SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of both Incidents:	December 1, 2015	
Time of First Incident:	8:30 am	
Location of First Incident:		
Time of Second Incident:	4:30 pm	
Location of Second Incident:		
Date of IPRA Notification:	December 1, 2015	
Time of IPRA Notification:	5:11 pm	
Officer was married to, but separated from, Ms. While was at separated from and a verbal altercation ensued.		
II. PROCEDURAL HIST	ORY	
On February 26, 2012, IPRA was notified, by Sgt. of an incident that had just occurred and opened log 1052141. On April 30, 2012, IPRA administratively closed 1052141 after being unable to obtain an affidavit from		

On November 17, 2015, IPRA was notified a second time, by Sgt. of the February 26, 2012, incident and opened log 1078091.²

On December 1, 2015, IPRA was notified of this incident. IPRA closed 1078091 and investigated both February 26, 2012, and the December 1, 2015, incidents under 1078263.

Once the original investigation under 1078263 was completed, it was submitted to the Department for Command Channel Review (CCR). During CCR the Department identified concerns related to the closure status of 1052141 and the merged investigations of both incidents.³ After discussions with the Department, it was determined that COPA would reopen 1052141 and

³ Att. 32.

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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 This notification was made after Sgt. received an anonymous outcry reporting the indecent. In a phone conversation with received an anonymous outcry reporting the indecent. In a phone conversation with received an anonymous outcry reporting the indecent. In a phone conversation with received an anonymous outcry reporting the indecent. In a phone conversation with received an anonymous outcry reporting the indecent. In a phone conversation with received an anonymous outcry reporting the indecent. In a phone conversation with received an anonymous outcry reporting the indecent. In a phone conversation with received an anonymous outcry reporting the indecent. In a phone conversation with received an anonymous outcry reporting the indecent. In a phone conversation with received an anonymous outcry reporting the indecent. In a phone conversation with received an anonymous outcry reporting the indecent. In a phone conversation with received an anonymous outcry reporting the indecent. In a phone conversation with received an anonymous outcry reporting the indecent.

1078263, investigate the February 26, 2012, incident under 1052141 and the December 1, 2015, incident under 1078263.

On April 29, 2019, both 1052141 and 1078263 were reopened.

III. INVOLVED PARTIES

Involved Officer #1:	Officer / Star # / Employee ID# / DOA: , 1993 / Unit: / DOB: 1968 / Male / Hispanic
Involved Individual #1:	/ DOB:, 1980 / Female / Black

IV. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
First Incident		
Officer	1. Engaging Ms. in a verbal alterdin violation of Rule 9.	cation, Not Sustained.
	2. Referring to Ms. as a "nigger" words of similar effect, in violation 9.	
	3. Referring to Ms. as a "bitch" of words of similar effect, in violation 9.	
	4. Referring to Ms. as a "whore" words of similar effect, in violation 9.	
	5. Referring to Ms. as a "slut" or of similar effect, in violation of Rule	
	6. Referring to Ms. as a "Englew rat" or words of similar effect, in vio of Rule 9.	
	7. Repeatedly pushing Ms. , in vio	olation Not Sustained.

	8. Preventing Ms. from leaving the house, in violation of Rule 8.	Not Sustained.
	9. Placing a knife underneath Ms. neck while stating "I want to rip your eyes out" or words of similar effect, in violation of Rules 8 and 9.	Not Sustained.
	10. Striking Ms. right arm and wrist with a roasting pan, in violation of Rule 8.	Not Sustained.
	11. Threatening to kick the doors of Ms. mother's residence, in violation of Rule 9.	Not Sustained.
Second Incident		
Officer	12. Threatening Ms. , via telephone, stating "o'h you better not complain against me" or words of similar effect, in violation of Rule 9.	Not Sustained.

V. APPLICABLE RULES AND LAWS

Rules

- 1. Rule 8: Prohibits disrespect to or maltreatment of any person, while on or off duty.
- 2. Rule 9: Prohibits engaging in an unjustified verbal or physical altercation, whether on or off duty.

VI. INVESTIGATION⁴

a. Interviews

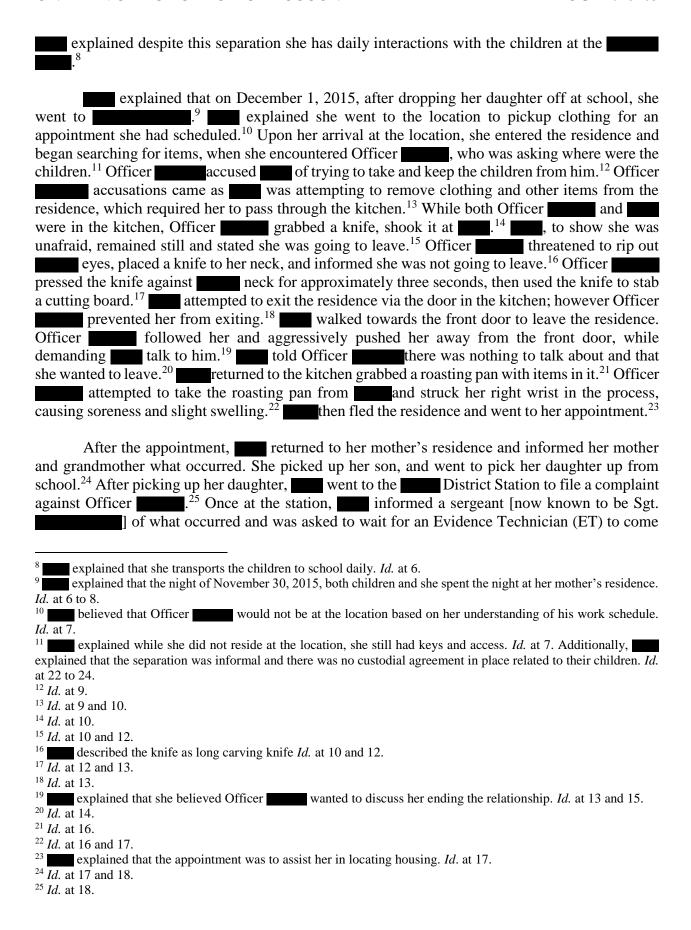
In a **statement to IPRA**⁵ on December 15, 2015, **Ms** stated she has been in a relationship with Officer since February 1999, and they married in August 2011.⁶ explained that Officer and she are separated, and she stays either with her mother or grandmother, while the children primarily reside at the former joint residence ().⁷

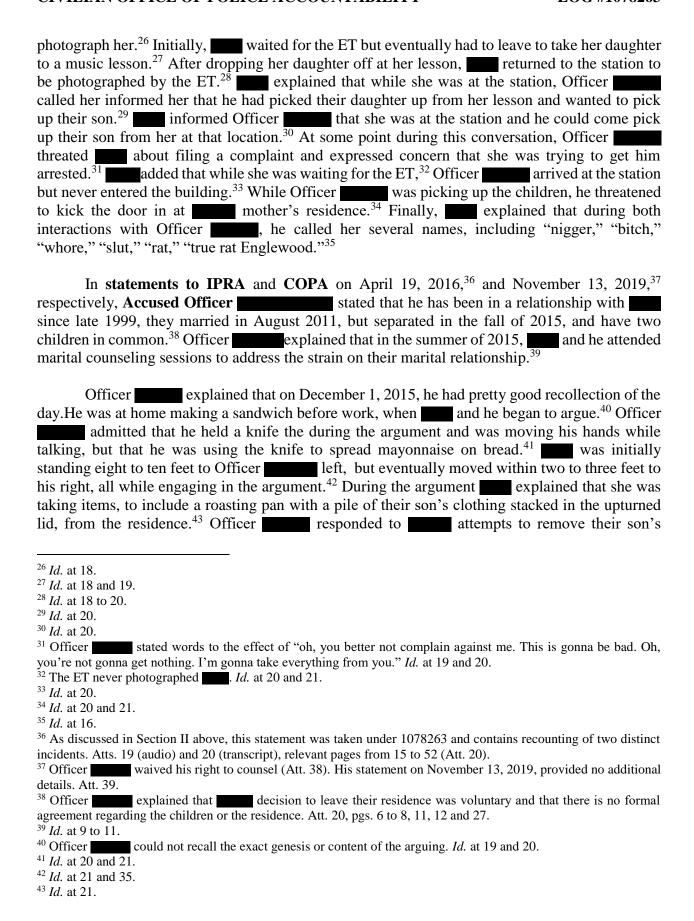
⁴ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

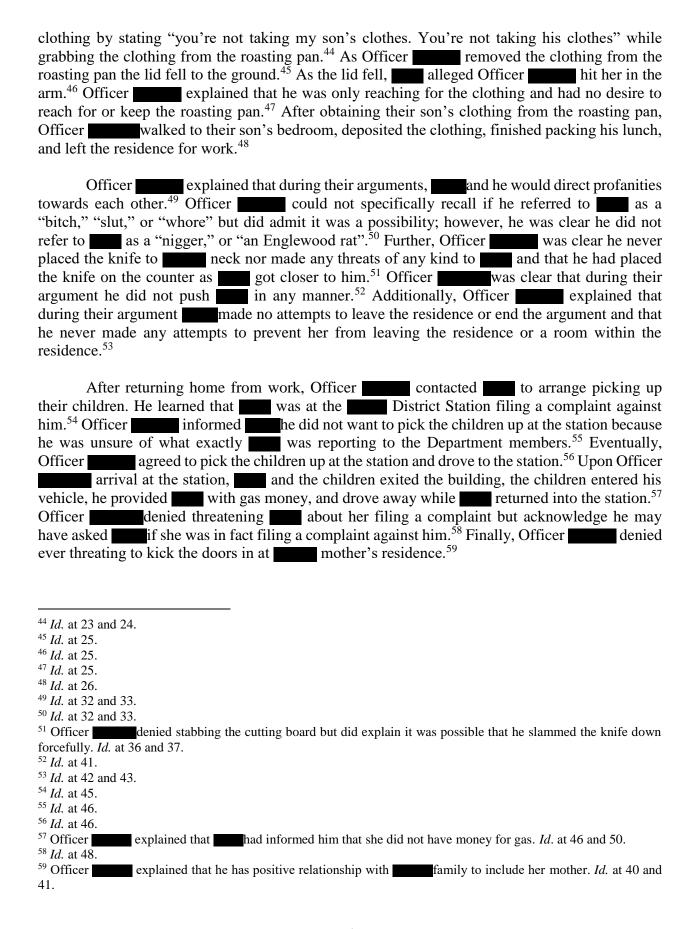
⁵ As discussed in Section II above, this statement was taken under 1078263 and contains recounting of two distinct incidents. Atts. 11 (audio) and 12 (transcript), relevant pages from 3 to 24 (Att. 12).

⁶ and Officer began to cohabitate in February 2000. Att. 12, at 3 and 4.

explained that she initiated the separation because she did not want to be verbally and emotionally abused by Officer in front of her children. *Id* at 15.







b. Documentary Evidence

An Initiation Report ⁶⁰ and an Original Case Incident Report ⁶¹ detail that went to
the District Station to file a complaint against Officer relayed that she and
Officer are currently separated and that she went to their former shared residence
) to retrieve clothing. While at the residence, Officer and she engaged in a verbal
altercation over the status of their relationship. As the altercation escalated, Officer pushed
walked away to her son's bedroom and Officer followed, blocked her path and
informed that she was not leaving. Was able to exit the bedroom and walked to the
kitchen while being followed by Officer informed Officer she did not want
to speak with him. Once both entered the kitchen, Officer grabbed a large knife held it to
neck. Officer then stabbed the knife into a cutting board, while stating "I want to
rip your eyes out." Additionally, alleged that during the altercation, Officer struck
her right hand with a roasting pan causing her pain and discomfort. declined offers of medical
treatment and was provided the required domestic violence information. Finally, alleged that
Officer threatened to go to the location was residing (her mother's residence) and
kick in the doors.

VII. LEGAL STANDARD

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

- 1. <u>Sustained</u> where it is determined the allegation is supported by a preponderance of the evidence;
- 2. <u>Not Sustained</u> where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
- 3. <u>Unfounded</u> where it is determined by clear and convincing evidence that an allegation is false or not factual; or
- 4. <u>Exonerated</u> 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

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⁶⁰ Att. 4.

⁶¹ Att. 5.

"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.

VIII. ANALYSIS

COPA finds that Allegations #1 to 6 against Officer are **not sustained**. While it is undisputed that a verbal altercation occurred, COPA was unable to determine the genesis, context and exact nature of the altercation. Therefore, COPA cannot determine if the verbal altercation as alleged occurred, and if so, if it was unjustified.

COPA finds that Allegations #7 to 12 against Officer are **not sustained**. COPA was unable to locate any evidence, other than statement, that supports the allegations. No medical attention was sought, nor photographs taken of Ms. No other witnesses were identified to be interviewed. Alternatively, COPA was unable to locate any evidence, other than Officer statement, that refute the allegations. Therefore, COPA cannot determine if any of these allegations occurred.

IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
First Incident		
Officer	1. Engaging Ms. in a verbal altercation in violation of Rule 9.	, Not Sustained.
	 Referring to Ms. as a "nigger" or words of similar effect, in violation of Rul 9. 	Not Sustained.
	3. Referring to Ms. as a "bitch" or words of similar effect, in violation of Rul 9.	Not Sustained.
	4. Referring to Ms. as a "whore" or words of similar effect, in violation of Rul 9.	Not Sustained.
	5. Referring to Ms. as a "slut" or words of similar effect, in violation of Rule 9.	Not Sustained.
	6. Referring to Ms. as a "Englewood rat" or words of similar effect, in violation of Rule 9.	Not Sustained.

 $Deputy\ Chief\ Administrator-Chief\ Investigator$

9. Placing a knife uneck while stating out" or words of of Rules 8 and 9	nderneath Ms. Not Sustained. Not Sustained. Not Sustained. Not Sustained.
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	oan, in violation of Rule 8.
	ick the doors of Ms. residence, in violation of
Seco	ond Incident
stating "o'h you	better not complain words of similar effect, in e.9.

Appendix A

Assigned Investigative Staff

Andrea Kersten