



Log # 2022-4412

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

### I. EXECUTIVE SUMMARY

On October 15, 2022, the Civilian Office of Police Accountability (COPA) received an initiation report from Chicago Police Department (CPD) Sergeant Anil Hamid reporting alleged misconduct by Police Officer Subhi Matariyeh. Sgt. Hamid documented in his report that Officer Matariyeh's [REDACTED], [REDACTED] went to the 008th District to make a report for domestic battery against Officer Matariyeh on October 14, 2022.<sup>2</sup> Following its investigation, COPA reached not sustained findings regarding the allegations.

### II. SUMMARY OF EVIDENCE<sup>3</sup>

On October 14, 2022, just prior to midnight, [REDACTED] went to CPD's Eighth District police station to report that she was the victim of a domestic battery committed by her then [REDACTED] Officer Matariyeh, at her apartment.<sup>4</sup> Officer Alyssa Grimes interviewed [REDACTED] at the station.<sup>5</sup> [REDACTED] alleged that the prior night after a male colleague contacted her by phone, Officer Matariyeh initiated a verbal altercation and called her a bitch.<sup>6</sup> [REDACTED] asked him to leave, and Officer Matariyeh refused.<sup>7</sup> [REDACTED] began to leave her apartment to seek assistance in removing Officer Matariyeh from her apartment from her landlord, who lived upstairs.<sup>8</sup> Officer Matariyeh approached [REDACTED] from behind, wrapped his arm around her throat, and applied pressure.<sup>9</sup> [REDACTED] was unable to breath and began to dry heave.<sup>10</sup> Officer Matariyeh released his hold, and [REDACTED] began to vomit.<sup>11</sup> After releasing [REDACTED] Officer Matariyeh said to [REDACTED] words to the effect of, "If you do something to me, I will do double that to you."<sup>12</sup> [REDACTED] took this to be a threat towards her

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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> 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>3</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 police reports and officer interviews.

<sup>4</sup> Att. 5 at pg. 6, lns. 12 to 14.

<sup>5</sup> Att. 5 at pg. 7, ln. 21 to pg. 8, ln. 21.

<sup>6</sup> Att. 5 at pg. 6, lns. 14 to 18 and at pg. 10, lns. 1 to 4.

<sup>7</sup> Att. 5 at pg. 6, lns. 18 to 19.

<sup>8</sup> Att. 5 at pg. 6, lns. 19 to 21.

<sup>9</sup> Att. 5 at pg. 6, lns. 21 to 23.

<sup>10</sup> Att. 5 at pg. 6, ln. 23 to pg. 7, ln. 1.

<sup>11</sup> Att. 5 at pg. 7, lns. 1 to 3

<sup>12</sup> Att. 5 at pg. 7, lns. 2 to 5.

immigration status.<sup>13</sup> Officer Grimes observed no visible marks or other injuries to ██████ and when offered, ██████ refused medical treatment.<sup>14</sup> Officer Grimes completed an original case incident report documenting ██████ account.<sup>15</sup>

██████ was subsequently contacted by a CPD Bureau of Internal Affairs (BIA) detective on October 24, 2022, and related the circumstances leading to the altercation with Officer Matariyeh, that he restricted her breathing by placing his arm around her neck, and that she threw up after he released her. ██████ told the detective further details that were not in Officer Grimes' case report including that Officer Matariyeh apologized after releasing her and gave her water. ██████ declined to cooperate with criminal charges against Officer Matariyeh.<sup>16</sup> ██████ also declined multiple requests to cooperate with COPA's investigation and asked that the investigation be closed.<sup>17</sup>

In a March 20, 2023, email to a BIA detective and subsequently shared with COPA, ██████ wrote that Officer Matariyeh held her but did not choke her. ██████ said she made her initial complaint to teach Officer Matariyeh a lesson for yelling at her and holding her and to stop him from engaging in similar conduct in the future.

COPA investigators interviewed Officer Matariyeh on March 18, 2024. During the interview, Officer Matariyeh said that he visited ██████ apartment after working, and when he arrived, ██████ was intoxicated.<sup>18</sup> He began to wash up in the bathroom, and after he exited the bathroom, ██████ was reading messages on his phone.<sup>19</sup> She read a thread of messages he sent to a colleague while working that evening asking to be let into the rear door of the Sixth District.<sup>20</sup> ██████ interpreted the text messages to mean that Officer Matariyeh was visiting another woman, began yelling at Officer Matariyeh, and threw his phone to the floor damaging the phone.<sup>21</sup> Officer Matariyeh exclaimed, "son of a bitch."<sup>22</sup> Officer Matariyeh began gathering his things and was going to leave ██████ apartment.<sup>23</sup> ██████ went and stood in front of the doorway with her arms and legs outstretched and her back to Officer Matariyeh to block him from leaving.<sup>24</sup> Officer Matariyeh put his hands on ██████ sides beneath her armpits and pulled her back away from the door.<sup>25</sup> As Officer Matariyeh was pulling her away from the door, ██████ began losing her balance

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<sup>13</sup> Att. 5 at pg. 10, lns. 6 to 11 and at pg. 11, ln. 22 to pg. 12, ln. 3.

<sup>14</sup> Att. 5 at pg. 9, lns. 2 to 19.

<sup>15</sup> Att. 1.

<sup>16</sup> Att. 7 at pgs. 4 to 5.

<sup>17</sup> See CO-0163118, Att. 6, and Att. 10.

<sup>18</sup> Att. 13 at pg. 11, lns. 21 to 22 and at pg. 13, lns. 19 to 21.

<sup>19</sup> Att. 13 at pg. 12, lns. 2 to 14.

<sup>20</sup> Att. 13 at pg. 11, lns. 4 to 20 and at pg. 12, lns. 9 to 11.

<sup>21</sup> Att. 13 at pg. 12, ln. 14 to pg. 13, ln. 7.

<sup>22</sup> Att. 13 at pg. 13, ln. 8 to 13.

<sup>23</sup> Att. 13 at pg. 13, ln. 21 to 14.

<sup>24</sup> Att. 13 at pg. 14, lns. 1 to 3, at pg. 14, ln. 23 to pg. 15, ln. 3, and at pg. 29, ln. 15 to pg. 31, ln. 13.

<sup>25</sup> Att. 13 at pg. 15, lns. 3 to 4 and at pg. 31, ln. 14 to pg. 32, ln. 2.

and coughing.<sup>26</sup> [REDACTED] fell to the floor and threw up.<sup>27</sup> Officer Matariyeh gave [REDACTED] a bottle of water and left.<sup>28</sup>

### III. ALLEGATIONS

#### **Police Officer Subhi Matariyeh:**

1. Verbally abused [REDACTED] in that he called her names such as “bitch.”
  - Not Sustained
2. Applied pressure to [REDACTED] neck with his arm without justification.
  - Not Sustained
3. Threatened [REDACTED] in that he stated words to the effect of, “If you do something to me, I will do double that to you.”
  - Not Sustained
4. Threatened [REDACTED] regarding her citizenship.
  - Not Sustained

### 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, factors are present that give cause to question the reliability of both [REDACTED] and Officer Matariyeh’s accounts.

After making her report against Officer Matariyeh on October 14, 2022, [REDACTED] declined to participate in COPA’s investigation and asked that the investigation be discontinued.<sup>29</sup> As a result, COPA was unable to elicit further details from her that could be used to corroborate her account and allow COPA to carry its burden of proof. COPA does not doubt the truthfulness of [REDACTED] account, but her refusal to participate in the investigation undercuts the reliability of her account and ultimately her credibility.

While Officer Matariyeh did participate in the investigation and provided a statement to COPA investigators, much of his account consisted of facts witnessed solely by himself and [REDACTED]. Officer Matariyeh asserted that the cause of the altercation between himself and [REDACTED] was over text messages that he did not retain.<sup>30</sup> Officer Matariyeh also misidentified the officer he was working with that day who he asserted he exchanged the text messages with that he said led to the

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<sup>26</sup> Att. 13 at pg. 15, lns. 4 to 7 and at pg. 35, lns. 20 to 24.

<sup>27</sup> Att. 13 at pg. 32, ln. 24 to pg. 33, ln. 7.

<sup>28</sup> Att. 13 at pg. 15, lns. 11 to 19.

<sup>29</sup> CO-0163118

<sup>30</sup> Att. 13 at pg. 49, ln. 22 to pg. 50, ln. 8.

altercation with ██████<sup>31</sup> This diminishes the reliability of Officer Matariyeh's account. In any misconduct investigation, the existence of allegations is an identifiable reason for the accused to be untruthful. However, COPA is unaware of any evidence that Officer Matariyeh was intentionally untruthful in his statement despite misidentifying the officer that he worked with prior to this incident.

## V. ANALYSIS<sup>32</sup>

### a. Verbal Abuse and Threats Directed at ██████

When ██████ made her report against Officer Matariyeh, she alleged that he called her a bitch and threatened to retaliate against her if she took any actions against him, which she interpreted as a threat towards her immigration status. COPA finds that these allegations are not sustained.

In his statement to COPA, Officer Matariyeh acknowledged saying "son of a bitch" during the altercation with ██████<sup>33</sup> He denied directing the phrase towards ██████<sup>34</sup> However, it was his understanding during the altercation that ██████ believed that he was, and he did not correct her until a conversation on a later date.<sup>35</sup> Officer Matariyeh denied the allegations that verbally abused ██████ and that he directed threats towards ██████<sup>36</sup>

After making the report containing these allegations, ██████ declined to further participate in the investigation of the allegations.<sup>37</sup> Without ██████ participation, COPA was unable to develop evidence to corroborate her allegations or to understand the full context of her relationship with Officer Matariyeh including why she believed that he was threatening her immigration status.

Because ██████ declined to participate in COPA's investigation, there is insufficient evidence to show that Officer Matariyeh verbally abused or threatened ██████ and **Allegations 1, 3, and 4 are Not Sustained.**

### b. Application of Pressure to ██████ Neck

██████ alleged that Officer Matariyeh placed his arm around her neck and restricted her breathing. COPA finds that this allegation is not sustained.

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<sup>31</sup> Compare Att. 13 at pg. 11, Ins. 10 to 13, and at pg. 50, ln. 9 to pg. 51, ln. 12 (Officer Matariyeh describes the officer he was working with on October 13, 2022, as a Black woman) with Att. 14 (The Attendance and Assignment Sheet for October 13, 2022, showing Officer Matariyeh working with Officer Hamzeh Suwi, a White man).

<sup>32</sup> For a definition of COPA's findings and standards of proof, see Appendix B.

<sup>33</sup> Att. 13 at pg. 13, Ins. 8 to 9.

<sup>34</sup> Att. 13 at pg. 13, ln. 10.

<sup>35</sup> Att. 13 at pg. 40, Ins. 2 to 8 and at pg. 43, Ins. 6 to 18.

<sup>36</sup> Att. 13 at pg. 57, Ins. 12 to 24 and at pg. 57, Ins. 4 to 8.

<sup>37</sup> CO-0163118, Att. 6, and Att. 10.

After ██████ made this allegation to CPD, she declined to participate in COPA’s investigation.<sup>38</sup> ██████ also sent an email to a BIA detective investigating her allegations amending her account to say that Officer Matariyeh held her to prevent her from leaving her apartment but did not choke her.<sup>39</sup> In his statement to COPA investigators, Officer Matariyeh admitted to initiating physical contact with ██████ but he said that he merely pulled her away from the doorway to her apartment because she was blocking him from leaving.<sup>40</sup>

Due to ██████ declining to participate in COPA’s investigation and by providing conflicting accounts with respect to her physical contact with Officer Matariyeh, COPA finds that **Allegation 2 is Not Sustained.**

Approved:

Sharday Jackson  
Deputy Chief Administrator – Chief Investigator

July 29, 2024

Date

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<sup>38</sup> CO-0163118, Att. 6, and Att. 10.  
<sup>39</sup> Att. 9.  
<sup>40</sup> Att. 13 at pg. 15, lns. 2 to 7.

Appendix ACase Details

Date/Time/Location of Incident:	October 14, 2022 / 1:00 am / [REDACTED], [REDACTED]
Date/Time of COPA Notification:	October 15, 2022 / 12:30 am
Involved Member #1:	Police Officer Subhi Matariyeh, Star #8324, Employee ID # [REDACTED] Date of Appointment: December 27, 2021, Unit of Assignment: 006, Male, White
Involved Individual #1:	[REDACTED] Female, Hispanic

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 \_\_:** [Insert text of any additional rule(s) violated]

Applicable Policies and Laws

- [Directive #]: [Directive Name] (effective [date] to [date (or 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>41</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>42</sup>

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<sup>41</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>42</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 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