

# SUMMARY REPORT DIGEST

Civilian Office of Police Accountability

LOG NO  
1076889

TYPE  
CR

DATE OF REPORT  
28-DEC-2017

INSTRUCTIONS: To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, NO AFFIDAVIT, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed Five (5) DAYS SUSPENSION.

TO:  DEPUTY CHIEF ADMINISTRATOR,  
Civilian Office of Police Accountability

CHIEF,  
BUREAU OF INTERNAL AFFAIRS

FROM - INVESTIGATOR'S NAME	RANK	STAR NO	EMPLOYEE NO	UNIT ASSIGNED	UNIT DETAILED
SCHAAF, GARRETT	9181	80	[REDACTED]	113	

REFERENCE NOS.(LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

INCIDENT ADDRESS: [REDACTED] CHICAGO, IL	DATE / TIME: 26-AUG-2015 19:08	BEAT: 1621
--	--------------------------------	------------

## ACCUSED

NAME	RANK	STAR NO	EMP NO	UNIT ASSIGNED	UNIT DETAILED	SEX/RACE	DOB	APPOINTED DATE	ON DUTY ?	SWORN ?
MC MANAMON, NICK J	9161	19992	[REDACTED]	020		M / WHI	[REDACTED]-1961	08-JUL-1996	NO	YES

## REPORTING PARTY

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
[REDACTED]	[REDACTED]	CHICAGO, IL	[REDACTED]	F / WHI	[REDACTED] 1966 / 51

## VICTIMS

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
[REDACTED]	[REDACTED]	CHICAGO, IL	[REDACTED]	F / WHI	[REDACTED] 1966 / 51

## WITNESSES

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
MCMANAMON, [REDACTED]	[REDACTED]	CHICAGO, IL		F / WHI	[REDACTED]-1998 / 19

\* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

## ALLEGATIONS

See Report Beginning on Page 3

## SUMMARY

See Report Beginning on Page 3

## ATTACHMENTS

INVESTIGATIVE REPORTS - SUPPORTING ALLEGATIONS LIST ATTACHMENTS NUMBER	INVESTIGATIVE REPORTS - SUPPORTING ACCUSED MEMBERS(S) LIST ATTACHMENTS NUMBER:	PHYSICAL EVIDENCE LIST ATTACHMENTS NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:
			40

## FINDINGS - RECOMMENDATIONS

See Report Beginning on Page 3

DATE INITIATED  
(Date incident was received for investigation)

10-SEP-2015

DATE COMPLETED (Date of this report)

28-DEC-2017

ELAPSED TIME  
(Total time expressed in days)

840

Investigator will initiate the Command Channel Review form by  
completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE

[Redacted Signature]

#80

**Summary of Incident:<sup>1</sup>**

On August 26, 2015, [REDACTED], Officer Nick McManamon #19992 and Ms. [REDACTED] (collectively, the [REDACTED] while at their residence, [REDACTED] Chicago, IL 60646, engaged in a verbal argument over financial issues. During the argument, the [REDACTED] yelled and used profane language at each other. Additionally, [REDACTED] foot touched Officer McManamon's leg without his consent.

Both [REDACTED] contacted the Chicago Police Department (CPD) and requested assistance. A sergeant and two police officers responded to the residence. An investigation was completed and a case report documenting Officer McManamon as a victim and [REDACTED] as an offender was completed.

At the time of the altercation, the [REDACTED] were in the process of [REDACTED], yet both were still residing in the same residence.

**Allegations:**

Ms. [REDACTED] McManamon alleged that on August 26, 2015, at [REDACTED] at approximately 7:30 pm, during a verbal altercation, **Officer Nick McManamon** yelled and directed profanities at her, in that he related:

1. "You fucking cunt," "You stupid bitch," "You're going to jail," and "Get out of my fucking face," in violation of Rule 9;
2. Falsely accused [REDACTED] of hitting him, in violation of Rule 14; and
3. Was intoxicated, in violation of Rule 15.

**Applicable Rules and Law:**

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

Rule 14: Making a false report, written or oral.

Rule 15: Intoxication on or off duty.

**Investigation:****Testimonial Evidence****Complainant Statement**

In a **statement to IPRA** on September 29, 2015, [REDACTED]<sup>2</sup> advised that on August 26, 2015, at approximately 7:39 pm, while at [REDACTED] Avenue, Chicago, IL 60646, she and her [REDACTED] Officer Nick McManamon #19992, engaged in a verbal argument over money related to needs of their [REDACTED]. During the argument, [REDACTED] sat in the living room across from Officer McManamon. As the verbal argument continued, Officer McManamon called her a "cunt" and

<sup>1</sup> 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. Thus, 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.

<sup>2</sup> During her statement, [REDACTED] was loud and verbally confrontational with the interviewing investigator.

said, “get the fuck out of my face.” [REDACTED] stood up and “grazed [Officer McManamon’s] leg with [her] foot.” In response to this contact, Officer McManamon stated, “you hit me, you are going to jail.”

In response to Officer McManamon’s statement, [REDACTED] contacted CPD to request their assistance. Upon the arrival of the officers, later identified as Sergeant Louis Danielson #1406 and Officers Steven Howski #12240 and Shylah Porrata #5765, an investigation was completed and a case report was generated. When [REDACTED] learned that the case report listed her as an offender, she demanded that the report be altered because she did not strike Officer McManamon. [REDACTED] added that Officer McManamon was intoxicated during this incident and smelled of alcohol. [REDACTED] also advised that [REDACTED] witnessed the interaction. Additionally, the [REDACTED] was in his bedroom but did not witness the incident. (Att. 19, 24.)

### Witness Statement

In a **statement to IPRA** on September 29, 2015, [REDACTED] advised that on August 26, 2015, she was in her bedroom doing homework when her [REDACTED] Officer Nick McManamon, returned home, entered her bedroom and said “hi.”<sup>3</sup> While Officer McManamon was in her bedroom, [REDACTED] requested money to pay for her ACT class. Officer McManamon responded by asking why [REDACTED] had not asked [REDACTED] for the money. As [REDACTED] and Officer McManamon were discussing her request for money, [REDACTED] entered the hallway, outside of [REDACTED]’s bedroom, to “see what was going on.” When Officer McManamon observed [REDACTED] in the hallway, he turned to [REDACTED] and told her to “get the fuck outta here. Go sit down.” Additionally, [REDACTED] told [REDACTED] to go sit down and that she could deal with Officer McManamon herself.

[REDACTED] turned around and walked to the living room, with Officer McManamon and [REDACTED] following her. Once in the living room, [REDACTED] observed her parents engage in a verbal argument, during which both used profane language towards each other. [REDACTED] observed [REDACTED] stand up and “brush” Officer McManamon’s leg with her foot.<sup>4</sup> In response to the contact, Officer McManamon stated: “you’re going to jail.” Officer McManamon left the living room, went to the kitchen, and called CPD. Additionally, [REDACTED] followed by [REDACTED] went to [REDACTED]’s bedroom and called CPD.

After contacting CPD, Officer McManamon exited the residence and sat outside. Upon their arrival, the CPD officers questioned Officer McManamon outside of the residence.<sup>5</sup> After the officers finished speaking with Officer McManamon, [REDACTED] spoke to them.<sup>6</sup> (Atts. 20, 22.)

### Accused Officer Statement

In a **statement to IPRA** on September 1, 2016, **Officer Nick McManamon #19992**, advised that on August 26, 2015, while at his residence, located at [REDACTED] N [REDACTED] Avenue, his [REDACTED] asked for money related to her ACT test, and he told her to go ask [REDACTED] about the money. At

<sup>3</sup> [REDACTED] advised that she believed Officer McManamon had been drinking because “his face was red” and because she could smell “it” on his breath.

<sup>4</sup> [REDACTED] estimated that she was “not even a foot” away from [REDACTED] and Officer McManamon during this incident.

<sup>5</sup> [REDACTED] was inside of the residence when CPD was speaking to Officer McManamon, so she is unaware of what was being discussing.

<sup>6</sup> The interviewing investigator did not ask what the contents of the conversation between [REDACTED] and the CPD officers was.

some point [REDACTED] approached Officer McManamon and engaged him in a verbal argument.<sup>7</sup> Officer McManamon advised that he may have said to [REDACTED] “you fucking cunt” and “you stupid bitch.”<sup>8</sup> Officer McManamon advised that if he did say “you fucking cunt” or “you stupid bitch” to [REDACTED] it was because he was upset and likely had received a barrage of profane statements from her. During the argument, [REDACTED] got in Officer McManamon’s face and, at some point, she kicked him in the leg. After being kicked, Officer McManamon contacted CPD and requested assistance.

Once Sgt. Danielson and Officers Porrata and Howski arrived at the home, they began their investigation. During the investigation, they spoke to the [REDACTED]. Additionally, one of the officers, spoke with [REDACTED] about her observations. After the investigation, it was determined that [REDACTED] had kicked Officer McManamon and a case report was generated.<sup>9</sup>

Officer McManamon advised that it was possible that he had consumed a “few beers” but he denied being intoxicated. Additionally, Officer McManamon advised that [REDACTED] had also been consuming wine. (Atts. 35, 39.)

### Documentary Evidence

#### CPD Records(s)

An **Original Case Incident Report for HY398731**, detailed that on August 26, 2015, Sergeant Danielson and Officers Porrata and Howski responded to [REDACTED] Avenue in response to a domestic incident. The report lists Officer Nick McManamon as the victim and [REDACTED] as Suspect #1. The narrative details that the [REDACTED] were engaged in a verbal argument about ACT fees and that, during the argument, [REDACTED] kicked Officer McManamon’s leg with her foot. The report indicates that Officer McManamon neither required nor requested medical treatment. (Att. 6.)

#### OEMC Record(s)

An **OEMC Event Query and Audio Recording for 1523814718**, detailed that on August 26, 2015, at 7:55 pm, [REDACTED] called and reported a domestic disturbance with her [REDACTED] Officer Nick McManamon #19992, at their residence, located at [REDACTED]. Additionally, the report detailed that Beats 1623, later identified as Officers Porrata and Howski, and 1610, later identified as Sgt. Danielson, were dispatched. (Atts. 7, 11, 23.)

An **OEMC Event Query and Audio Recording for 1523814733**, detailed that on August 26, 2015, at 7:56 pm, Officer Nick McManamon called and reported that his [REDACTED], had kicked him in the knee. Additionally, the query details that Officer McManamon advised that both he and [REDACTED] had been drinking. Finally, the query details that Officer McManamon’s call is related to [REDACTED] call. (Atts. 9, 12, 23.)

---

<sup>7</sup> Officer McManamon advised that it was not uncommon for [REDACTED] to seek him out and attempt to engage him in arguments. Officer McManamon estimated that this has happened at least fifty (50) times during the divorce.

<sup>8</sup> In his interview, Officer McManamon did not specifically recall saying those exact words to [REDACTED].

<sup>9</sup> Initially, Officer McManamon did not recall the August 26, 2015 incident. After reviewing the case report, Officer McManamon recalled the incident but not the exact details.

[Redacted]

Garrett Schaaf, #80  
Investigator, COPA

Approved by: [Redacted]

Brian Dollar, #14  
Supervising Investigator, COPA

**Analysis:**

The burden of proof COPA must reach for a finding on each allegation is the preponderance of the evidence standard.

**Allegation 1: Verbal Abuse**

During its investigation, COPA learned that on August 26, 2015, [Redacted] were in the process of divorcing and were engaged in a verbal argument over money for their [Redacted] ACT test. During the argument, their [Redacted] was present and observed both of her parents direct profanities at each other. Further, COPA learned that it was not uncommon for the [Redacted] to engage in verbal arguments that contain a significant use of profane language directed at each other.

Based on the evidence, COPA is unable to determine if Officer McManamon's role in the verbal altercation was justified or not. Additionally, COPA is unable to determine if Officer McManamon's use of profane language was in response to [Redacted] use of profane language towards him.

**Allegation 2: Making a False Report**

During this investigation, COPA learned that Officer McManamon alleged to CPD that, during the argument, [Redacted] kicked his leg with her foot. Statements provided by [Redacted] and [Redacted] bolster Officer McManamon's allegation. Specifically, during her statement, [Redacted] admitted that her foot contacted Officer McManamon's leg without his consent. Additionally, [Redacted] recounted witnessing [Redacted] foot contacting Officer McManamon's leg without his consent. Officer McManamon's allegation was also documented in the case report created by CPD.

COPA has determined that it was reasonable, given the totality of the circumstances, that Officer McManamon believed that [Redacted] was attempting to kick him when her foot contacted his leg. Thus, if Officer McManamon truly possessed a belief that [Redacted] had kicked him, Officer McManamon's statement to the investigating CPD officers was truthful.

**Allegation 3: Intoxication**

Finally, COPA learned, from Officer McManamon's own admission that he had consumed a "few beers" prior to the verbal argument on August 26, 2015. This admission is corroborated by the observations of [Redacted] and [Redacted] that Officer McManamon had a red face and smelled like alcohol. Despite Officer McManamon's admission and the observations of [Redacted] and [Redacted] there is no evidence to support that Officer McManamon had consumed sufficient alcohol to reach an intoxicated state.<sup>10</sup>

Based on the evidence, COPA is unable to determine if Officer McManamon was intoxicated on August 26, 2015.

<sup>10</sup> Responding CPD personnel neither administered a field sobriety test to Officer McManamon, nor did they note either party's state of inebriation in their Case Incident Report.

**Conclusion:**

COPA recommends the finding of **Not Sustained** for Allegations 1 and 3 against Officer Nick McManamon #1992, that on August 26, 2015, he yelled and directed profanities at [REDACTED] – specifically “You fucking cunt,” “you stupid bitch,” “you’re going to jail,” and “get out of my fucking face;” and that he was intoxicated while off duty.

COPA recommends the finding for **Unfounded** for Allegation 2 against Officer Nick McManamon #1992, that on August 26, 2015, he falsely accused [REDACTED] of hitting him.

[REDACTED]  
Josh Hunt #5  
Deputy Chief Administrator, COPA

**Findings:**

**Officer Nick McManamon #1992**

Allegation 1 – Not Sustained

Allegation 2 – Unfounded

Allegation 3 – Not Sustained

