



Log # 2021-0005040

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On December 21, 2021, the Civilian Office of Police Accountability (COPA) received an Initiation Report from the Chicago Police Department (CPD) alleging misconduct by a member of CPD. It is alleged that on December 20, 2021, Detective Robert Graves (Det. Graves) got into a verbal argument with his [REDACTED] attempted to push his way into the bathroom while his [REDACTED] was in the bathroom; and blocked his [REDACTED] from leaving their home. It is further alleged that Det. Graves was intoxicated while off duty and refused a direct order of Sergeant Eriberto Claudio (Sgt. Claudio).² Following its investigation of Det. Graves, COPA reached sustained findings regarding the allegations of being intoxicated while off duty and refusing a direct order given to him from Sgt. Claudio.

Furthermore, upon review of the evidence, COPA served additional allegations in that Sgt. Eriberto was inattentive to duty in that he allowed Det. Graves to leave the residence instead of being immediately ordered to report to the 025th District for further Administrative Proceedings and/or submit to a Breathalyzer, as required by CPD Special orders.

II. SUMMARY OF EVIDENCE³

On December 20, 2021, at approximately 6:16pm, responding officers including Sgt. Eriberto (collectively “Responding units”) responded to a service call for a domestic disturbance. Upon arriving, the responding units engaged with [REDACTED]⁴ During this time, [REDACTED] informed the responding units that she got into a verbal argument about [REDACTED] with her [REDACTED] Det. Graves. [REDACTED] further stated that during the verbal argument, Det. Graves attempted to barge his way into the bathroom while she was in the bathroom getting ready. [REDACTED] [REDACTED] also relayed to the responding units that Det. Graves was intoxicated.⁵

¹ Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

² One or more of these allegations fall within COPA’s jurisdiction pursuant unto Chicago Municipal Code 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

³ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including Body Worn Camera (BWC) footage, initiation reports, police report, Det. Graves, Sgt. Claudio, [REDACTED] and [REDACTED] statements.

⁴ COPA attempted to interview [REDACTED] and her adult son, [REDACTED] However, COPA’s attempts were unsuccessful. Additionally, BWC footage indicates that a minor daughter was present in the home. However, due to COPA’s inability to contact the complainant, COPA did not have parental consent to interview her.

⁵ Att. 14 at 18:34:20-18:36:50. [REDACTED] provided the names and ages of [REDACTED] that were in the home during this incident.

After speaking with ██████████ the responding unit spoke with Det. Graves outside of the ██████████ home. During this time, Sgt. Claudio informed Det. Graves that he would be transported to his parents' home due to the domestic disturbance.⁶ Following Det. Graves being transported, Officers Albarran and Officer Chavez accompanied ██████████ back into the residence where they spoke with ██████████ and Det. Graves ██████████ ██████████ relayed to the Officers that they were arguing about ██████████ infidelities but did not witness any physical contact between the two.⁷

At approximately 10:32 pm, following the initial response at the ██████████ home, the responding units relocated to Det. Graves parents' home. During this time, Sgt. Eriberto gave a direct order to Det. Graves in that he would need to come into the 025th district to take a Breathalyzer.⁸ Det. Graves refused the direct order given to him by Sgt. Eriberto.⁹ Ultimately, Det. Graves did not leave to residence to come to the 025th district for Administrative Proceedings or to take a Breathalyzer.

During COPA's interview with Det. Graves,¹⁰ he informed COPA that when ██████████ came home, he confronted her about ██████████ infidelities and a photograph of her with another man. They began arguing. Additionally, in Det. Graves statement to COPA, he related that while they were arguing, ██████████ told Det. Graves she was leaving the home and went into the bathroom and closed the door. Det. Graves followed ██████████ Grave to the bathroom and opened the bathroom door, continuing the confrontation.¹¹ ██████████ then slammed the door, and he stood outside. He denied entering the bathroom. According to him, ██████████ then pushed past him. Det. Graves stated he did not have much of an independent recollection of the day.

III. ALLEGATIONS

Detective Robert Graves:

It is alleged that on or about December 20, 2021, at approximately 6:16 p.m., at or near the residence located at ██████████ the accused while off-duty:

1. Engaging in an unjustified verbal altercation with ██████████ and/or followed ██████████ ██████████ into the bathroom and pushed the door open; and/or blocked the front door of the residence with his body to keep ██████████ from exiting.
 - Not Sustained
2. Intoxicated while off-duty.
 - Sustained, Violation of Rule 2 and 15.

⁶ Att. 14 at 18:38:50

⁷ Att. 19 at 18:58:25.

⁸ Att. 3 at 22:36:00

⁹ BWC footage shows Det. Graves consistently refusing Sgt. Claudio's direct order. BWC footage also shows that during this encounter, Det. Graves reactions are confrontational towards Sgt. Claudio.

¹⁰ Att. 24 and 29.

¹¹ Att. 24 at 18:20-19:10

3. Refused a direct order given to him by Sergeant Eriberto Claudio #1315 to report to the 025th District Station for further Administrative Proceedings and/or submit to a Breathalyzer Test
 - Sustained, Violation of Rule 2, 5, 6, and 7.

Sergeant Eriberto Claudio:

It is alleged that on or about December 20, 2021, at approximately 6:16 p.m., at or near the residence located at [REDACTED] the accused was inattentive to duty in that he:

1. Allowed Detective Robert Graves, #20007, to leave the residence and go to [REDACTED] [REDACTED] instead of being immediately ordered to report to the 025th district for further Administrative Proceedings and/or submit to a Breathalyzer, as required by Special Order S08-01-02.11.E3.
 - Sustained, Violation of Rule 2, 3, 6, 10, and S08-01-02-II.E.3.¹²

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to doubt the credibility of any of the individuals who provided statements.

V. ANALYSIS¹³

Detective Robert Graves:

COPA finds that Allegations #1 against Det. Graves, in that he engaged in an unjustified verbal altercation with [REDACTED] and/or followed [REDACTED] into the bathroom and pushed the door open; and/or blocked the front door of the residence with his body to keep [REDACTED] from exiting, is **not sustained**. Department members are prohibited from engaging in any unjustified verbal or physical altercations with any person while on or off-duty. Det. Graves admitted that he and [REDACTED] got into a verbal argument about infidelities. However, COPA was unable to interview [REDACTED] or any witnesses to obtain the full details of that argument. Det. Graves also admitted that he followed [REDACTED] to the bathroom and opened the door but denied pushing the door open or blocking her from leaving the residence. While the evidence clearly shows that the couple got into an argument, that [REDACTED] went to the bathroom, and that Det. Graves followed her and opened the door, there is insufficient evidence to demonstrate that these actions rose to the level of misconduct. For these reasons, COPA finds that this allegation is not sustained.

Additionally, COPA finds Allegation #2 against Det. Graves, that he was intoxicated while off-duty, is **sustained**. Department members are not permitted to be intoxicated either on or off

¹² During COPA's investigation, the Special Order was reference under S08-01-02-II.E.3. As of February 27, 2023, the Special Order is listed under S08-01-10-II.E.3. There is no indication that there was a rescinded version of the order and both special orders are effective April 08, 2019-present.

¹³ For a definition of COPA's findings and standards of proof, see Appendix B.

duty. In BWC footage of Sgt. Claudio responding to Det. Graves parent's home, Det. Graves admitted that he was intoxicated and asserted that he could be intoxicated while off-duty.¹⁴ Furthermore, in Det. Graves statement to COPA, Det. Graves related that he had consumed a six-pack of beer during the day of the incident and had two more beers once at his parents' home.¹⁵ Det. Graves admitted to the allegation. Here, it is undisputed that Det. Graves was intoxicated while off-duty. Therefore, this is a violation of Rules 2 and 15.

COPA finds that Allegations # 3 against Det. Graves, that he refused a direct order given to him by Sgt. Claudio, is **sustained**. While at Det. Graves parents' home, Sgt. Claudio explained to Det. Graves that he needed to do Administrative Proceedings due to Det. Graves being intoxicated while off-duty. During this encounter, Sgt. Claudio gave a direct order to Det. Graves in that he is to report to the 025th district to "blow."¹⁶ On at least three occasions during this encounter, Det. Graves refused Sgt. Claudio's direct order while exhibiting a confrontational tone.¹⁷ While engaging with Sgt. Claudio, Det. Graves used profanity and had an elevated voice. During the latter part of the BWC footage, Det. Graves closed the distance between himself and Sgt. Claudio when he approached Sgt. Claudio in a confrontational manner.¹⁸ Moreover, during Det. Graves statement with COPA, Det. Graves related that he understood what "blow" meant and admitted that he did refuse the direct order given to him by Sgt. Claudio.¹⁹ For these reasons, COPA finds this allegation is sustained as a violation of Rules 2, 5, 6, and 7.

Sergeant Eriberto Claudio:

COPA finds that Allegations #1 against Sgt. Claudio, in that he allowed Detective Robert Graves to leave the residence and go to [REDACTED] instead of being immediately ordered to report to the 025th district for further Administrative Proceedings and/or submit to a Breathalyzer, is **sustained**. Department policy requires when allegations of impairment of a member is made (either on or off duty), a supervisor is required to make an immediate notification to Crime Prevention and Information Center (CPIC) for a BIA call-out supervisor to be notified.²⁰ In this case, Sgt. Claudio's notification was delayed by several hours. During Sgt. Claudio's statement to COPA, he admitted that there was a delay because he was not aware of the Special Order requiring him to follow through with Administrative Proceedings.²¹ As such, this is a violation of Department policy and Rules 2, 3, 6 and 10.

¹⁴ Att. 3 at 22:36:35-22:37:25

¹⁵ Att. 29; pages 15, Lines 2-8 & page 24 Lines 12-24 & page 25 Line 1

¹⁶ Att. 3 at 22:36:00

¹⁷ Att. 3 at 22:37:15-22:39:05

¹⁸ Att. 2 at 22:39:24

¹⁹ Att. 29; page 27 Line 13-20

²⁰ S08-01-02-II.E.03, Special Situations involving allegations of Misconduct (effective April 08, 2019-present)

²¹ Att. 27 at 6:30-7:30

VI. DISCIPLINARY RECOMMENDATION

a. Detective Robert Graves

i. Complimentary and Disciplinary History²²

Detective Graves has 94 awards and recognitions in his complimentary history and no recent disciplinary history.

ii. Recommended Discipline

During COPA's interview with Det. Graves he took accountability for his behavior and expressed embarrassment for his actions. Det. Graves explained that his actions towards his [REDACTED] were because of ongoing indefinity issues coupled with his issue with alcohol. Det. Graves informed COPA that he has since went through EAP to deal with stressors. He has also completed the BRAVE program which deals with anger management, alcohol abuse, and substance abuse. Det. Graves submitted proof of completion for the BRAVES program.²³ COPA has considered his complimentary history and lack of disciplinary history, Det. Graves' accountability, and the conduct sustained in this case. COPA recommends a 30 day suspension.

b. Sergeant Eriberto Claudio

i. Complimentary and Disciplinary History²⁴

Sgt. Claudio has 54 awards and recognitions in his complimentary history and no recent disciplinary history.

ii. Recommended Discipline

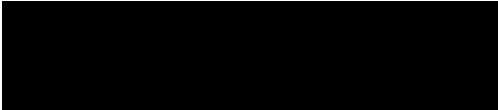
During COPA's interview with Sgt. Claudio he took accountability for his inattentiveness. Sgt. Claudio explained to COPA that this was his first encounter with dealing with a department member having allegations of intoxication while off duty as well as dealing with allegations of a department member having a domestic related incident. Sgt. Claudio explained that once he learned of the department policy requiring him to take additional steps, he immediately took corrective actions by making the proper notifications and returning to the accused parents' home. Sgt. Claudio also submitted a supplemental report following returning from the accused parents' home. COPA has considered his complimentary history and lack of disciplinary history, Sgt. Claudio's accountability, and the conduct sustained in this case. COPA recommends a written reprimand.

²² Att. 31.

²³ Att. 23

²⁴ Att. 31

Approved:



Sharday Jackson
Deputy Chief Administrator – Chief Investigator

April 28, 2023

Date

Appendix ACase Details

Date/Time/Location of Incident:	December 20, 2021/ 6:16 pm/ [REDACTED]. Chicago, IL 60634 &
Date/Time of COPA Notification:	December 21, 2021, 12:32 pm
Involved Officer #1:	Detective Robert Graves, star #20007, employee ID#[REDACTED] Unit of Assignment:167
Involved Officer #2:	Sergeant Eriberto Claudio, star #1315, employee ID#[REDACTED] Unit of Assignment:010
Involved Individual #1:	[REDACTED] Female, White

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule 7:** Insubordination or disrespect toward a supervisory member on or off duty.
- Rule 15:** Intoxication on or off duty.

Applicable Policies and Laws

- S08-01-02-II.E.3/S08-01-10-II.E.3: Special Situations Involving Allegations of Misconduct (effective April 08, 2019, to present)

Appendix B

Definition of COPA’s Findings and Standards of Proof

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 a proposition is proved.²⁵ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, 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. 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.”²⁶

²⁵ 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 is found to be more probably true than not).

²⁶ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C

Transparency and Publication Categories

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation