

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date/Time of Incident:	December 3, 2017, approximately 9:09 p.m.
Location of Incident:	[REDACTED]
Date/Time of COPA Notification:	July 20, 2018, 5:44 p.m.

An off-duty CPD officer engaged in a momentary and mutual shoving match with his [REDACTED], a retired CPD officer. The [REDACTED] shirt was apparently torn during the skirmish.

II. INVOLVED PARTIES

Involved Member #1:	Kenneth M. Webb, Jr. Star # 17663, Employee ID# [REDACTED] Date of Appointment: September 6, 1994, Rank: Police Officer; Unit of Assignment: 701; Date of Birth: [REDACTED]; M/B
Involved Individual #1:	[REDACTED], Date of Birth: [REDACTED] 1944; M/B

III. ALLEGATIONS

Member	Allegation	Finding
Officer Webb	1. On December 3, 2017, at approximately 9:09 p.m., at [REDACTED] the accused made physical contact of an insulting or provoking nature with the Complainant, who was a [REDACTED] or [REDACTED]	NOT SUSTAINED

IV. APPLICABLE RULES AND LAWS

Rules
1. Rule 1, CPD Rules of Conduct (prohibiting the violation of any law or ordinance).
2. Rule 8, CPD Rules of Conduct (prohibiting disrespect or maltreatment, while on or off duty).
State Laws
1. 720 ILCS 5/12-3.2(a)(2) (prohibiting physical contact of an insulting or provoking nature with any family or household member)

V. INVESTIGATION¹

A. Interviews

1. The Complainant, [REDACTED]. [hereafter, "[REDACTED]"] gave **Audio Recorded Interviews** on July 30 and August 17, 2018.² The following is a non-verbatim summary of the material things he stated during those interviews.

[REDACTED] is a retired Chicago Police Department member. He resides at the incident location, which is a single-family home at [REDACTED]. [REDACTED] Kenneth M. Webb, Jr. [hereafter, "Junior"], is a Chicago Police Officer who was residing with [REDACTED] on the date of the occurrence but who no longer resides with [REDACTED]. According to [REDACTED] Junior had recently sent him a series of angry text messages³ because Junior was unhappy with certain healthcare choices that [REDACTED] had made with respect to Junior's now-late mother, who was gravely ill at the time. [REDACTED] denied that he found the text messages to be threatening. According to [REDACTED] he had not directed or asked Junior not to send him text messages, nor had he made any complaint to Junior concerning the text messages. [REDACTED] stated that he had blocked Junior's phone number subsequent to receiving the text messages, and that he had not received further text messages from Junior since.

According to [REDACTED] the subject incident was witnessed by his [REDACTED], [REDACTED], [REDACTED], and by his seventeen-year old [REDACTED]. [REDACTED] stated that he, Junior, and [REDACTED] were then arguing about [REDACTED] above-described healthcare decisions. [REDACTED] stated that Junior lost his temper and momentarily grabbed at him, causing [REDACTED] to twist his knee, and [REDACTED] intervened, quickly separating the two of them. [REDACTED] then dialed 911, and CPD members responded.⁴ According to [REDACTED] he decided not to press charges or to make a formal complaint about Junior after speaking to the CPD sergeant who was one of the responding CPD members. [REDACTED] stated that the incident led to an aggravation of a pre-existing knee injury necessitating surgery.

[REDACTED] informed COPA that he had not sought COPA's involvement in order to complain about the incident. [REDACTED] stated that, instead, he contacted COPA merely in order to bring the above-referenced text messages to COPA's attention.

¹COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

²Attachment #4 is an audio recording of that interview.

³Attachment #6 comprises copies of those text messages. COPA has reviewed the messages. They are unkind. However, none of them are obscene, nor do any of them threaten injury to [REDACTED] person or property. Therefore, COPA has determined that Junior's actions in transmitting the messages did not involve misconduct meriting the issuance and service of formal allegations against Junior.

⁴Attachment #7 is an Event Query Report showing that [REDACTED] did, in fact call 911 at approximately 9:17 p.m. on the night of the incident to report that he had been battered. The Event Query Report also shows that a CPD supervisor was among the CPD members who arrived at the scene. The Event Query Report shows that the incident was disposed of through the use of the miscellaneous incident reporting code, 1P (meaning "domestic disturbance" and "other police service provided"), at approximately 9:58 p.m.

2. [REDACTED] gave an **Audio Recorded Interview** on August 22, 2018.⁵ [REDACTED] confirmed that she witnessed the incident in question. In summary, [REDACTED] stated that [REDACTED] and Junior were arguing at the time and that each of them approached the other aggressively and momentarily prior to being separated by her [REDACTED], [REDACTED]. [REDACTED] denied that the incident could have caused or contributed to [REDACTED] need for knee surgery.

3. **Officer Kenneth M. Webb, Jr.** [“Junior”] gave an **Audio Recorded Statement** on September 25, 2018.⁶ Prior to the commencement of his statement, COPA provided Junior with an opportunity to view those portions of body-worn camera footage captured by CPD members who responded to the incident which depicted him.⁷ In summary, Junior confirmed that he and [REDACTED] were arguing at the time of the incident. According to Junior, the two of them grabbed at and pushed at each other momentarily prior to being separated by his [REDACTED]. Junior stated that [REDACTED] then dialed 911 and that he (Junior) went outside to wait for the CPD to arrive. Junior stated that he spoke to the responding CPD members at the scene and did not depart until a responding sergeant informed him that he was free to go.

B. Digital Evidence

1. Body-worn camera footage captured by CPD members who responded to the incident show that Junior was waiting outside the residence where the incident took place at the time that the responding CPD members arrived at the scene. The footage shows Junior calmly speaking with the responding members, including a CPD sergeant. In the footage, Junior denies hitting or striking [REDACTED] and he acknowledges and admits that he and [REDACTED] grabbed at and pushed at each other. The footage also shows the CPD members enter the residence and speak with [REDACTED] and [REDACTED], who are both shown by the footage to be emotional and angry. In the footage, [REDACTED] shirt is shown to be torn, which [REDACTED] attributes to Junior’s behavior. In the footage, [REDACTED] is shown to be apparently physically fit and able; [REDACTED] states that Junior grabbed at him, but he denies that Junior struck or hit him. [REDACTED] does not appear to be injured in the footage, nor does he make any claim of injury in the footage. The footage shows all the CPD members leave the residence except for the sergeant, who remains behind, apparently to confer further with [REDACTED]

VI. ANALYSIS

There is insufficient evidence to either prove or disprove the allegation. All agree that [REDACTED] and Junior approached and grabbed at each other almost simultaneously and momentarily, and that their physical contact with each other was fleeting before a relative separated the two. Though [REDACTED] reported the incident promptly by calling 911, the fact that [REDACTED] made no claim of injury to responding CPD members upon their arrival, only to make a claim of injury many months later, raises questions concerning [REDACTED] credibility concerning the incident. That [REDACTED] informed responding CPD members that he did not wish to pursue the matter formally casts further doubt that Junior’s behavior involved misconduct, as does the fact that [REDACTED] did not raise the matter again until approaching COPA to complain about text messages. The allegation is therefore **NOT SUSTAINED**.

⁵Attachment #12 is an audio recording of that interview.

⁶Attachment #22 is an audio recording of that statement.

⁷Attachment #18 comprises that footage, which is described below at Section V.B.1.

VIII. CONCLUSION

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

Member	Allegation	Finding
Officer Webb	1. On December 3, 2017, at approximately 9:09 p.m., at [REDACTED], the accused made physical contact of an insulting or provoking nature with the Complainant, who was a family or household member.	NOT SUSTAINED

Approved:



Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

10-18-18
Date

Appendix A

Assigned Investigative Staff

Squad#:	Squad #11
Investigator:	Francis Tighe
Supervising Investigator:	Brian Dollar
Deputy Chief Administrator:	Angela Hearts-Glass