

SUMMARY REPORT OF INVESTIGATION ¹

I. EXECUTIVE SUMMARY

Date of Incident:	August 28, 2015 – October 11, 2015
Time of Incident:	Various Times
Location of Incident:	██████████ Chicago, IL ██████████, Chicago, IL
Date of COPA Notification:	August 28, 2015/October 12, 2015
Time of COPA Notification:	8:28 pm/ 7:32 pm

This complaint was initiated by ██████████ ██████████ the ██████████ of Officer Markee Cooper, Sr., Star #9844. ██████████ reported several allegations on behalf of their ██████████ ██████████ ██████████ (16 years old) and ██████████ (11 years old). On the date and time of the incidents, a ██████████ agreement was in place and documented within the ██████████ decree, docket number 14D ██████████.

On August 30, 2015, ██████████ contacted the Independent Police Review Authority (IPRA) to report that on or about August 28, 2015, Officer Cooper threatened ██████████ with bodily harm and struck him in the face. At that time, confidential Log number 1076917 was initiated.² On October 12, 2015, IPRA was notified of a second complaint filed by ██████████³ alleging that Officer Cooper violated a Cook County court order, prohibiting him from using corporal punishment against the ██████████ when he struck ██████████ This additional information led IPRA to generate Log number 1077557. However, this investigation was merged with on-going Log Number 1076917.

Based on the totality of evidence, COPA concludes that all allegations against Officer Cooper are **SUSTAINED**.

II. INVOLVED PARTIES

Involved Officer #1:	Markee Cooper Sr., Star #9844, Employee ID# ██████████ Date of Appointment: August 25, 2003 Police Officer, Unit of Assignment- 007, Detailed 015 DOB: ██████████, 1975, M/B
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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.

² IPRA found that some of the allegations had fallen into the jurisdiction of the Bureau of Internal Affairs “BIA.” Therefore, spin-off confidential Log number 1076967 was generated.

³ Att. #33 (Log#1077557 was consolidated with Log#1076917)

Involved Individual #1: [REDACTED], DOB: [REDACTED], 1974, F/B

Involved Individual #2: [REDACTED], DOB: [REDACTED], 1998, M/B

Involved Individual #3: [REDACTED] DOB: [REDACTED], 2004, M/B

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Markee Cooper	1. It is alleged that on or about 28 August 2015 at or near the location of [REDACTED] Chicago, IL the accused struck his [REDACTED] [REDACTED] about the face.	SUSTAINED
	2. It is alleged that on various other unknown dates, times, and locations the accused struck his [REDACTED] [REDACTED] about the face and body.	SUSTAINED
	3. It is alleged that on 11 October 2015 the accused violated Cook County court order entered 17 Sept. 2015, relative to Case No. 14 D [REDACTED] 14 D [REDACTED] in that he used corporal punishment against [REDACTED]	SUSTAINED
	4. It is alleged the accused verbally abused his [REDACTED] [REDACTED] via telephone over the period of December 2014 – August 2015.	SUSTAINED

IV. APPLICABLE RULES AND LAWS

Rules

Rule 1- Violation of any law or ordinance.

Rule 8- Disrespect or maltreatment of any person, while on or off duty.

Rule 9- Engaging in any unjustified verbal or physical altercation while on or off duty.

V. INVESTIGATION

a. Interviews

On August 31, 2015 IPRA conducted the separate statements of ██████████ ██████████ and ██████████ ██████████ regarding the alleged incident on August 28, 2015 at ██████████ Chicago, IL.

Interviews regarding August 28, 2015 (Log Number 1076917)

i. Statement of ██████████ ██████████

██████████ related that she and Officer Cooper were twice ██████████ between 1996 and 2014. She alleged a history of alcohol, verbal, and physical abuse initiated by Officer Cooper toward her and their ██████████ throughout their relationships. During discussions, she emphasized a safety concern for herself and her ██████████. At one point, she referred to Officer Cooper as a “ticking time-bomb.”⁵

In addition, she related that a few years prior to the present date Officer Cooper had some issues related to his abuse of alcohol. ██████████ stated she attributes Officer Cooper’s irrational and aggressive form of discipline with ██████████ to his drinking habits. ██████████ stated that she and Officer Cooper have had several disagreements regarding his discipline style. On occasion, she has observed Officer Cooper punch ██████████ in the chest and arms.⁶ ██████████ also alleged that Officer Cooper has been verbally abusive toward ██████████ while on the phone with him. She stated that she recorded some of their phone calls after noticing the visible effect on ██████████ after the telephone calls with his ██████████

During the same interview with IPRA on August 31, 2015, ██████████ alleged that on August 28, 2015, Officer Cooper struck ██████████ in the face. Although she did not witness the incident, she was present immediately following the incident and gathered additional information from ██████████. She related that on the day of incident, ██████████ and ██████████ were home alone waiting for Officer Cooper to pick up them up for a visit. Sometime after Officer Cooper’s arrival, she received a phone call from ██████████ who sounded distressed. ██████████ informed her that Officer Cooper became upset with him and struck him in the face. Shortly after receiving the call, she returned to her residence. Upon her arrival, she observed ██████████ performing push-ups on the sidewalk but intervened by instructing him to stand. At that time, she and Officer Cooper, who was sitting in his vehicle, proceeded to argue about his discipline style. During their encounter, Officer Cooper exited his vehicle and proceeded in her direction. Upon approach, she related she could smell alcohol on Officer Cooper. Once she realized that he had been drinking, she decided that the boys should not go with him. During this ordeal, ██████████ was still sitting in the vehicle. After multiple failed attempts to remove ██████████ from the vehicle, because of Officer Cooper’s interference, ██████████ called 911 for assistance.

⁴ Att. 12 and 55

⁵ Att. 12 at 20:15

⁶ Id. at 19:00

ii. Statement of [REDACTED]

On August 31, 2015, [REDACTED] provided a statement with IPRA regarding his observations on August 28, 2015. He related that on the date of incident he was in the back seat of his [REDACTED] personal vehicle when he observed his [REDACTED] strike his [REDACTED] in the face. He stated that immediately before this occurred, Officer Cooper asked [REDACTED] who was sitting in the front passenger seat, if he brought his uniform with him. After [REDACTED] told his [REDACTED] that he forgot it, Officer Cooper became upset and began to direct profanities at him. During that time, he observed his [REDACTED] “punch”⁸ [REDACTED] twice on one side of his face. [REDACTED] later stated he couldn’t describe if [REDACTED] was hit with an open hand or closed fist.

As Officer Cooper started to head back to their residence, he stopped the vehicle and told [REDACTED] to walk the back to the residence, only giving him three minutes to arrive. Because [REDACTED] did not make it back within three minutes, Officer Cooper ordered him to perform fifty push-ups. It was during this time that [REDACTED] arrived and intervened.

During his interview, [REDACTED] shared that over the years he has observed his [REDACTED] argue with and strike his mom. Additionally, he observed his [REDACTED] hit [REDACTED] at least twenty-five times, generally in the face or shoulder area. [REDACTED] related that, during those incidents, he was scared and crying. He added that his [REDACTED] has a problem with drinking and every time he picks them up, his [REDACTED] has a cup and keeps a bottle in his car. [REDACTED] stated that on occasion he has observed his [REDACTED] drink to the point of intoxication.

iii. Statement of [REDACTED]

On August 31, 2015, 16-year-old [REDACTED] provided a statement with IPRA regarding the incident between he and his [REDACTED] Officer Cooper, that occurred on August 28, 2015. [REDACTED] stated that on the date of incident, he and his [REDACTED] were waiting at their residence at [REDACTED] for their [REDACTED] to pick them up for a visit. After they were picked up and drove a short distance, [REDACTED] told his [REDACTED] that he forgot his shoes. At that time, Officer Cooper became upset and began to yell. At some point during this time, Officer Cooper slapped him in the face with an open hand one time.¹⁰ [REDACTED] related that moments later Officer Cooper made him exit the vehicle and walk approximately two blocks back to his residence. After [REDACTED] returned to his residence, Officer Cooper, who was already waiting, immediately ordered him to perform push-ups on the sidewalk. While in the process of completing the push-ups, [REDACTED] arrived and told him to stop. [REDACTED] related that prior to this incident, his [REDACTED] struck him on several occasions including his arms and cheek.

[REDACTED] related that on the day of incident that he could tell Officer Cooper had been drinking. He added that he sometimes keeps a closed bottle of alcohol in the backseat, and he is concerned that his [REDACTED] has a problem with alcohol.

⁷ Att. 16 and 53

⁸ Att. 16 at 4:30 – 5:04

⁹ Att. 20 and 54

¹⁰Att. 20 at 3:45 – 3:56

Interviews regarding October 11, 2015 (Log Number 1077557)

According to the initiation report, ██████ reported that on October 11, 2015 Officer Cooper consumed alcohol and struck her ██████ in the eye while visiting with his ██████ at his girlfriend's residence. According to ██████ Officer Cooper's actions violated a court order that was in place, which prohibited him from drinking in the presence of his ██████ and the use of corporal punishment against the ██████. Although ██████ was not present, ██████ related to her that his ██████ became angry after finding out that he had given statements regarding the on-going investigations being led by the Department.¹¹ On October 13, 2015, ██████ returned to IPRA with ██████ and ██████ to provide statements regarding that incident.

iv. Statement of ██████

In a statement given to IPRA on October 13, 2015, ██████ stated that on the date of incident he and his ██████ were visiting with their ██████ at his girlfriend, ██████ residence. At the time of incident, ██████ was also a Chicago Police Officer. He related that he and his ██████ were in the living room, while a football game played on the television. During this time, he observed his ██████ go into a bedroom where ██████ sat in a chair and closed the door behind him. Shortly after, he heard ██████ yell, "Stop." At that time, he recalled that PO ██████ ran to the door to listen but stopped short of opening it. She then returned to the living area and sat on the couch.

██████ related that he knew Officer Cooper had been drinking prior to and after the incident because he observed him pour a clear liquid into a glass. Not only could he smell the liquor as he poured the clear liquid, the bottle he poured from was labeled New Amsterdam. He stated that his ██████ also appeared intoxicated later that day as he, his ██████ and ██████ played a game of dominoes. The day after the incident, ██████ told ██████ that his ██████ struck him on his face while they were in the room. ██████ also told him that the reason he yelled "stop" was because Officer Cooper was grabbing at his ink pen while he was doing his homework.

v. Statement of ██████ ██████

Likewise, on October 13, 2015, ██████ provided a statement to IPRA regarding the incident. During his statement, ██████ related that on the day of incident he was visiting his ██████ at his girlfriend's residence. He stated Officer Cooper entered the bedroom, where he was completing homework, and asked him if he had spoken to anyone about having alcohol in their presence. After acknowledging that he had done so, Officer Cooper began to yell and direct profanities at him. ██████ stated that it was during this encounter that Officer Cooper struck him in his right eye with his fist. He recalled at one point, Officer Cooper telling him "I'll fuck you up!" During the interaction, the two struggled with a pen that Officer Cooper attempted to snatch from his hand. Officer Cooper later returned to ██████ room and told him that he was a "disgrace and pathetic." ██████ stated that within the last three years Officer Cooper struck him

¹¹ Att. 35

¹² Att. 46 and 52

¹³ Att. 40, 51

approximately eight to nine times, most of the times using his fist. However, he never required medical treatment.

vi. Statement of Officer [REDACTED]¹⁴

IPRA conducted the statement of Officer [REDACTED] [REDACTED] on April 14, 2016. She stated that she initially met Officer Cooper in 2010 through work and has been in relationship with Officer Cooper since 2013. The two are engaged to be married in July 2016. Although the two did not live together at the time, they spent most nights together. Moreover, she became acquainted with [REDACTED] because [REDACTED] and [REDACTED] came to visit their [REDACTED] at her residence every Wednesday and every other weekend.

Overall, Officer [REDACTED] described Officer Cooper as a great [REDACTED] and very loving. However, she suggested that he and [REDACTED] had some issues. Officer [REDACTED] described these as being caused by [REDACTED] teenage boy attitude. One example, she described was that [REDACTED] was known to hang up the phone on his [REDACTED] when he did not agree with him. She related that in the past she observed Officer Cooper raise his voice during verbal disagreements with [REDACTED] but she denied hearing him use profanity or derogatory language. Likewise, she denied having any knowledge of or observing Officer Cooper initiating any physical discipline. Officer [REDACTED] added that she recalled [REDACTED] being ordered to complete push-ups on occasion.

On the topic of alcohol, she stated that Officer Cooper's drink of choice is vodka. However, she stated he usually drinks in social settings. She related that the only times she has observed Officer Cooper have a drink in the [REDACTED] presence was when they were all out for dinner.

Referring to the incident alleged to have occurred at her residence in October 2015, she did not recall any details IPRA provided to refresh her memory regarding the alleged account. In fact, Officer [REDACTED] was adamant that nothing happened at all. Instead, she suggested that all of Officer Cooper's troubles began with work and the courts after the announcement of their wedding. She related that at that time [REDACTED] became difficult and numerous allegations began.

viii. Statement of Officer Cooper¹⁵

In a statement given to COPA on April 24, 2018, Officer Cooper described his relationship with his [REDACTED] as filled with turmoil. He related that the years of 2014 through 2017 were a frustrating time in his life. He related that [REDACTED] became vindictive once their [REDACTED] became final and his engagement was announced. Ultimately, their issues had a direct effect on his relationship with his [REDACTED]. Despite these issues, he related that he and [REDACTED] had a great relationship.

Regarding the incident on August 28, 2015, Officer Cooper stated that he arrived at his [REDACTED] residence to pick up the [REDACTED] for a scheduled visit. Earlier that day, he learned that his [REDACTED] was in possession of graphic photos of a female classmate and was giving these

¹⁴ Att. 57, 58

¹⁵ Att. 76, 80

photos to other individuals. Once the [REDACTED] entered the vehicle, he and [REDACTED] began to discuss the photos. Shortly after leaving [REDACTED] residence, Officer Cooper asked [REDACTED] if he brought his shoes with him. After learning that [REDACTED] left the shoes at home, Officer Cooper headed back to [REDACTED] residence. Prior to turning the vehicle around, he pulled over approximately 6 to 7 houses away from the residence. At that time, he ordered [REDACTED] out of the vehicle and told him to walk back to his residence. Officer Cooper stated he drove around the block and returned to the front of the residence and ordered [REDACTED] to perform push-ups in the front yard.¹⁶

Initially, when asked if there was any physical contact made that day, Officer Cooper denied it.¹⁷ In fact, during his interview Officer Cooper continuously denied striking [REDACTED] on that day or any other day. He added that he never disciplines either of his [REDACTED] physically. Further, he related that his typical form of discipline includes taking the play-station, denying use of the internet, ordering push-ups, and doing homework.¹⁸ Only when confronted with statements given to DCFS, did he adjust his response to COPA. It was at that time, Officer Cooper stated that his relationship with [REDACTED] changed after the [REDACTED] when [REDACTED] became disrespectful. When asked if he recalled admitting to the DCFS investigator that he, “popped him ([REDACTED] upside the head with an open hand,” he related he did not recall saying that. However, he admitted to ordering him to do push-ups and tapping [REDACTED] on the head while telling him to think. He asserted that he never punched or struck [REDACTED]. Officer Cooper again related that he had never been physical with [REDACTED] except for minor spanking when the [REDACTED] were much younger.¹⁹

As it relates to the incident said to have taken place in October 2015 at his girlfriend’s residence, Officer Cooper suggested that he could not recall anything out of the ordinary occurring. But when asked if he confronted [REDACTED] about providing statements to individuals regarding previous investigations and/or allegations made against him on that day, Officer Cooper admitted that he had in fact done so. He went on to explain that he did so to remind [REDACTED] that he was under court order, which prohibited [REDACTED] from giving statements to anyone without his court appointed child advocate. In addition, he stressed to [REDACTED] that he should not allow his mother to coach him and force him to make false statements against him.²⁰ Although he previously stated that he asked [REDACTED] about the prior statements, Officer Cooper later suggested that [REDACTED] voluntarily told him that he had given these statements. Ultimately, Officer Cooper admitted that he was upset and felt the need to make [REDACTED] aware that he was under court order.²¹ Again, he denied any physical contact with [REDACTED]

When asked about verbal communications with [REDACTED] Officer Cooper displayed some offense to the allegation and claimed he would never direct profanities or use abusive and/or threatening language toward [REDACTED]. However, he admitted to raising his voice at [REDACTED] at times

¹⁶ Att. 76 at 18:25

¹⁷ Id. at 9:58, 10:28-11:45, 13:55, 17:44, 23:33 (PO Cooper denied physical contact multiple times)

¹⁸ Id. at 21:55

¹⁹ Id. at 28:55

²⁰ Id. at 34:30-39:10

²¹ Id. at 40:15

but never directed profanities at him.²² He also related that he was aware that ██████████ would record and/or even “eavesdrop” during telephone calls.²³

On the topic of alcohol consumption, Officer Cooper related that he is a social drinker and denied ever having alcohol in his vehicle. He related that he typically does not drink in the presence of his ██████████ but does so only during family events. He mentioned that when he did drink, he had wine, beer, or vodka, but never to point of intoxication in front of his ██████████. Subsequently, Officer Cooper admitted that in 2012 he attended an out-patient alcohol abuse treatment program. When asked why he refused to complete the alcohol assessment as requested by DCFS as part of their investigation, he stated he was on vacation and felt that his statement was enough. Overall, Officer Cooper denied all allegations against him.

On August 29, 2019, COPA re-called Officer Cooper in to re-serve his allegations. During this brief statement, he referenced Allegation #3 and his alleged use of corporal punishment. Officer Cooper denied use of corporal punishment and validated his original statement from April 24, 2018. He added that he has a right to discipline his kids and stopped putting his hands on his ██████████ making them do push-up/sit-ups instead.²⁴

b. Digital Evidence²⁵

In support of the allegations of verbal abuse towards ██████████ ██████████ provided IPRA with a disc containing over 100 conversations between Officer Cooper and ██████████ from December 2014 and August 2015.

Overall, the calls revealed a history of verbal abuse and harassment toward ██████████. During this period, Officer Cooper demonstrated frustration and anger while communicating with ██████████. The disc captures a disturbing amount of calls where Officer Cooper is heard belittling and berating ██████████. The calls appear to be consistent, sometimes even multiple times a day. Officer Cooper believed his ██████████ specifically ██████████ were being negatively influenced by their mother and often spoke negatively of her.

Officer Cooper often accused ██████████ of lying to him about minor incidents. On the occasions that ██████████ was unable to answer a call received from his ██████████ due to school-related obligations or being asleep, Officer Cooper refused to accept his explanation. In these instances, ██████████ was verbally disciplined. It was typical for Officer Cooper to become irrational and often accuse ██████████ of lying. During a call on January 31, 2015, Officer Cooper became upset with ██████████ because he didn't answer the phone when he called. Although ██████████ told him he was asleep, Officer Cooper scolded him stating “stop with the bullshit.” He went on to tell ██████████ that he had crossed the line and threatened, “I will fucking cut you off! Don't play with me ██████████ ... I'm not fucking playing with you dude... I'm going to cut your ass off. Your acting like you're in 5th grade, are you fucking serious.”²⁶

²² Id. at 1:02:05

²³ Att. 76 at 37:00, 1:08:10 and Att. 80 Pgs. 36-77, 67-68

²⁴ Att. 83

²⁵ Att. 77, 78, 81 (Disc, Investigative Report, Transcript)

²⁶ Att. 77 Call “Asshole Part 1- 6:43 pm” and Att. 81 Pg. 2-4

Based on the recordings, Officer Cooper appeared to often display aggression towards ██████ by yelling, directing profanities, and/or threats. On April 22, 2015, ██████ informed his ██████ of his plans to visit his elementary school the next day, Officer Cooper replied, “if you go up there watching all the girls, say anything disrespectful I’m going to knock your fucking teeth out.”²⁷ During a call on January 26, 2015, Officer Cooper scolded and berated ██████ because he failed to call his grandmother. He reminded ██████ that his money takes care of him. He went on to direct profanities and taunt him about the possibility of losing his spot on his school basketball team to a under classmen because he was not good enough to hold his spot.²⁸ Although, Officer Cooper continued to accuse the ██████ of having attitudes and being disrespectful, the evidence did not reveal such behavior.

c. Documentary Evidence

In the **Initiation Report** documented under **Log number 1076917** and authored by Sgt. Antonio Alvarez, ██████ reported that on August 28, 2015 Officer Cooper struck their 16-year-old ██████ in the face. At time of incident, Original General Case Report number HY401300 was generated.²⁹

In a second **Initiation Report** documented under **Log number 1077557**³⁰ and authored by Lt. Ricardo Mancha on October 12, 2015, ██████ reported that Officer Cooper violated the previously entered consolidated Cook County court order 14D█████ and 14D█████. The order prohibited both parents of the use of corporal punishment and alcohol consumption in the presence of the minors. Although not present, ██████ reported that on October 10, 2015 Officer Cooper consumed an alcoholic beverage (Amsterdam Vodka) in the presence of both ██████ while they visited with him at his girlfriend’s residence. During the same encounter it was also alleged that Officer Cooper became angry and struck ██████ in the eye after questioning him about an ongoing investigation involving ██████ and himself.

CPD Original Case Incident Report RD Number HY401300, prepared by Officer Eddie Okon, dated August 28, 2015, provides a narrative stating that after being dispatched to a domestic disturbance call the officers spoke with ██████ related that she had been in a verbal altercation with her ██████ Officer Cooper, who was still on the scene. It further details that, after Officer Copper departed, ██████ reported that he had struck their ██████ “about the face one time.” The incident was documented under Log number 1076917 and DCFS was notified.³¹

Records obtained from the **Office of Emergency Management and Communications (OEMC)** memorializes a 911 call initiated by ██████ ██████ on August 28, 2015 at approximately 7:00 pm. Event Query Report #1524014187 reflect reports of a domestic disturbance at ██████ ██████ with the ██████ who was refusing to leave.³²

²⁷ Att. 77 (Disc) “Talking to ██████ 2” and Att.81 Pg. 427 Line 15-24

²⁸ Id. at “Part 1: 1/26/2015 8:23PM” and Id. at Pgs. 38-44

²⁹ Att. 4 (Log # 1076917)

³⁰ Att. 35 Registered by IPRA. It should be noted Log# 1077557 was merged with the investigation related to this report.

³¹ Att. 6

³² Att. 8 and 27

On September 1, 2015, ██████ filed a **Petition for Order of Protection with the Cook County Clerk of the Circuit Court** under consolidated case numbers 14D█████/14D█████ listing Officer Cooper as the respondent. Mentioned in the petition was the incident documented in the case report, other allegations of physical and verbal against the ██████ and alcohol abuse by Officer Cooper.³³ Although the EOP was denied, the judge continued the case to September 15, 2015 pending a hearing for a Plenary Order of Protection.

On September 17, 2015, the Judge entered an order prohibiting the following³⁴:

- “1. Both parties are restrained from using corporal punishment with regards to both minor ██████*
- 2. Both parties are restrained from using alcohol in the presence of the minor ██████[...].”*

Illinois Department of Children and Family Services, Case No. ██████³⁵

DCFS investigated allegations of neglect/abuse by Officer Cooper towards ██████ and ██████. It was alleged that Officer Cooper was a substantial risk of physical injury/environment injurious to health and welfare by neglect towards ██████ and ██████.

DCFS interviews:

█████ ██████

On September 23, 2015, DCFS Investigator Walker interviewed ██████ at his school. At that time, ██████ shared some history regarding Officer Cooper. He related that he thought his ██████ had a drinking problem and was consuming alcohol more frequently. He related that Officer Cooper speaks to him more violently, curses, and threatens him. ██████ also described his ██████ to be physical aggressive. During the interview ██████ stated, *“████████████████████ will smack him and punch him. He will punch him in the shoulders, arms, and chest. Sometimes ██████ will smack him in the face, but he does not punch in the face.”* ██████ also explained that his ██████ would sometimes drink while he and his ██████ were in the car with him. He described that Officer Cooper’s drink of choice is vodka, which he drank from a cup. He added that Officer Cooper usually keeps a bottle in the back seat of his car where the label on the bottle is visible.

Regarding the incident on August 28, 2015, ██████ stated that he and his ██████ were picked up by their ██████ for a visit when he realized he left something at home. At that time, Officer Cooper became angry and hit him in the face with the back of his open hand. ██████ suggested that he knew his ██████ had been drinking that day because he could smell it.

³³ Att. 48

³⁴ Att. 68

³⁵ Att. 63

³⁶ Att. 63 at Pg. 79

During a final face-to-face interview with [REDACTED] at his school on December 1, 2015, he reported to the investigator that Officer Cooper was still upset with him for speaking with the police and told [REDACTED] that he felt betrayed. However, [REDACTED] stated that the only thing he had done was answer questions truthfully. He added that he avoids speaking with his [REDACTED] because he speaks angrily and negatively towards him.³⁷

[REDACTED]³⁸

On October 14, 2015, the DCFS Investigator interviewed [REDACTED] at his school as well. [REDACTED] stated on the date of incident Officer Cooper made [REDACTED] get out of the car and walk home because he thought he had an attitude. He stated that Officer Cooper gave [REDACTED] three minutes to complete a task, but it took him five minutes instead. As punishment, Officer Cooper made [REDACTED] do fifty push-ups on the sidewalk in front of his residence. He related that he observed his [REDACTED] strike [REDACTED] in the face with his hand because he forgot something in the house. However, [REDACTED] as unsure if it his [REDACTED] used an open or closed hand. Likewise, [REDACTED] informed the investigator that on occasion he has observed Officer Cooper pour alcohol into a cup while in the car and drinking at his girlfriend’s residence. In addition, [REDACTED] stated that Officer Cooper took to him and [REDACTED] to the store to purchase alcohol in the past.

Also, in a final face-to-face interview with [REDACTED] at his school on December 1, 2015, he reported to the investigator that he had not seen his [REDACTED] in a while but spoke with him two days prior. He stated that although his conversation with his [REDACTED] was nice, Officer Cooper was not nice to his [REDACTED] When asked to explain, he stated that Officer Cooper accused [REDACTED] of lying and not taking responsibility for things.³⁹

[REDACTED]

On October 21, 2015 the DCFS investigator conducted a telephone interview with [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] related that conversations with [REDACTED] reported that he has observed his [REDACTED] drink a clear liquid called “Amsterdam”. She suggested that she provided the court with the same information, but the Judge disregarded it. However, the [REDACTED] were appointed a Guardian Ad Litem (GAL).⁴¹

[REDACTED] related that conversations with [REDACTED] revealed that Officer Cooper is still drinking and curses [REDACTED] when he becomes angry. On one occasion, Officer Cooper was said

³⁷ Id. at Pg. 102

³⁸ Id. at Pg. 80

³⁹ Att. 63 at Pg. 102-103

⁴⁰ Id. at Pg. 82

⁴¹ [REDACTED] GAL

to have threaten to put ██████ head through a window. ██████ also disclosed to the investigator that she had recordings of telephone calls with Officer Cooper that would demonstrate his aggression toward the ██████ when he speaks to them.

Officer Cooper⁴²

During a telephone conversation with the DCFS investigator on October 23, 2015, Officer Cooper related that he did not recall any disagreement with his ██████. Subsequently, he continued to press the investigator on providing him with the contents of the investigation. His requests were denied. At conclusion of the call, Officer Cooper agreed to an in-person interview at DCFS on the following Monday.

On October 26, 2015, the in-person interview was conducted. He related that ██████ has been disrespectful to him since he and ██████. On the date of incident (August 28, 2015), he confirmed that he “popped the child upside the head” with an open hand.

During the interview the investigator shared the results of Officer Cooper’s Adult Substance Abuse Screening. At the time of screening, Officer Cooper stated he drinks wine once or twice a week with dinner and not in his vehicle with the ██████. However, he related that he does not drink to the point of intoxication and has never been intoxicated around the ██████. Prior to departing the interview, Officer Cooper was given contact information to an outside agency to schedule a substance abuse assessment.

A follow up call with Officer Cooper on December 1, 2015 revealed he had not met the deadline of October 26, 2015 to complete a substance abuse assessment program as directed. He related that he did not find it necessary since he had been court ordered not to drink around the ██████ and asserted that he did not have a drinking problem.⁴³

██████ ██████

On December 1, 2015, a telephone interview was conducted with ██████ ██████ Officer Cooper’s girlfriend. She related that she sees the ██████ and ██████ every time they visit with Officer Cooper and does not have any concerns about him being physically aggressive with the ██████. Ms. ██████ denied observing Officer Cooper strike the ██████ and says he rarely drinks alcohol. She added that she had never smelled alcohol on him after returning from picking the ██████ up from their mother nor has she seen empty cups or bottles in his vehicle.

DCFS finding⁴⁵

In summary, DCFS investigation case no. ██████ concluded with an “Indicated”⁴⁶ finding against Officer Cooper. Ultimately, the investigator found the ██████ credible. On the

⁴² Att. 63, Pg. 88-89

⁴³ Att. 63, Pg. 100-101

⁴⁴ Id. at Pg. 98

⁴⁵ Id. at Pg. 103

⁴⁶ Per the Abused and Neglected Child Reporting Act 325 ILCS 5/3 "An indicated report" means that there was

contrary, Officer Cooper was non-cooperative during the investigation and refused to complete an alcohol assessment to determine if there was a problem with alcohol as directed. The report specifically noted that the slap to ██████ was corroborated by ██████. Based on gathered information/evidence it was determined there was credible evidence that abuse occurred based on DCFS policies and procedures.⁴⁷

a. Additional Evidence

Additional evidence includes audio transmissions recorded under Event #1524014187 between dispatch and ██████ reflects that she reported her ██████ to be at her residence threatening her and her ██████ in her yard. When the dispatcher asked if Officer Cooper had a gun in his hand at the time, ██████ responded "Not anymore, no."⁴⁸

VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A preponderance of evidence can be described as evidence indicating that it is more likely than not that the conduct occurred and violated Department policy. See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

credible evidence that the alleged abuse or neglect exists.

⁴⁷ *Id.* at Pg. 103

⁴⁸ Att. 25-27, 56

VII. ANALYSIS

COPA finds that **Allegation #1**, that on or about August 28, 2015 at or near the location of ██████████ Chicago, IL the accused struck his son, ██████████ about the face, is **SUSTAINED**. Rule 9 prohibits officers from engaging in any unjustified verbal or physical altercation while on or off duty. However, this rule must be examined under the light of what is reasonable corporal punishment when the allegations involve conduct between a parent and a child. Under Illinois law, A minor is “abused” when his or her “parent...inflicts excessive corporal punishment.” 705 ILCS 405/2-3(2)(v). Corporal punishment meets the threshold for domestic battery or abuse when it exceeds the bounds of “reasonableness.” *People v. Ball*, 58 Ill. 2d 36, 39 (1974) (“parental rights of discipline are limited by a standard of reasonableness”); *People v. West (In re F.W.)*, 261 Ill. App. 3d 894, 903 (4th Dist. 1994) (“[the right to discipline one’s ██████████ has been interpreted by the courts to extend to reasonable corporal punishment”). Corporal punishment does not have to result in significant physical injury to be found unreasonable. *Id.* (“the degree of physical injury inflicted upon a child is not the exclusive or determinative factor in evaluating the reasonableness of the parental conduct”). The potential for psychological harm and the parent’s demeanor can be determinative: “when corporal punishment is administered there is no assurance that a child will not suffer psychological effects or that the discipline will be inflicted moderately or responsibly. In the heat of anger, some parents are likely to exceed the bounds of reasonableness despite the lack of physical harm.” *People v. Green*, 957 N.E.2d 1233, 1239 (2d Dist. 2011).

Reasonableness is, ultimately, a heavily fact-specific determination. *People v. Karen P. (In the Interest of J.P.)*, 294 Ill. App. 3d 991, 1002 (1st Dist. 1998) (“cases involving the adjudication of abuse, neglect, and wardship are sui generis; that is, each case must be decided on its own distinct set of facts and circumstances”) (citing *In re Edricka C.*, 276 Ill. App. 3d 18, 25 (1995)). But courts have relied on several factors in corporal punishment reasonableness analyses, including: “the likelihood of future punishment which may be more injurious” (*People v. West (In re F.W.)*, 261 Ill. App. 3d at 903); “the fact any physical injury resulted from the discipline” (*id.*); “the psychological effects of the discipline on the child” (*id.*); “the circumstances surrounding the ‘discipline,’ including whether the parent was calmly attempting to discipline the child or whether the parent was lashing out in anger” (*id.*); whether the discipline was “vicious or for other than disciplinary reasons” (*In the Interest of Aaronson*, 65 Ill. App. 3d 729, 732 (3rd Dist. 1978)); whether the child “appeared happy and unaffected after being disciplined” (*People v. Karen P. (In the Interest of J.P.)*, 294 Ill. App. 3d at 1005); whether alternate ways to correct the minor’s behavior have been exhausted (*People v. McClendon (In re S.M.)*, 309 Ill. App. 3d 702, 704 (4th Dist. 2000) (holding that a “whooping” with a belt that left extensive bruising on the arms and upper thighs was not excessive in light of the minor’s incorrigible delinquent behavior, her parents’ attempts to curb it in other ways, and the fact that the punishment was “given in a concerned, caring manner” rather than in “vengeance”)).

In this case, ██████████ alleged that Officer Cooper slapped him in the face one time. ██████████ corroborated ██████████ account. Officer Cooper admitted to the encounter during the DCFS

investigation. However, Officer Cooper denied the allegation several times during his interview with COPA. Only after being confronted with previous statements he provided to DCFS, he admitted to having physical contact with ██████ while in his vehicle on the day of incident. Although he minimized the contact by stating it was just a push to the head, Officer Cooper's initial lack of taking responsibility created credibility issues and COPA does not find him credible in this regard. On the other hand, ██████ and ██████ gave statements on several occasions providing the same details. COPA finds their statements to be credible. Based on the evidence and Officer Cooper's own admission to making physical contact with ██████ it is reasonable to believe that Officer Cooper did slap ██████ about the face. Although this slap did not result in any injury, COPA finds that Officer Cooper's choice of discipline is unreasonable in this instance. Specifically, it appears that Officer Cooper was lashing out in anger rather than calmly attempting to discipline ██████. Additionally, Officer Cooper did not appear to attempt any alternate forms of discipline before striking ██████ but rather lashed out immediately at his teenage ██████ for him merely forgetting to pack an item. COPA finds this action lacked reasonableness under the circumstances, and therefore, the allegation is **Sustained**.

COPA finds that **Allegation #2**, that on various other unknown dates the accused struck his ██████ about the face, is **SUSTAINED**. Again, ██████ and ██████ gave several statements regarding their relationship with their ██████. In separate statements to IPRA and DCFS their accounts remained consistent as they described their ██████ as physically aggressive when he becomes angry. Subsequently, both ██████ made it clear that it was typical for Officer Cooper to strike ██████ about the face and/or the shoulder area when he became angry with him. During one of ██████ interviews with DCFS, he told the investigator that "*He (Officer Cooper) will punch him in the shoulders, arms, and chest. Sometimes ██████ will smack him in the face, but he does not punch in the face.*" Likewise, during one of ██████ statements with IPRA he related that over the years "*he observed his ██████ strike M.C. multiple times, generally in shoulder or face area.*" To reiterate, COPA found that the information provided by both boys were consistent, credible, and unrehearsed.

On the contrary, Officer Cooper demonstrated a lack of accountability, denied ever using physical discipline with his ██████ denied using profanities or making threats, and placed all blame on ██████ for his issues related to his job and ██████. For all reasons mentioned and using the same analysis as applied for Allegation #1, COPA finds that Allegation #2 is **Sustained**.

Likewise, COPA finds that **Allegation #3**, that Officer Cooper violated a Cook County court order 14 D ██████/14D ██████ entered on September 17, 2015 in that he used corporal punishment, is **SUSTAINED**. As documented in the court order, both parents were prohibited from using corporal punishment. In his own words, Officer Cooper admitted to speaking to his ██████ in October 2015 about providing statements to the department against him. He also admitted that he was angry that ██████ gave these statements without his court advocate present. During his conversation with ██████ he accused ██████ of coaching him to make false statements against him. According to ██████ it was during this time that Officer Cooper again struck him in the face in a bedroom at his ██████ girlfriend's residence. However, Officer Cooper suggests that there was only a discussion and that no physical contact took place. Based on the totality of evidence and credibility issues with Officer Cooper, COPA found that it is more likely than not that ██████ account is more accurate. For the reasons stated above, it is reasonable to believe

that Officer Cooper used corporal punishment in retaliation for him cooperating with the administrative investigation that was on-going. It is COPA's determination that this act violated the aforementioned court order,⁴⁹ and the allegation is therefore **Sustained**.

Lastly, COPA finds that **Allegation #4**, that Officer Cooper verbally abused his [REDACTED] [REDACTED] via telephone over the period of December 2014 – August 2015, is **SUSTAINED**. As previously mentioned, over the course of the investigation COPA obtained over 100 recorded conversations mostly between Officer Cooper and [REDACTED]. It was clear through most of the conversations that Officer Cooper and [REDACTED] did not get along, which made it difficult to co-parent. Unfortunately, [REDACTED] was caught in the middle. It appeared that Officer Cooper continuously placed [REDACTED] in a position to choose between the two.

In addition to the above referenced examples, during a call on January 25, 2015 at 1:58pm, Officer Cooper sternly asked [REDACTED] "Who the F—k do you think I am?" [...] "I'm going to knock your fucking teeth down your throat."⁵⁰ This was Officer Cooper's response after [REDACTED] failed to answer his phone. Again, it was typical for Officer Cooper to become irate whenever [REDACTED] failed to answer or return his calls. Even if [REDACTED] would tell his [REDACTED] he was in school, asleep, doing homework, or that his mom took his phone away, Officer Cooper took an irrational approach.

In his interview with COPA, Officer Cooper admitted he was upset and going through a frustrating time during his second [REDACTED] with Mrs. [REDACTED] in 2014. Yet, he denied taking things out on [REDACTED] or placing him in the middle of their disagreements. He also related that he was aware that [REDACTED] would record and/or even "eavesdrop" during telephone calls.⁵¹ Unfortunately for [REDACTED] he was constantly scolded by Officer Cooper for allowing his mother to interfere with their relationship and exhibit certain behaviors. On a call on June 13, 2015, Officer Cooper can be heard confronting and threatening [REDACTED] about recording calls. He tells him "I'm going to smack the shit out of you [REDACTED]" He also expressed to [REDACTED] how disgusted he was by him for turning his back on his family. During the same call Officer Cooper states, "I don't care if she's recording this or if she's listening. I don't give a f—k!"⁵² Despite having personal knowledge of being recorded, Officer Cooper continued to be irrational, direct profanities and verbal threats, and belittle [REDACTED]. However, throughout Officer Cooper's interview he denied verbal aggression under any circumstances. Although only a few calls are highlighted; the tone, consistency, frequent badgering, and irrationality during the calls led COPA to determine the allegation against Officer Cooper be **Sustained**.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Markee Cooper Sr.

i. Complimentary and Disciplinary History

⁴⁹ Allegations related to alcohol use was investigated by BIA under Log#1077557

⁵⁰ Att. 77 (Disc) "Cursing [REDACTED] at 1:58pm" and 81 at Pg. 64, Line 24

⁵¹ Att. 76 at 37:00, 1:08:10 and Att. 80 Pgs. 36-77, 67-68

⁵² Att. 77 (Disc) "I Don't Give a Fuck if she's recording Pt.1" at 1:43 and Att. 80 at Pg. 214, Lines 2-8

1. **Complimentary:** 1 Problem Solving Award, 1 Presidential Election Deployment Award 2008, 3 Attendance Recognition Award, 1 Honor Guard Award, 1 2004 Crime Reduction Ribbon, 4 Department Commendation, 133 Honorable Mentions, 3 Emblem of Recognition Appearance, 16 Complimentary Letters, 2 Police Officer of the Month Awards, 1 Honorable Mention Ribbon, 1 NATO Summit Service Award, 1 2009, Crime Reduction Award, 4 Unit Meritorious Performance Awards
2. **Disciplinary:** None

COPA has taken into account both the complimentary and prior disciplinary history of the officer.

ii. Recommended Penalty, by Allegation

1. Allegation No. 1

Because Officer Cooper still cares for a minor █████ COPA recommends a 10-day suspension with anger management and parent counseling class appropriate.

2. Allegation No. 2

Because Officer Cooper still cares for a minor █████ COPA recommends a 5-day suspension with anger management and parent counseling class appropriate.

3. Allegation No. 3

For the reasons articulated above, COPA finds a 10-day punishment with anger management training and parent counseling class appropriate.

4. Allegation No. 4

For the reasons articulated above, COPA finds a 10-day punishment with anger management training and parent counseling class appropriate. Additionally, Officer and █████ continue to co-parent a minor child.

IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Markee Cooper	1. It is alleged that on or about 28 August 2015 at or near the location of █████ Chicago, IL the accused struck his █████ about the face.	SUSTAINED

	<p>2. It is alleged that on various other unknown dates, times, and locations the accused struck his [REDACTED] about the face and body.</p> <p>3. It is alleged that on 11 October 2015 the accused violated Cook County court order entered 17 Sept. 2015, relative to Case No. 14 D 5198/ 14 D 7799 in that he used Corporal punishment against [REDACTED]</p> <p>4. It is alleged the accused verbally abused his [REDACTED] via telephone over the period of December 2014 – August 2015.</p>	<p>SUSTAINED</p> <p>SUSTAINED</p> <p>SUSTAINED</p>
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Approved:

[REDACTED]

October 31, 2019

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	9
Investigator:	Chantelle Hill
Supervising Investigator:	Sharday Jackson
Deputy Chief Administrator:	Andrea Kersten