that [REDACTED] alleged that her [REDACTED] Officer Altamirano tackled her to the ground, then grabbed her neck during an argument over a cell phone. The report notes that log number and the notifications that Sergeant Martin made.⁸

The **Detective Supplementary Reports** provide that this incident was investigated by Detective William Murawski of the Special Victim's Unit out of Area Central Detective Division. The supplemental reports by Det. Murawski provide that [REDACTED] told him that during a verbal argument with Officer Altamirano, he grabbed her around the neck with his arm and tackled her to the ground while trying to get his cell phone back. She told Det. Murawski that she did not tell the responding officers and sergeant about the abuse the first time they came to the residence because she was stressed and afraid. Det. Murawski did not notice any physical injuries to [REDACTED]. Det. Murawski wrote in his report that he informed [REDACTED] about the procedures on how to file misdemeanor criminal charges and procedures on how to get an Order of Protection. Det. Murawski reported that he informed [REDACTED] on the availability of EAP counseling to CPD members and their families.⁹

On December 18, 2016, Officer Altamirano drafted a **To/From Report** entitled False Allegations. In this report Officer Altamirano informs his superior officer, Commander William Bradley that he was involved in a domestic dispute involving a verbal altercation on December 18, 2016, at around 9:30am. Officer Altamirano documented in his report that he may be the subject of false allegations perpetrated by his [REDACTED] [REDACTED]¹⁰

⁶ Att. 40

⁷ Att. 6, 9

⁸ Att. 4

⁹ Att. 6, 10-12

¹⁰ Att. 33

On December 27, 2016, Officer Altamirano drafted a **To / From Report** entitled Order of Protection Case # [REDACTED] Notification. In this report Officer Altamirano notifies his commanding officer Commander William J. Bradley that he had been served an Order of Protection by [REDACTED]. In the report Altamirano wrote that the Order of Protection is based on false allegations.¹¹

On December 20, 2016, [REDACTED] received an **Emergency Order of Protection** against Officer Altamirano. The Order was signed by Judge Diana L. Kenworthy. The statements [REDACTED] gave in her order of protection matched her IPRA/COPA statement.¹²

c. Additional Evidence

On February 9, 2018, [REDACTED] called COPA Investigator Dwight White and stated that she wanted to drop her case against Officer Altamirano. She stated that they are a happy family and that she did not want to pursue any charges against Officer Altamirano. Inv. White informed [REDACTED] that COPA still had a legal obligation to investigate the claims she made against Officer Altamirano.

VI. ANALYSIS

Accused: Officer Altamirano
Allegation 1: Sustained

COPA recommends a finding of **Sustained** against Officer Altamirano for allegation 1. On December 18, 2016, [REDACTED] alleged that her [REDACTED] got into a verbal and physical altercation. During his interview with COPA, Officer Altamirano admitted to feeling embarrassed and scared that his [REDACTED] was in possession of the secret cell phone. Officer Altamirano admitted to getting into a verbal altercation with his [REDACTED]. [REDACTED] alleged that Officer Altamirano berated her and threatened that she wouldn't be believed because he was a police officer. Based on [REDACTED] statement of the incident as well as Officer Altamirano's admission, COPA finds that Officer Altamirano engaged in an unjustified verbal altercation with [REDACTED] in violation of Department Rule 9, therefore this allegation is **Sustained**.

Accused: Officer Altamirano
Allegation 2: Sustained
Allegation 3: Sustained
Allegation 4: Sustained
Allegation 6: Sustained

COPA recommends a **Sustained** finding for allegations 2, 3, 4, and 6 against Officer Altamirano. [REDACTED] alleged that while Officer Altamirano was trying to retrieve the cell phone from her, he grabbed her around the neck, tackled her to the floor, pushed her, squeezed her arm, and directed profanities at her in further violation of Chicago Police Rule 2, 8, and 9.

¹¹ Att. 28, 34

¹² Att. 29-32

Specifically, [REDACTED] alleged that Officer Altamirano got into a verbal altercation with her when he demanded the cell phone from [REDACTED]. While attempting to retrieve the cell phone, [REDACTED] alleged that she ran away from Officer Altamirano into a nearby bedroom of their home and that Officer Altamirano followed her, directed profanities at her, and tackled her to the floor. [REDACTED] alleged that she got up and ran out of the bedroom to the front door of their home. [REDACTED] next alleges that Officer Altamirano, in his attempts to retrieve the cell phone, pushed her, squeezed her, and grabbed her around the neck in front of her 8-year-old [REDACTED] and [REDACTED].

In this case, Officer Altamirano admitted in his interview with COPA that he felt embarrassed that his [REDACTED] was in possession of the cell phone and that he really did not want [REDACTED] to see any more messages or pictures that were contained on the phone. Officer Altamirano further admitted that he put his arms around [REDACTED] in a “bear hug” as he attempted to get the cell phone back from [REDACTED]. Officer Altamirano stated that even though he placed her in a bear hug he did not squeeze. Officer Altamirano also testified that [REDACTED] was hysterical and irate while he was grabbing her. Officer Altamirano stated that while he was grabbing for the cell phone he was in the living room of his home and his 8-year-old [REDACTED] was also present in the living room. Officer Altamirano stated that [REDACTED] had just walked through the door. Officer Altamirano admitted to COPA that he engaged in a verbal altercation with [REDACTED] but denied using profanities. Officer Altamirano also denied pushing, tackling, and grabbing [REDACTED] around her neck.

Based on the testimonial evidence collected from the four witnesses present at the time of the incident, as well as Officer Altamirano’s To / From reports, and [REDACTED] order of protection, COPA finds that a struggle took place between Officer Altamirano and [REDACTED] over a cell phone that was in Alaniz’s physical possession. COPA further finds that Officer Altamirano was the aggressor of the altercation.

Officer Altamirano contradicted his December 27, 2016, To / From report during his interview with COPA. Officer Altamirano stated in his To / From report that [REDACTED] Order of Protection was based on false allegations. In his statement to COPA he then admitted that some of the allegations were true such as putting [REDACTED] in a “bear hug” and the verbal altercation allegation.

Officer Altamirano stated that he felt guilty about being caught cheating on his [REDACTED]. Officer Altamirano stated that he was “freaking out” and he desperately did not want his [REDACTED] to find more messages and pictures that the phone contained. Officer Altamirano also stated that [REDACTED] was “irate and hysterical.” Officer Altamirano also stated that he grabbed [REDACTED] and put her in a “bear hug”, in attempting to get the cell phone from [REDACTED] while she was walking away from him. Based on Officer Altamirano’s own statement, COPA finds that under the circumstances it is more likely than not that Officer Altamirano pushed [REDACTED] tackled her to the ground, grabbed her around the neck and directed profanities at her all while attempting to retrieve his cell phone. Moreover, Officer Altamirano’s credibility is weakened by the contradictions in his To / From report and his statement to COPA.

Conversely, the COPA statements of [REDACTED] and [REDACTED] were never contradicted and seem more plausible than Officer Altamirano’s statements. Due to the reasons stated above COPA

finds that the allegations made by ██████ occurred as alleged, and therefore COPA recommends a Sustained finding for allegations 2, 3, 4, and 6 against Officer Altamirano.

Accused: Officer Altamirano
Allegation 5: Not Sustained

COPA recommends a finding of **Not Sustained** for allegation 5. During her interview with COPA, ██████ stated that in the past Officer Altamirano has squeezed her arm and caused it to bruise. However, she was unspecific about when that had occurred and specifically stated that on December 16, 2017, Officer Altamirano did not squeeze her arm and cause it to bruise. Officer Altamirano denied ever causing bruising on ██████. Despite COPA finding ██████ credible, due to the lack of specificity as to when the injury occurred, COPA finds this allegation is **Not Sustained**.

Accused: Officer Altamirano
Allegation 7: Not Sustained
Allegation 8: Not Sustained

COPA recommends a finding of **Not Sustained** for allegations 7 and 8. While being interviewed by COPA Investigators, ██████ alleged that Officer Altamirano threw a diaper at her striking her in the back. Officer Altamirano admitted to throwing the diaper but stated he did so in a playful manner. Moreover, ██████ stated that Officer Altamirano often punches her back. ██████ stated that these punches are random and that they do not lead to injury. When questioned, Officer Altamirano stated that he has never punched ██████.

Officer Altamirano further stated that he watches wrestling with ██████ and he does mimic the wrestling moves on ██████ but that he does not hurt her. Officer Altamirano also stated that he does not ever discipline ██████. Because ██████ stated that the punches are not painful and that Officer Altamirano does not seem angry when he does this and because Officer Altamirano denies the allegations. COPA finds that there is not enough evidence to prove or disprove **Allegations 7 and 8** and therefore these allegations are Not Sustained.

VII. CONCLUSION

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

Allegations	Finding
Officer Rafael Altamirano	
1. ██████ alleged that on December 18, 2016 at 9:30am Officer Rafael Altamirano engaged in a verbal altercation with her.	Sustained

- | | |
|---|---------------|
| 2. [REDACTED] alleged that on December 18, 2016 at 9:30am Officer Rafael Altamirano grabbed her around her neck. | Sustained |
| 3. [REDACTED] alleged that on December 18, 2016 at 9:30am Officer Rafael Altamirano tackled her to the floor. | Sustained |
| 4. [REDACTED] alleged that on December 18, 2016 at 9:30am Officer Rafael Altamirano pushed her. | Sustained |
| 5. [REDACTED] alleged that on December 18, 2016 at 9:30am Officer Rafael Altamirano squeezed her arm and caused bruising. | Not Sustained |
| 6. [REDACTED] alleged that on December 18, 2016 at 9:30am Officer Rafael Altamirano directed profanities at her | Sustained |
| 7. [REDACTED] a minor child, alleged that on an unknown date and time, at [REDACTED] Officer Rafael Altamirano threw a diaper at her on the back. | Not Sustained |
| 8. [REDACTED] a minor child, alleged that on an unknown date and time, at [REDACTED] Officer Rafael Altamirano threw a diaper at her on the back. | Not Sustained |

Approved

[REDACTED]
Andrea Kersten
Deputy Chief Administrator

Date

7/30/18