

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	November 5, 2018 November 27, 2018
Time of Incident:	10:30 pm 10:00 am
Location of Incident:	██████████ Chicago, IL
Date of COPA Notification:	November 27, 2018
Time of COPA Notification:	11:38 am

This complaint was initiated by Officer ██████████ Star# 15520 against his wife Chicago Police Department member (CPD), ██████████ Ms. ██████████ is employed as a Senior Data Entry Operator. On November 27, 2018, Officer ██████████ reported to the Civilian Office of Police Accountability (“COPA”) that after 10 years of marriage he and his wife are currently going through a divorce. Officer ██████████ reported that on November 5, 2018, Ms. ██████████ verbally assaulted him placing him in fear of receiving a battery. In addition, he alleged that on November 27, 2018 Ms. ██████████ lunged at him in an attempt to strike him while he was sitting in a chair. Both incidents were reported to CPD and documented under Original Case Incident Report numbers RD# JB505172¹ and JB530488². It should be noted that while COPA was conducting this investigation, Ms. ██████████ filed a complaint with COPA against Officer ██████████ alleging a verbal assault.³

Based on the totality of evidence obtained in this case, COPA recommends that both allegations against Ms. ██████████ be **NOT SUSTAINED**.

II. INVOLVED PARTIES

Involved Member #1:	██████████ Employee ID# ██████████ Date of Appointment: 1999 Sr. Data Entry Operator, Unit of Assignment: 145 DOB: ██████████, 1969, F/B
Involved Individual #1:	Officer ██████████ Star#15520, Employee# ██████████ Date of Appointment: Police Officer, Unit of Assignment: 005 DOB: ██████████, 1960, M/B

¹ Att. 6- Simple Assault (Verbal)- 05 Nov 18
² Att. 5- Simple Assault (Physical)- 27 Nov 18
³ Refer to Log number 1091933

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
██████████ (Senior Data Entry Operator)	1. It is alleged that on November 5, 2018, the accused verbally assaulted Officer ██████████ placing him in fear of receiving a battery.	NOT SUSTAINED
	2. It is alleged that on or about November 27, 2018, the accused lunged and attempted to strike Officer ██████████	NOT SUSTAINED

IV. APPLICABLE RULES AND LAWS

Rules

Rule 2- Any action or conduct which impeded the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

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

V. INVESTIGATION⁴

a. Interviews

In a statement conducted by COPA on December 5, 2018, complainant, Officer ██████████ Star# 15520 provided a statement regarding the alleged incidents against his wife Adriene ██████████ who is a civilian CPD member.⁵ He stated they have been married for 10 of the 13 years of their relationship. Although currently involved in divorce proceedings, the two continue to reside in the marital residence at ██████████ Chicago, IL. Officer ██████████ added that they do not have any children together. However, Officer ██████████ attributes the downfall of the marriage to Mrs. ██████████ relationship with her adult daughter.⁶ He related that problems between he and Mrs. ██████████ began in November 2018. Two separate incidents occurring between the two were reported to CPD on November 5, 2018 and November 27, 2018.

Officer ██████████ explained that upon arriving home on November 5, 2018, he parked his car on the slab in front of the garage. After exiting his vehicle, he approached the garage and began to walk around Mrs. ██████████ car, which was sitting in the garage. He stated that he was looking for damage on the vehicle. Moments later, he heard Mrs. ██████████ yell out of a second-floor window, "Can I help you?" He responded, words to the effect of "I'm just looking because

⁴ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁵ Att. 11

⁶ Id. at 39:35-50:30

it's my vehicle." However, Officer ██████ related to COPA that it was in fact Mrs. ██████ vehicle. At that time, Mrs. ██████ related "If you want to see the bitch in me come out, then it will. Just keep fucking with me." She also added, "If you keep fucking with me, I'm going to fuck you up." Officer ██████ stated that after the encounter, he entered the house through the garage which lead him to the basement. Mrs. ██████ came downstairs to confront him, and they exchanged a few words. Sometime during the conversation, Mrs. ██████ stated "I'm going to fuck you up." Placing him in fear of receiving a battery, Officer ██████ left the residence and reported the incident to the 006th District.⁷ Officer ██████ conveyed that from that point on he was in fear of his life.⁸ However, at the time of interview they continued to share the residence and occasionally slept in the same bed.

From that point on, problems continued to develop between the two. On or about November 25, 2018, Officer ██████ invited a fellow female officer and friend to his residence for a visit. He identified her as Officer ██████. Sometime during the visit, Mrs. ██████ arrived home and saw Officer ██████ in the residence. After a few words amongst the three of them, Mrs. ██████ asked her to leave. At that time, Officer ██████ escorted Officer ██████ to her car but once he came back inside, Mrs. ██████ was gone. Shortly thereafter, he received a text from Mrs. ██████ accusing him of having a person in their home that he was romantically involved with. However, he did not respond to the text message.⁹ Officer ██████ added that during the divorce, Mrs. ██████ accused him of engaging in other extra-marital affairs with female acquaintances. However, Officer ██████ denied the claims.¹⁰

The next time he encountered Mrs. ██████ was on November 27, 2018. Officer ██████ related, he was in the basement of his home sitting in his computer chair when he heard Mrs. ██████ enter the residence from upstairs. Upon her arrival, she came downstairs and confronted him about having Officer ██████ at the house on November 25, 2018. After an exchange of a few words, Officer ██████ stated to Mrs. ██████ "I'm not doing this with you" and proceeded to turn his chair around. At that time, he saw a hand/fist moving toward him from his peripheral vantage point, which was followed by a thumping sound on the chair near his head. Officer ██████ reported that he believed that Mrs. ██████ attempted to strike him. In response, he jumped up and informed her that she had committed an assault against him. Subsequently, she left the residence. When Officer ██████ went upstairs a short time after, he noticed that the Christmas tree was on the floor and the cord had been cut.¹¹ After this encounter, he contacted CPD who arrived at his residence and generated an Original Case Incident Report, RD Number JB530488.¹² Subsequently, this incident prompted Officer ██████ to consult with his counsel regarding a legal plan for obtaining a protective order against Mrs. ██████.¹³

⁷ Id. at 1:06:53-1:11:12

⁸ Id. at 1:12:50

⁹ Id. at 9:50-15:55

¹⁰ Id. at 59:30-1:02:40

¹¹ Id. at 16:05-22:00 and 54:45-56:35

¹² Att. 5

¹³ Att. 11 at 37:07-38:00

After this occurrence, Officer ██████ left his residence and returned the next morning. He reported no further incidents. Shortly thereafter, he learned that Mrs. ██████ obtained a separate residence. However, she continued to live in their shared residence a few days a week.

On January 10, 2019, COPA conducted the statement of accused CPD member ██████¹⁴ wife of Officer ██████. Ms. ██████ related that she and Officer ██████ have been married for 10 of the 13 years of their relationship. Although the two share no common children, Ms. ██████ is the guardian of her 4-year-old granddaughter.

Ms. ██████ related, in September 2018 Officer ██████ initiated divorce proceedings. Prior to the filing, the two were dealing with issues related to her adult daughter, who is the mother of her 4-year-old granddaughter that she cares for. In an effort to work on their issues, the couple sought marital counseling. However, after attending a few sessions, Officer ██████ declined to cooperate and instead filed for divorce. Even though divorce proceedings had begun, the two continued to share the marital residence through December 2018.

Regarding the allegation of verbal assault against Officer ██████ on November 5, 2018, Mrs. ██████ denied the claim. She asserted that she was home with her granddaughter when she heard the garage door open. As she approached the window, she observed Officer ██████ leaning inside of the passenger side of her vehicle. When she yelled out the window to ask him what he was looking for, his response was “Shouldn’t you be in bed?” He proceeded to order her to bed. Mrs. ██████ stated she did return to bed, but before closing the window, she stated words to the effect, “I don’t know why you keep fucking with me.” She asserted that there was no further incident. Shortly thereafter, she heard him come inside through the basement. Later that night Officer ██████ returned home, and no further words were spoken. She later learned that Officer ██████ left to make a police report regarding the incident.¹⁵

The next day, Ms. ██████ stated that Officer ██████ remotely controlled the thermostat to lower the temperature in the house. She and her granddaughter were home alone when she noticed an obvious change in temperature throughout the house. When she went to adjust the thermostat, the word “locked” was displayed on the digital screen with a temperature reading of approximately 62 degrees. At that time, she contacted Officer ██████ via text message to inquire about the heating issue. Although he denied tampering with the thermostat, the thermostat became unlocked after the correspondence.¹⁶ She asserted from that time on Officer ██████ began to do little things around the house to aggravate her. Although there were no official court orders regarding property or residency, Officer ██████ began to pack her personal belongings and make changes to the utilities.¹⁷ After some time, Ms. ██████ obtained a separate residence for her and her granddaughter. However, since she did not have furniture, she continued to reside at their shared residence from Sunday evenings through Friday mornings.

Likewise, Mrs. ██████ denied that she attempted to strike Officer ██████ on November 27, 2018. However, she verified that on that day she and Officer ██████ did have a dispute which

¹⁴ Att. 23-24

¹⁵ Att. 23 at 9:20-17:05

¹⁶ Id. at 17:40-21:40

¹⁷ Id. at 22:50-23:55

stemmed from an incident on November 25, 2018. She reported that on November 25, 2018, she arrived home earlier than expected. Upon arrival, she observed an unfamiliar vehicle in the driveway. After entering the house through the basement, she walked upstairs to the kitchen where she found Officer [REDACTED] conversing with a uniformed female officer. Mrs. [REDACTED] was acquainted with the female officer and identified her as [REDACTED].¹⁸ She further added that she had reason to believe that the two were romantically involved.¹⁸ After a brief exchange of words with [REDACTED] she asked her to leave. Shortly after she left, Officer [REDACTED] went to the basement, and Mrs. [REDACTED] packed a bag and left the residence.¹⁹

The next time she and Officer [REDACTED] were in the home together was on November 27, 2018. On this day she returned home on her lunch break to retrieve her glasses. Unbeknownst to her, Officer [REDACTED] was home. After hearing her arrival, Office [REDACTED] called out for her from the basement and asked her to speak with him. When she went downstairs, Officer [REDACTED] was observed sitting at his desk in a swivel chair. During this time, they began a somewhat heated discussion regarding [REDACTED] being in the house on November 25, 2018. Officer [REDACTED] denied having any romantic relationship with [REDACTED] and insisted that they were discussing a case for work. At some point, he turned his chair around with his back now facing Mrs. [REDACTED]. At that time, Mrs. [REDACTED] proceeded to walk toward him and stated, “No, we’re going to finish this conversation” and proceeded to turn his chair around. Mrs. [REDACTED] agreed she had to put a little force into moving the chair around due to his weight. Almost immediately, Officer [REDACTED] accused her, using a calm tone, of assaulting an officer. After another short exchange of words, Mrs. [REDACTED] went back upstairs. Although there was no further incident between the two, prior to exiting the house she dismantled the artificial Christmas tree and cut the cord. However, in her defense, Mrs. [REDACTED] asserted that she is a co-owner of the tree. Mrs. [REDACTED] adamantly denied any attempt to strike Officer [REDACTED] and stated that her only attempt was to turn the chair around, so they could continue the conversation.²⁰

It should be noted that at the time of her interview, Mrs. [REDACTED] and her granddaughter no longer resided in that marital property.

b. Digital Evidence

During this investigation, COPA retrieved available **BWC footage** from Officer Corneilius McCullough #15492, Officer Chanon Montgomery #16733, and Sergeant Steve Jarosz #1482 on November 27, 2018. The footage captured CPD’s response to a domestic incident after a call was initiated by Officer [REDACTED]. All videos depict Officer [REDACTED] providing a narrative to the responding parties of the events leading to the alleged assault against him by Mrs. [REDACTED]. During the footage, Officer [REDACTED] is heard stating that he did not see the lunge initiated by Ms. [REDACTED] but she did strike the upper part of the chair, close to his head, with a closed fist.²¹ It should be noted, Ms. [REDACTED] was not home during his interview with CPD.

¹⁸ Id. at 39:08-50:00

¹⁹ Id. at 51:35-52:10

²⁰ Id. at 52:12-1:00:03

²¹ Att. 20- Videos 1 and 2 @ 15:00, Video 3 @4:35

c. Documentary Evidence

Original Case Incident Report RD Number JB505172²², documents the incident occurring on November 5, 2018. Records revealed PO [REDACTED] arrived to the 006th District to report a verbal assault against him made by his wife, Mrs. [REDACTED]. He related that after returning home, Mrs. [REDACTED] told him “If you keep fucking with me, I’m going to fuck you up,” placing him in fear of receiving a battery. No arrest was made. Likewise, **Original Case Incident Report RD Number JB530488**²³ documents CPD’s response to the [REDACTED] residence regarding a domestic dispute between the two. According to the report, Mrs. [REDACTED] arm came towards PO [REDACTED] and pushed the chair. It was further noted that she pushed the Christmas tree down and cut the cord. Again, no arrest was made.

Records obtained from the **Office of Emergency Management and Communications (OEMC)** memorialize a 911 call initiated by PO [REDACTED] on November 27, 2018 at approximately 10:23 a.m. Event Query Report #1833104722 reflect Beats 632 (Ofc. McCullough and Ofc. Montgomery) and 630 (Sgt. Jarosz) response to a domestic disturbance call at the [REDACTED] at [REDACTED] Chicago, IL.²⁴

d. Additional Evidence

As mentioned, Officer and Mrs. [REDACTED] are currently going through a divorce. During his interview, Officer [REDACTED] provided COPA with documentation reflecting current proposals and agreements as it relates to marital property and proof of Mrs. [REDACTED] newly obtained address of residency.²⁵

In this case, it is important to note that Mrs. [REDACTED] is a member of the SEIU collective bargaining unit which entitles members to representation by the AFSCME union. As such, COPA holds jurisdiction over those members as it relates to allegations made against them. As an accused in this investigation and reporting party in related Log Number 1091933, Mrs. [REDACTED] opted to obtain union representation. In this case, Mrs. [REDACTED] chose to have AFSCME representation who is also a COPA investigator but has no affiliation with the investigation. In this case, Mrs. [REDACTED] was presented with a Disclosure and Waiver of Potential Conflict form.²⁶

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;

²² Att. 6

²³ Att. 5

²⁴ Att. 15

²⁵ Att. 21

²⁶ Att. 22

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

VII. ANALYSIS

COPA recommend a finding of **NOT SUSTAINED** for **Allegations #1 and #2** against Mrs. ██████. Officer ██████ reported that his wife, Mrs. ██████ placed him in fear of receiving a battery on two separate occasions. During this investigation, it was revealed that the couple were in the middle of divorce proceedings while still sharing the marital residence. It was clear during the interviews of both parties that this was an emotional, stressful, and uncomfortable time for both. It was also evident that the divorce negatively impacted their ability to share a residence.

Officer ██████ alleges in Allegation #1 is that Mrs. ██████ made a verbal threat against Officer ██████²⁷ after returning home and parking his car in the driveway. Officer ██████ alleges that while he was looking around Mrs. ██████ vehicle, she yelled out of an upstairs window words to effect of "If you keep fucking with me, I'm going to fuck you up!" However, he claimed that he dismissed her and there was no further incident. Mrs. ██████ denied the claim and instead suggests that she stated, "I don't know why you keep fucking with me!" She added that later that night, the two shared the bed together as they usually did. In this case, there were no additional witnesses to the incident. Based on the information received, COPA cannot determine by a preponderance of evidence that Mrs. ██████ made the threat or that Officer ██████ was placed in fear of receiving a battery. Due to the conflicting accounts of the events COPA finds this allegation is **NOT SUSTAINED**.

As it relates to Allegation #2, Officer ██████ reported that Mrs. ██████ lunged at him with the intent of striking him as he sat in a chair. Both parties confirm that Mrs. ██████ never made

²⁷ Att. 6

contact with Officer [REDACTED] and that she only touched the chair. Additionally, Officer [REDACTED] related to COPA and CPD that he was not looking in her direction. Again, Mrs. [REDACTED] denied the claim and reported that she was trying to turn the swivel chair around. Mrs. [REDACTED] state she did this because he turned his back away from her while talking. It is COPA’s position that since Officer [REDACTED] was not looking in the direction of Mrs. [REDACTED] he cannot definitively claim that she was attempting to strike him. As with Allegation #1, COPA is met with conflicting accounts and cannot definitively determine that Mrs. [REDACTED] attempted to strike him. Therefore, COPA finds there is insufficient evidence to prove the allegation and finds the allegation is **NOT SUSTAINED**.

VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
[REDACTED] (Senior Data Entry Operator)	1. It is alleged on November 5, 2018, the accused verbally assaulted Officer [REDACTED] placing him in fear of receiving a battery in violation of Rules 2 and 9.	NOT SUSTAINED
	2. It is alleged on November 27, 2018, the accused lunged and attempted to strike Officer [REDACTED] in violation of Rules 2 and 9.	NOT SUSTAINED

Approved:

[REDACTED Signature]

April 29, 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