



Log # 2022-0002404

## FINAL SUMMARY REPORT<sup>1</sup>

### I. EXECUTIVE SUMMARY

On June 12, 2022, 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 was alleged<sup>2</sup> that, on June 12, 2022, Detective Robert Graves (Det. Graves) was involved in a verbal altercation with ██████████ (██████████) that turned physical. During the dispute Det. Graves began calling ██████████ names, struck her in her mouth, and placed his hands around her neck.<sup>3</sup> Upon review of the evidence, COPA subsequently served additional allegations that Det. Graves was intoxicated while off duty and failed to secure his weapon. Following its investigation, COPA sustained allegations that Det. Graves was intoxicated, that he verbally abused ██████████ that he pushed her, and that he failed to properly secure his weapon. COPA found insufficient evidence to sustain allegations that Det. Graves struck ██████████ about the face and that he placed his hands around her neck.

### II. SUMMARY OF EVIDENCE<sup>4</sup>

At approximately 1:30 am on June 12, 2022, ██████████ called 911 and reported that ██████████ Det. Graves, punched/slapped her in the face.<sup>5</sup> On the 911 call, a male voice can be heard yelling “lying whore” in the background.<sup>6</sup> Officer Grazziano and Officer Gonzalez responded and spoke with ██████████ and Det. Graves. Officer Grazziano initially spoke with ██████████ During their conversation, ██████████ indicated that ██████████, Det. Graves, hit her in the face and put his hands around her neck.<sup>7</sup> ██████████ was holding a bag of frozen vegetables to her lips, and complained of her lips swelling.<sup>8</sup> ██████████ was present during this conversation, and ██████████ turned to him and asked him whether he thought she was lying about her lip being swollen.<sup>9</sup> ██████████

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<sup>1</sup> 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.

<sup>2</sup> Att. 1.

<sup>3</sup> One or more of these allegations fall within COPA’s jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

<sup>4</sup> The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including BWC footage, police reports, evidence technician photos, medical records, and statements to COPA by Officer Garza and Aguinaga.

<sup>5</sup> Att. 4

<sup>6</sup> Atts. 20-23.

<sup>7</sup> Att. 13.

<sup>8</sup> Att. 13 @ 3:35

<sup>9</sup> Att. 13.

responded “no.”<sup>10</sup> Officer Grazziano then appeared to agree with ██████ assertion that her lips were swollen.<sup>11</sup>

Officer Gonzalez spoke with ██████ told Officer Gonzalez that she observed ██████ lips and that “there was nothing there.”<sup>12</sup> ██████ also explained that ██████ is “very dramatic” and that it has been ██████ who has been violent in the past, not ██████.<sup>13</sup> ██████ stated that ██████ once hit ██████ over the head with a snow globe.<sup>14</sup> Officers also spoke with ██████ He reported that he heard a commotion and saw ██████ push ██████ onto the couch by her shoulders. However, he did not observe any other physical contact.<sup>15</sup>

Sgt. Brian Azzaretto also responded to the call and spoke with both involved parties and ██████<sup>16</sup> regarding the domestic disturbance.<sup>17</sup> Sgt. Azzaretto spoke with Det. Graves first. Det. Graves admitted that he pushed ██████ back onto the couch to create space.<sup>18</sup> He explained that he and ██████ had a verbal argument during which ██████ stood up off the couch and got in his face, so he pushed her back onto the couch by her shoulders.<sup>19</sup> He denied making any other physical contact with ██████ Det. Graves admitted to drinking<sup>20</sup> and that his duty weapon was not locked/secured.<sup>21</sup> Sgt. Azzaretto then spoke with ██████ reported that Det. Graves hit her across the face and choked her/put his hands around her neck while she was sitting on the couch. She further reported he called her names such as: whore, cunt, bitch.<sup>22</sup> Sgt. Azzaretto stated that he thought ██████ lips looked normal and that he did not see any marks on her neck.

Subsequently, Det. Graves was arrested for domestic battery<sup>23</sup> and transported to the station where he submitted to a Breathalyzer test, which revealed blood alcohol content (BAC) of .109.<sup>24</sup> An evidence technician (ET) responded to the Graves’ residence at approximately 4:10 am on the night of the incident, but was unable to make contact with ██████ to document her injuries. After multiple attempts, COPA was unable to obtain ██████ cooperation.<sup>25</sup>

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<sup>10</sup> Att. 13.

<sup>11</sup> Att. 13 @ 3:30-4:05 (BWC captures ██████ describing and indicating injury to her facial area/lips to Officer Grazziano and the officer seemingly acknowledging by stating words to the effect of “Oh yeah, it’s swollen ... for sure.”)

<sup>12</sup> Att. 16.

<sup>13</sup> Att. 16.

<sup>14</sup> Att. 16.

<sup>15</sup> Att. 10 @ 6:00

<sup>16</sup> At the time of incident, ██████ were home but did not witness the incident in its entirety.

<sup>17</sup> Att. 10-19

<sup>18</sup> Att. 10.

<sup>19</sup> Att 10.

<sup>20</sup> Att. 10 @ 3:00-5:00

<sup>21</sup> Att. 11 @ 2:40-2:55

<sup>22</sup> Att. 11 @7:40

<sup>23</sup> Att. 2, 30.

<sup>24</sup> Att. 9

<sup>25</sup> COPA mailed several letters and initiated multiple calls to complainant. Subsequently, the complainant called COPA on 7/26/22 and declined cooperation with the investigation.

During COPA's interview with Det. Graves,<sup>26</sup> he stated that he was home with [REDACTED] when [REDACTED] returned home from a night out with friends. He admitted he had been drinking Bourbon that night instead of his usual beer(s). Det. Graves and [REDACTED] argued after he confronted her about her alleged infidelity. At some point during the argument, [REDACTED] who was sitting on the couch, abruptly rose from the couch toward Det. Graves. At that time, Det. Graves pushed [REDACTED] on the shoulders causing her to fall back onto the couch. However, he denied all other alleged physical acts and verbal abuse. Subsequently, [REDACTED] entered the room, [REDACTED] called the police, and no further incident took place. He admitted that he left his duty weapon in his backpack unsecured. Det. Graves accepted responsibility for his role in the events and expressed remorse. Moreover, he attributed his actions to stress and alcohol abuse for which he sought treatment and completed a 12- week trauma and addiction program.<sup>27</sup>

### III. ALLEGATIONS

#### Detective Robert Graves:

It is alleged that on or about June 12, 2022, at approximately 2:00 am the accused was:

1. Intoxicated while off-duty.
  - **Sustained**, Violation of Rule 2 and 15.
2. Verbally abused [REDACTED] in that he called her a "whore" and/or "bitch", and/or "cunt", and/or "piece of shit."
  - **Sustained**, Violation of Rule 2 and 9.
3. Pushed [REDACTED] about the body.
  - **Sustained**, Violation of Rules 2, 8 and 9.
4. Struck [REDACTED] about the face.
  - Not Sustained
5. Placed his hands around [REDACTED] neck.
  - Not Sustained
6. Failed to properly secure his weapon.
  - **Sustained**, Violation of Rule 2, 6 and U04-02, Uniform and Property-Department Approved Weapons and Ammunition (effective July 21, 2021, to present)<sup>28</sup>

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<sup>26</sup> Att. 31 (audio)

<sup>27</sup> Att. 32

<sup>28</sup> Att. 33

#### IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory. In this case, COPA notes that both involved parties appeared intoxicated and upset on the night of the incident. Although Det. Graves and ██████ accounts corroborated each other to a certain extent, they diverged vastly as to whether Det. Graves choked or hit ██████ Both parties' accounts included the fact that they had been drinking separately, that they argued over ██████ alleged infidelity, and that ██████ was sitting on the couch when the argument turned physical. Their accounts then diverged.

█████ reported that Det. Graves slapped or punched her in the face, and then grabbed her neck with both hands while she was sitting on the couch.<sup>29</sup> She stated that Det. Graves released her neck when ██████ came out of his room. Det. Graves denied grabbing ██████ neck. Rather, he explained that he pushed ██████ onto the couch by her shoulders as she attempted to come towards him. ██████ corroborated Det. Graves' account and denied seeing any other physical interaction. COPA finds his account credible. ██████ appeared neutral towards both ██████ and the statements he gave to various officers were internally consistent. Although ██████ did not observe the entire incident, his account corroborates Det. Graves' claim that he pushed but did not choke ██████ For this reason, COPA finds Det. Graves' claim that he did not choke ██████ more reliable than ██████ claim on the night of the incident to the contrary. Moreover, COPA notes that Det. Graves' forthcoming admissions to pushing ██████ by her shoulders, being intoxicated, and failing to secure his weapons, garner him credibility.

On the other hand, COPA finds that ██████ account of the incident was consistent throughout her encounter with the responding officers and was corroborated in part by Det. Graves' own account of their interaction. However, COPA's attempts to interview ██████ were unsuccessful, and COPA lacks objective documentation of her injuries or any other evidence that would allow COPA to thoroughly evaluate ██████ overall credibility.

#### V. ANALYSIS<sup>30</sup>

COPA finds **Allegations #1-3 and 6** against Det. Graves, in that he was intoxicated, verbally abused ██████ and pushed her about the body during a domestic dispute, to be **Sustained** by a preponderance of the evidence. Specifically, Det. Graves admitted to Allegations #1, #3, and #6, that he had been intoxicated, that he had pushed ██████ and that he failed to properly secure his weapon during his interview with COPA. BWC footage further corroborates these findings.

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<sup>29</sup> Att. 11, 13.

<sup>30</sup> For a definition of COPA's findings and standards of proof, see Appendix B.

Det. Graves relayed to responding officers that he pushed ██████ at the shoulders as she raised off the couch to “come at him.”<sup>31</sup> He reiterated the same in his statement to COPA.<sup>32</sup> Moreover, ██████ informed responding officers on the night of the incident that he had observed Det. Graves pushing ██████. Consequently, **Allegation #3 is Sustained.**

BWC footage further revealed Det. Graves told officers he had been drinking throughout the night of June 12, 2022.<sup>33</sup> He also reiterated this in his statement to COPA.<sup>34</sup> Subsequently, results from a Breathalyzer test confirmed Det. Graves had been intoxicated.<sup>35</sup> Department members are not permitted to be intoxicated, either on or off duty.<sup>36</sup> **Allegation #1 is therefore Sustained.**

BWC also depicted Det. Graves admitting to officers that ██████ had access to his weapons and that his duty weapon was unlocked in a backpack.<sup>37</sup> During his statement to COPA, Det. Graves confirmed ██████ had access to his weapons and that his weapon had been placed in a unsecured backpack possibly in the living room area on June 12, 2022.<sup>38</sup> CPD policy requires “[s]worn members [...] to secure ALL firearms which they own or possess, in a manner that a reasonable person would believe will prohibit access by unapproved individuals, theft, or loss.”<sup>39</sup> COPA finds that storing a weapon in a backpack while members of his household could access the weapon violates CPD policy. **Allegation #6 is therefore Sustained.**

Lastly, COPA finds by a preponderance of the evidence that Detective Graves verbally abused ██████ on the night of incident. ██████ had told the responding officers that Det. Graves had called her “a whore, a piece of shit.” During his COPA statement, Det. Graves admitted that it was possible that he and ██████ may have both called each other derogatory names. Nevertheless, he denied Allegation #2. However, a male voice could be heard calling ██████ a “lying whore” in the background on ██████ initial 911 call.<sup>40</sup> The derogatory language was also caught by the dispatcher who noted it on the OEMC Record.<sup>41</sup> COPA finds that it is more likely than not that the male voice heard on the 911 recording was that of Det. Graves, especially in light of Det. Graves’ later statements to the responding officers indicating his belief that ██████ was lying, that he worried she would inflict injuries upon herself after the fact to make it appear as though he had hurt her, and his conviction that ██████ had been cheating on him for approximately two and a half years. Based on all the above, **Allegation #2 is Sustained.**

COPA finds that there is insufficient evidence to sustain **Allegations #4 and 5**, that Det. Graves struck ██████ about the face and placed his hands around her neck. Consequently, these allegations

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<sup>31</sup> Att. 10 @ 4:25

<sup>32</sup> Att. 31 @ 7:30

<sup>33</sup> Att. 10 @ 4:40-05:00

<sup>34</sup> Att. 31 @ 6:10-6:25

<sup>35</sup> Att. 9

<sup>36</sup> Rules and Regulations of the Chicago Police Department, April 16, 2015, Art. V, Rule 15 (“[T]he following rules of conduct set forth expressly prohibited acts...Intoxication on or off duty”).

<sup>37</sup> Att. 11 @2:40-2:55

<sup>38</sup> Att.31 @ 13:00-168:05

<sup>39</sup> Att. 31- U04-02 (II) (J), Department Approved Weapons and Ammunition (effective July 21, 2021 to present)

<sup>40</sup> Att. 20

<sup>41</sup> Att. 4

are **Not Sustained**. As previously discussed, Det. Graves admitted that he pushed █████ onto the couch during a verbal dispute. However, he denied placing his hands around █████ neck, and COPA finds at least a portion of his account corroborated by █████ On the other hand, COPA finds that █████ account was consistent throughout her encounter with the responding officers. Nevertheless, without her cooperation with COPA or other objective evidence to corroborate her version of the events, COPA lacks sufficient evidence to sustain Allegation #5.

COPA likewise finds insufficient evidence to sustain the allegation that Det. Graves hit █████ in the face. On BWC footage, █████ explained that Det. Graves hit her and caused swelling to her lips. However, she did not know whether he punched or slapped her.<sup>42</sup> Det. Graves denied slapping or punching █████ Neither of the children observed Det. Graves slapping or punching █████ and there were no other witnesses. Moreover, although an evidence technician responded to the scene later that night, they were unable to make contact with █████ to photograph her injuries, and it is not possible to evaluate any possible swelling to her lips from the available BWC footage. Moreover, the impressions of those present during the investigation, including the couple's children and responding officers, were too varied to clarify whether █████ lips were swollen.<sup>43</sup> Without additional objective evidence, COPA cannot sustain Allegation #4.

While the preponderance of the evidence shows that there was some physical altercation between Det. Graves and █████ there is insufficient evidence to demonstrate by a preponderance of the evidence that Det. Graves hit █████ in the face or placed his hands around her neck. For these reasons, COPA finds Allegations #4 and #5 Not Sustained.

## **VI. DISCIPLINARY RECOMMENDATION**

### **a. Detective Graves**

#### **i. Complimentary and Disciplinary History**

Over the course of his career with CPD Detective Graves has received 94 awards and recognitions including a Superintendent Award of Merit and a Superintendent Honorable Mention. Detective Graves has no recent disciplinary history.

#### **ii. Recommended Discipline**

Here, COPA has found that Detective Graves violated the above-referenced Rules and Regulations of the Chicago Police Department by verbally abusing █████ pushing her about the body, being intoxicated, and failing to secure his weapon. While Detective Graves later expressed remorse for his actions, pushing his partner as well as his knowing disregard of

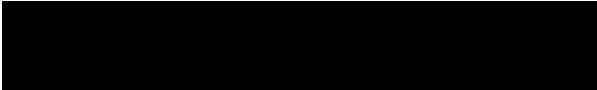
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<sup>42</sup> Att. 11 @ 7:45.

<sup>43</sup> The couples' daughter told the officers that there was "nothing there" while referring to █████ claim that her lip was swollen. █████, on the other hand, responded "no" to █████ when she asked him whether she was lying about her lip swelling. Likewise, the responding officers' observations varied. Officer Grazziano stated on BWC that █████ lip appeared swollen but admitted during her statement to COPA that she had never met █████ before. Sgt. Azzaratto told █████ that he saw no injuries to her and that her lip appeared normal. There is no indication, however, that Sgt. Azzaratto had previously met █████ or knew how her lip typically looked.

department policy regarding intoxication and possession of a firearm are significant violations and should be subject to discipline. COPA recommends a **suspension of up to 30 days.**

Approved:



Sharday Jackson  
*Deputy Chief Administrator – Chief Investigator*

February 9, 2024

Date

Appendix A**Case Details**

Date/Time/Location of Incident:	June 12, 2022 / 2:00 am / [REDACTED] [REDACTED]
Date/Time of COPA Notification:	June 12, 2022 / 4:15 am.
Involved Officer #1:	Detective Robert Graves / Star #20007 / Employee ID # [REDACTED] / DOA: September 28, 1992 / Unit: 640/167 / Male / White.
Involved Individual #1:	[REDACTED] / DOA: [REDACTED], 1973 / 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 15:** Intoxicated on or off duty.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.

**Applicable Policies and Laws**

- Rules and Regulations of the Chicago Police Department, April 16, 2015.
- U04-02, Uniform and Property- Department Approved Weapons and Ammunition (effective July 21, 2021 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.<sup>44</sup> For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD 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.”<sup>45</sup>

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<sup>44</sup> 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).

<sup>45</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> ed. 2000)).

**Appendix C****Transparency and Publication Information**

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: (*Intoxication off duty/Failure to Secure Weapon*)