

INDEPENDENT POLICE REVIEW AUTHORITY
Log #1061329

INVESTIGATION

NUMBER: Log # 1063129

INVOLVED

OFFICER #1: "Officer A" (Chicago Police Officer); Male/White 32 years old;
Off-Duty; Not In-Uniform; Year of Appointment – 2002

OFFICER #1's

INJURIES: None reported

SUBJECT 1: "Subject 1"; Female/White; 31 years old

SUBJECT'S

INJURIES: None reported

SUBJECT 2: "Subject 2"; Female/White

SUBJECT'S

INJURIES: None reported

LOCATION: 5555 W. Grand Ave., Chicago, IL

DATE/TIME: 16 June 2013/1440 hours

SUMMARY OF INCIDENT:

Officer A and Subject 1 have one child in common, Juvenile 1, but they did not have a dating or marital relationship. The interactions between Officer A and Subject 1 have been contentious and, in June 2013, Subject 1 obtained an Emergency Order of Protection prohibiting Officer A from physically abusing, harassing, or interfering with her personal liberty. This investigation involves the actions described in Subject 1's Petition for Order of Protection.¹ Subject 1 alleged that she received many telephone calls from Officer A at her place of employment. Subject 1 also alleged that Officer A called Juvenile 1's ballet school on several occasions and informed staff members Witness 1 and Subject 2 that Juvenile 1 was there illegally; he identified himself as a police officer during the calls despite not calling on Department business, and called Subject 2 a "stupid bitch."

ALLEGATIONS:

On 26 June 2013, Intake Aide A, Employee #XXXXXX, registered this complaint after being notified of an Emergency Order of Protection against the accused, **Police Officer A, #XXXX, Unit 025**, obtained by the complainant, Subject 1.

The complainant alleged that on 12 June 2013, at various times, Officer A:

- 1) made repeated calls to her job, in violation of Rule 9.

The complainant also alleged that sometime between April 2013 and September 2013, at an unknown time, Officer A:

- 2) made harassing phone calls to Le Ballet Petit School in that he identified himself as a Chicago Police Officer while conducting non-department business, in violation of Rules 2 and 4.
- 3) referred to Subject 2 as a "stupid bitch," in violation of Rule 9.

The complainant also alleged that on 12 June 2013, at an unknown time, Officer A:

- 4) threatened to remove Juvenile 1 from her day care and ballet school and to have his mother file a police report against Subject 1 alleging Subject 1 threatened Officer A's mother's life in violation of Rule 9.

The complainant finally alleged that on various dates and times, Officer A:

- 5) sent her harassing text messages in violation of Rule 9.

¹ A separate investigation, Log #1068265, investigates subsequent allegations made against Officer A by Subject 1.

APPLICABLE RULES AND LAWS

- Rule 2:** Any action or conduct that impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 4:** Any conduct or action taken to use the official position for personal gain or influence.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

INVESTIGATION:

To-From-Subject Reports from Accused Officer A, #XXXX; Commander A; and Chief A, documented that Officer A was the subject of Order of Protection #XXXXXXXXXXXX served on 16 June 2013. (Atts. 4, 5, 6)

Subject 1 filed a **Petition for Order of Protection** on 13 June 2013 in which she alleged that Officer A made excessive calls to her place of employment, used intimidating language, made harassing calls to their child's ballet school, threatened to remove their child from her daycare and from her ballet school, threatened to have his mother file a false report against Subject 1 for threatening Officer A's mother, threatening that Subject 1 will have a warrant for her arrest, and threatening to take their child for a week without court-ordered Skype calls, and reported that a squad car shined lights into her apartment. An **Emergency Order of Protection** was granted on 13 June 2013 which prohibited Officer A from physical abuse and harassment of Subject 1 and from interference with her personal liberty. Officer A was also prohibited from removing their daughter from day care and ballet school. Officer A was ordered to have no contact with Subject 1 and prohibited from entering or remaining at Subject 1's address, their daughter's daycare and ballet school and two other addresses. The Order of Protection was extended on 03 July 2013 until 05 August 2013. The Order was vacated on 05 August 2013 and replaced with an **Agreed Order** that incorporated provisions that prohibited both Officer A and Subject 1 from contacting one another except in cases of emergency involving their daughter or adjustment or cancellation of visitation. The Agreed Order also directed Officer A and Subject 1 to stay away from one another, and prohibited them from physically abusing, harassing, interfering with the other's personal liberty, and stalking each other. (Atts. 7, 8, 9, 18, 19, 20)

In a **statement** with the Independent Police Review Authority on 14 August 2013, complainant **Subject 1** stated that she sought an Emergency Order of Protection against Officer A after he called her office approximately fifteen times on 12 June 2013. She stated that she recognized his number on the Caller ID; she did not pick up the phone to speak with him, and he did not leave a message. Subject 1 stated that she felt threatened by the repeated telephone calls. After the workday ended, Officer A called Subject 1 on her cell phone; he told her that he would remove their daughter from the programs where she was registered. Subject 1 stated that at approximately 0230 hours on 13 June 2013

INDEPENDENT POLICE REVIEW AUTHORITY
Log #1061329

she woke up because two unknown uniformed officers were outside of their marked SUV shining flashlights into her windows.²

Subject 1 also stated that a few months earlier she heard from the business manager at her daughter's ballet school that Officer A had telephoned and called them "nasty names"³ and told them that it was illegal to have his daughter in class without his permission. Subject 1 also stated that Officer A told Subject 1 that his mother was going to make a report with her local police department about threats that he said Subject 1 made against Officer A's mother. Subject 1 denied threatening Officer A's mother. (Atts. 22, 25)

Subject 1 provided two **screenshots** of text messages dated 11 January 2013. In the first screenshot, the sender, Witness 2, informed Subject 1 that a "weird guy" called looking for her. Witness 2 provided a phone number and Subject 1 identified it as her daughter's father's number⁴. In the second screenshot, a person identified on the phone as "Juvenile 1's Daddy" denied calling Subject 1 at work and stated he was at court. Also, visible on the screenshot is a message from "Juvenile 1's Daddy" from 12 January 2013 in which he stated "She's at my moms" [sic] and Subject 1 replied nineteen minutes later, "Okay, thanks." (Att. 26)

In an **email** sent on 02 July 2013, victim **Subject 2** informed Subject 1 that Subject 2 recalled speaking with Officer A⁵ about three months prior to the email. Subject 2 received a call from a man who told her they "had a student in [their] school who didn't belong there." Subject 2 stated that she asked for clarification and the caller identified himself as a police officer and Juvenile 1's father. Officer A went on to state that the ballet school was breaking the law by allowing Juvenile 1 to stay there. Subject 2 stated that Juvenile 1's mother enrolled her and that there was no problem with that. Officer A became angry that Subject 2 wasn't listening to him and said, "you'll be sorry if you let her stay." Officer A called several weeks later and spoke with the director of the school, Witness 1. Witness 1 told Subject 2 that Officer A was intimidating and identified himself as a police officer. Officer A told Witness 1 that Juvenile 1 couldn't be enrolled in the ballet school. Officer A became frustrated and hung up. Several weeks later, Subject 2 received another call from Officer A, during which he was very aggressive. Officer A repeated that he was a Chicago Police Officer and that his daughter was legally prohibited from being enrolled at the school. Subject 2 told Officer A to produce documentation of his status as custodial parent and she would abide by any court

² An OEMC Event Query, documents that Unit 1671R responded to a Disturbance Call at XXXX N. Marmora Ave, at 0203 hours on 13 June 2013. The call involved an intoxicated homeless man in the gangway trying to gain entry to a residence where he had previously stayed. Unit 1671R cleared from the job at 0213 hours and coded it as 3E which is Disturbance, Drunk; Perpetrator Gone on Arrival. (Att. 57). Additionally, Subject 1 was not able to identify the officers, other than to report that Officer A was not among them and that they were male.

³ Transcript of Subject 1, Att. 25, Page 8, Line 18-19

⁴ Officer A's cell phone carrier, Sprint, only retains call detail records for 18 months according to the US Department of Justice.

⁵ The email refers to "Mr. A" but clearly is discussing alleged actions attributed to Officer A.

INDEPENDENT POLICE REVIEW AUTHORITY
Log #1061329

order. Officer A called Subject 2 “obscene names” including, “stupid bitch” before he hung up the phone. (Att. 16)

In a **statement** with IPRA on 09 April 2014, victim **Subject 2** stated she works at the dance school that Officer A and Subject 1’s daughter attends. Subject 2 stated that she received a call from Officer A in April or May of 2013. Officer A did not initially identify himself to Subject 2, only telling her that there is a student at the school that doesn’t belong there. Subject 2 asked who she was speaking to and he told her, “Mr. A.”⁶ Subject 2 explained that Officer A’s daughter was brought there by her mother and asked if there was a court order barring his daughter from the school. Officer A told Subject 2, “Well you’ll be sorry if you keep her there,”⁷ and hung up on her. Subject 2 stated that, at some point during that conversation, Officer A had identified himself as a Chicago police officer. Subject 2 discussed the situation with Subject 1 and Subject 1 assured her that it was legal for her daughter to be enrolled in the school.

About a week after the first telephone call, Officer A called the school again and spoke with Witness 1. Subject 2 was not present for the conversation between Officer A and Witness 1, but Witness 1 told Subject 2 that Officer A complained that it was not legal for his daughter to be at the school.

A few weeks after Witness 1 and Officer A spoke, Officer A called the school again and screamed at Subject 2. Officer A again told Subject 2 that the school had “no right”⁸ to have his daughter there. Subject 2 responded that if Officer A could produce a court order prohibiting his daughter from being at the school, she would have his daughter leave. Officer A called Subject 2 a “stupid bitch,” directed other profanities at her and then hung up on her.

Subject 2 stated that she spoke to Officer A once more in December of 2013 when she called him to ask if his daughter was going to attend a dance recital at the school. Officer A told Subject 2 that he was not bringing his daughter and Subject 2 ended the call. Subject 2 stated that she has not had any subsequent telephone contact with Officer A and has never seen him in person. (Atts. 28, 33)

In a **statement** with IPRA on 09 April 2014, **Witness 1** stated that she spoke on the telephone once with Officer A in the early part of 2013. Witness 1 stated that Officer A called and told her that they had his daughter there without permission. Witness 1 stated that she was unaware of any reason why his daughter could not be at the school and she would need proof. Officer A then said that he was a police officer and “I know the law.”⁹ Officer A asked when he could come in person to speak with someone about the situation and Witness 1 provided him with the hours the school is open. Witness 1 stated that the call ended and she has not spoken to Officer A or seen him in person since that one phone call occurred. (Att. 31, 34)

⁶ Transcript of Subject 2 , Att 33, Page 4, Line 14

⁷ *Id.* at Page 5, Line 6

⁸ *Id.* at Page 7, Line 5

⁹ Transcript of Witness 1, Att. 34, Page 4, Line 7

INDEPENDENT POLICE REVIEW AUTHORITY
Log #1061329

In a statement with IPRA on 02 September 2015, accused **Police Officer, A, #XXXX**, stated that he and Subject 1 have a joint custody agreement; she has residential custody of their daughter. Officer A stated that he has visitation on his Regular Days Off, his furlough, and for parts of school breaks. Officer A stated that his only communication with Subject 1, per the joint custody agreement, is through TalkingParents.com, a website that records and stores all communication between parents. Officer A stated that either his mother, Witness 3, or his girlfriend, Witness 4, handle all of the communication through TalkingParents.com and that they mail his child support checks to Subject 1.

Officer A acknowledged that he spoke with an unknown female at the ballet school and they disagreed with one another over whether or not his daughter was allowed to attend the school. Officer A stated that he did not know the name of anyone at the ballet school. Officer A stated that he did not believe it was lawful for Subject 1 to enroll their daughter in ballet school because Subject 1 did not have his permission to enroll his daughter there.

Officer A denied calling anyone at his daughter's ballet school a "stupid bitch." Officer A denied calling La Petite ballet school and identifying himself as an officer while not conducting department business. Officer A denied making harassing telephone calls to Subject 1's place of employment but stated that he did call her place of employment two or three times in the course of approximately thirty minutes. He called to discuss Subject 1's alleged threats against Witness 3 and their daughter's attendance at the ballet school. Officer A stated that Subject 1 told him that she has a personal friend at the ballet school and that she would have her friend make an allegation against him. Officer A stated that he did discuss removing his daughter from day care and the ballet school because he understood it to be a violation of the joint custody agreement. Officer A denied telling his mother to file a false police report. Officer A also stated that in front of his girlfriend, Witness 4, Subject 1 threatened Officer A that she would have her friend make a complaint about him.

Officer A stated that in June of 2013, he returned text messages from Subject 1 but did not initiate contact with her. Officer A denied sending harassing text messages to Subject 1. (Atts. 40, 41)

In a **telephone conversation** on 21 June 2016, **Witness 4**, reported that Subject 1 made a threat via the Talking Parents website to have a friend make a complaint against Officer A and also to have that friend obtain an Order of Protection against Officer A. Witness 4 stated that Subject 1's threat to have her friend complain about Officer A was a result of Officer A asking Subject 1 to tell her friend to take his daughter's picture down from a website. Witness 4 stated that she did not have any knowledge of Subject 1 saying that she would have a friend at the ballet school complain about Officer A. (Att. 56)

INDEPENDENT POLICE REVIEW AUTHORITY
Log #1061329

A copy of the correspondence between Subject 1 and Officer A obtained from the **Talking Parents website** does not appear to be relevant to this investigation as the communication through the website does not start until January 2014. In a message dated 14 April 2015, Subject 1 mentioned that she advised her friend to obtain an Order of Protection against Officer A because Subject 1 felt he was stalking her friend because he instructed Subject 1 to have the friend remove pictures of their daughter from the friend's social media accounts. (Att. 55)

INVOLVED OFFICER BACKGROUND:

Police Officer A was appointed to the Chicago Police Department on 02 December 2002. Officer A is assigned to the XXX Watch in the 025th District. Officer A has been assigned to the 025th District since leaving the Chicago Police Academy.

CONCLUSION:

Accused: Officer A, #XXXX, Unit 025

Allegation #1: Not Sustained

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegation #1** against **Officer A**, that he made repeated calls to Subject 1's job in violation of Rule 9. Subject 1 made the allegation and stated that she avoided approximately fifteen calls to her place of employment on 12 June 2013. Officer A admitted that he called Subject 1 2-3 times at her job before eventually speaking with her. The screenshots of text messages provided by Subject 1 are dated 11 January 2013 and are not relevant to this allegation. There is insufficient evidence to either sustain or refute this allegation.

Allegation #2: Sustained

The Reporting Investigator recommends a finding of **Sustained** for **Allegation #2** against **Officer A**, that he made harassing phone calls to Le Ballet Petit School in that he identified himself as a Chicago Police Officer while conducting non-department business, in violation of Rules 2 and 4. There is no doubt that Officer A called his daughter's ballet school as he stated because he believed her attendance at the school to be a violation of the joint custody agreement. Subject 2 stated that she spoke with Officer A on two occasions when he called the school and had knowledge of a third call Officer A made. Witness 1 stated that she spoke with Officer A. Officer A denied identifying himself as a police officer during those telephone calls but both Subject 2 and Witness 1 stated that he did. The context that Subject 2 and Witness 1 provide for Officer A identifying himself as an officer is consistent with his stated purpose for calling, specifically that he would use the authority of his position as a Chicago Police officer to assert that his interpretation of the Agreed Order was the correct one. The available evidence supports this allegation.

Allegation #3: Sustained

INDEPENDENT POLICE REVIEW AUTHORITY
Log #1061329

The Reporting Investigator recommends a finding of **Sustained** for **Allegation #3** against **Officer A**, that he referred to Subject 2 as a "stupid bitch," in violation of Rule 9. The disrespectful language occurred during a telephone call between Subject 2 and Officer A. Subject 1 did mention that Officer A called someone "nasty names" but could not identify who Officer A spoke with. Subject 2 stated that Officer A called her a stupid bitch and she told Subject 1 about it. The statement of independent witness Subject 2 supports this allegation; there is no reliable evidence to diminish Subject 2's credibility. Officer A denied the allegation. Based on the preponderance of the evidence, this allegation should be Sustained.

Allegation #4: Not Sustained

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegation #4** against **Officer A**, that he threatened to remove Juvenile 1 from her day care and ballet school and to have his mother file a police report against Subject 1 alleging Subject 1 threatened her life in violation of Rule 9. Officer A stated that he spoke to Subject 1 about their daughter's ballet school and about alleged threats against Witness 3. Subject 1 and Officer A clearly had disagreements about their daughter's ballet school and about an alleged interaction between Subject 1 and Witness 3. Despite the disagreement, Officer A did not remove his daughter from day care or ballet school and his mother did not file a police report against Subject 1. As such, this appears to be an ongoing disagreement between Subject 1 and Officer A, who have had a contentious relationship, rather than a series of threats Officer A made against Subject 1. The available evidence is insufficient to sustain or refute this allegation.

Allegation #5: Not Sustained

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegation #5** against **Officer A**, that he sent Subject 1 harassing text messages on 12 June 2013 in violation of Rule 9. The screenshots of text messages provided by Subject 1 are dated 11 January 2013 and do not appear to be of a harassing nature. There is insufficient evidence to either sustain or refute this allegation.

INDEPENDENT POLICE REVIEW AUTHORITY
Log #1061329

FINDINGS:

Accused #1: **Officer A, #XXXX, Unit 025**

Allegation #1: **Not Sustained**

Allegation #2: **SUSTAINED** – Violation of Rule 2: “Any action of conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department,” in that at various times on or about April 2013-September 2013, the accused officer made harassing phone calls to Le Ballet Petit School and that he identified himself as a Chicago Police Officer.

SUSTAINED – Violation of Rule 4: “Any conduct or action taken to use the official position for personal gain or influence,” in that at various times on or about April 2013-September 2013, the accused officer made harassing phone calls to Le Ballet Petit School in that he identified himself as a Chicago Police Officer while conducting non-department business.

Allegation #3: **SUSTAINED - Violation of Rule 9:** “Engaging in for verbal or physical altercation with any person, while on or off duty in that in that at various times on or about April 2013-September 2013, the accused officer made harassing phone calls to Le Ballet Petit School incident and called Subject 2 a “stupid bitch.”

Allegation #4: **Not Sustained**

Allegation #5: **Not Sustained**