

**INTRODUCTION:**

Police Officer A and Subject 1 have a child in common. Officer A and Subject 1 did not have a dating or marital relationship. An Agreed Order that outlined each parent's rights and responsibilities as well as the pick-up and drop-off procedures for Officer A's visits has been in place since 05 August 2013. The Agreed Order also directed Officer A and Subject 1 to communicate through a website named Talking Parents, that preserves the messages sent by each party and to only contact one another via text message or telephone call in the event of an emergency or an adjustment or cancellation of a visit.

Officer A and Subject 1 do not have a cordial relationship and have resorted to settling disagreements in the courts in the past.

The current incident relates to a court ruling that Officer A was in contempt of the Agreed Order after finding that he harassed Subject 1 by sending her magazine subscriptions that she had not requested.<sup>1</sup> Subject 1 provided the handwritten magazine subscription cards that appeared to match handwriting samples written by Officer A. Officer A denied these allegations, but offered no explanation for how the subscription cards appear to match his handwriting. The evidence established both that Officer A sent Subject 1 magazine subscriptions in violation of their Agreed Order, and that he was subsequently found in contempt of court for violating the Agreed Order.

**ALLEGATIONS:**

On 28 March 2014, at 1615 hours, **Sergeant A, Unit 016**, contacted the Independent Police Review Authority, via PAX, and registered this complaint with Investigator A on behalf of the complainant. The complainant alleged that between 01 February 2014 and 28 March 2014, by mail to XXXX North Marmora Avenue, Police **Officer A Unit 025**:

1. Violated Court Order #10D80034 in that he harassed **Subject 1** by subscribing to numerous magazines in Subject 1's name and having them sent to her home, in Violation of Chicago Police Department Rules 2 and 8.

The complainant also alleged that on 18 April 2014, at approximately 0740 hours, at XXXX North Marmora Avenue, Police Officer A Unit 025:

2. Violated Court Order #10D80034 in that he went to Subject 1's residence to pick up Civilian 3, in Violation of Chicago Police Department Rule 2.

The complainant also alleged that on 03 July 2014, at an unknown time, at Domestic Relations Court at 50 West Washington Street, Police Officer A, Unit 025:

3. Was found to be in Contempt of Court for violating Court Order 10D80034 in Violation of Chicago Police Department Rule 2.

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<sup>1</sup> A separate investigation, Log #1063129, investigates earlier allegations made against Officer A by Subject 1.

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**APPLICABLE RULES:**

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 8: Disrespect to or maltreatment of any person, while on or off duty.

**INVESTIGATION:**

In his **Initiation Report**, Sergeant A reported that Subject 1 went into the 016<sup>th</sup> District Station on 28 March 2014 and requested a report regarding the actions of Officer A in that he signed up Subject 1 for numerous magazine subscriptions and other products that she was being billed for. Subject 1 brought copies of subscription postcards and samples of Officer A's handwriting for comparison. (Att. 4)

Sergeant A generated a Deceptive Practice – Fraud or Confidence Game **General Offense Case Report**, RD# HX202136, on 28 March 2014; Subject 1 was identified as the victim and the subject was unknown. Subject 1 alleged that she received bills for magazine subscriptions that she did not request. Subject 1 believed Officer A to be a possible offender due to similarities in handwriting samples she obtained and inventoried. Subject 1 and Officer A have a court order in case 10D80034 which included visitation and restrictions between the parties regarding contact and social media. (Att. 5, 41)

**Detective Supplementary Reports** for RD#HX202136 reclassified the offense to "Other Offense/Harassment by Electronic Means" and identified the incident as a Domestic Related incident on 31 March 2014. The final Supplementary Report documented the case was Cleared Closed (Other Exceptional)<sup>2</sup> and will be investigated by IAD.<sup>3</sup> No offender was identified. (Att. 6, 42 - 44)

In a **statement** with the Independent Police Review Authority on 01 May 2014, **Subject 1** stated that, beginning approximately in February 2014, she began receiving the Chicago Tribune newspaper daily, and ten to fifteen different magazines, none of which she had ordered. Subject 1 stated that she spent several hours calling the magazine companies to ask how she had been subscribed to the publications and was told that it was from handwritten inserts sent through the mail. Subject 1 requested copies of the inserts and while some of the magazines required written requests, others sent copies of them. Upon receiving the first set of insert copies from the magazine companies, she immediately recognized the handwriting on the inserts as belonging to Officer A. Subject 1 received child support checks through the mail from Officer A contained in hand addressed envelopes. According to Subject 1, the handwriting on the envelopes that contained her child support checks exactly matched the handwriting on the magazine subscription cards. Subject 1 noted that Officer A is prohibited from harassing her per an Agreed Order of Protection associated with Case 10D80034. Subject 1 believes that Officer

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<sup>2</sup> Cleared Closed (Other Exceptional) is a classification by which Chicago Police Department Detectives close a case without making an arrest due to the circumstances surrounding the incident.

<sup>3</sup> Log #1068265 was generated and assigned to the Independent Police Review Authority for investigation, not to IAD.

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A's unauthorized effort to sign her up for magazine and newspaper subscriptions constitutes a new form of harassment.

Subject 1 canceled the subscriptions and the companies agreed to institute a ban on any future subscriptions made using her name and address. Subject 1 was billed for the magazines but was able to convince the magazine companies to cancel the subscriptions without payment.

Subject 1 also complained that Officer A violated the Agreed Order of Protection when he called that police and went to Subject 1's residence to pick up their daughter on 18 April 2014<sup>4</sup>. Subject 1 stated that, prior to that incident, her attorney told her that Officer A no longer wished to have visitation with their daughter. Subject 1 did not meet Officer A at their drop off location on 18 April 2014 because he had cancelled visitation the previous week. Officer A showed up near Subject 1's residence without first contacting her. Officer A called the police and on-duty police officers responded to the scene. Officer A took their daughter that day without an altercation and returned her according to the guidelines in the Agreed Order of Protection. (Att. 13, 16)

An **Agreed Order of Protection** from 05 August 2013 prohibited both Officer A and Subject 1 from contacting one another except in cases of emergency involving their daughter or relating to adjustments or cancellations of visitation. The Agreed Order of Protection also directs Officer A and Subject 1 to stay away from one another and prohibits them from physically abusing, harassing, stalking or interfering with the other's personal liberty. (Att. 8)

In a **Court Order** dated 03 July 2014, Judge James L. Kaplan found that Officer A wrote magazine subscription cards for the purpose of harassing Subject 1 and cited him with contempt. Judge Kaplan also found Officer A in contempt for not paying for half of his daughter's ballet class expenses and for not taking her to ballet class as ordered. Officer A was ordered to remit payment for the ballet classes and to pay "reasonable and necessary" attorney fees for Subject 1's counsel. Officer A was also ordered to notify Subject 1 24 hours in advance of his intent to exercise visitation through the Talking Parents website. Officer A and Subject 1 were both ordered to enroll in Children In Between online.<sup>5</sup> (Att. 18)

A Chicago Police Department **Event Query** for Event #1410803236 documented that on 18 April 2014, at 0740 hours, Officer A called for a police escort at XXXX North Marmora to avoid having issues with his ex when he went to that address to pick up their daughter. (Att. 20)

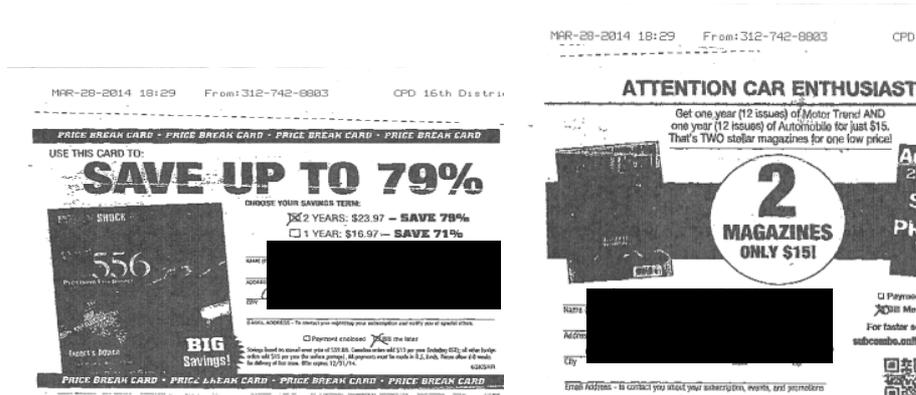
Subject 1 provided copies of **magazine subscription cards that she received from the magazine publishers** and **child support checks** that she received from Officer A. Subject 1 received bills related to subscriptions for *Time*, *Essence*, *Sports Illustrated*, *Motor Trend*, *Automobile*, *Four Wheeler*, *Guns & Ammo*, *GQ*, *Condé Nast Traveler*, and the *Chicago Tribune*. Subject 1 also received a bill from The Bradford Exchange for a "Corvette Legend for All Time Watch." The bills have handwritten notes regarding details of canceling the fraudulent orders. The subscription cards are completed in block printed, uppercase letters. (Att. 9, 10, 11, 17)

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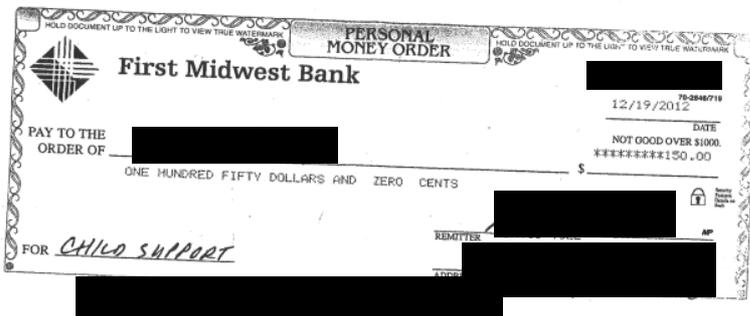
<sup>4</sup> Subject 1 identified the date of incident as the Friday before Easter. In 2014, Easter Sunday was 20 April.

<sup>5</sup> Children In Between is an online course for divorcing, separating, or never married parents offered by the Center for Divorce Education.

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(Att. 10, Partial)



(Att. 11, Partial)

In a **statement** with the Independent Police Review Authority on 02 September 2015, **Police Officer A** denied sending the subscriptions to Subject 1's residence but admitted that he was found in contempt for sending them because of "the judge's opinion."<sup>6</sup> He maintained that the judge ruled erroneously. Officer A reviewed each subscription card presented to him and denied filling them out. Officer A stated that his mother, Civilian 1, or his girlfriend, Civilian 2,<sup>7</sup> also wrote checks to Subject 1. Officer A was shown the child support checks included in Attachment #11 and stated he did not recall writing the checks, but did not deny it was his handwriting. Officer A did not identify any of the child support checks as being written by his mother or his girlfriend. Although Officer A denied harassing Subject 1 by subscribing numerous magazines in her name and having them sent to her home, he did not offer an explanation for the existence of the subscription cards that appeared to match his handwriting.

Officer A stated that on 18 April 2014 he went to the corner of Bryn Mawr and Marmora near Subject 1's residence and called police because Subject 1 was not at the Jewel parking lot where they normally exchange custody of their daughter. Officer A stated that he requested a sergeant to the scene but an unknown police officer from the 016<sup>th</sup> District responded without a sergeant. Officer A stated that he went to the vicinity of Subject 1's residence because he understood he was within his rights to do so per the Agreed Order and attempted to follow protocol for domestic incidents. Officer A stated that Subject 1 got their daughter ready to go and Officer A was able to leave with his daughter without incident.

<sup>6</sup> Transcript of Officer A's Statement, Attachment #27, Page 6, Line 18

<sup>7</sup> Officer A does not name his girlfriend in the statement for Log #1068265 but did in the statement for Log #1063129 which was taken just before his statement for Log #1068265.

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Officer A alleged that since the birth of their daughter, Subject 1 has consistently harassed him via telephone, text messages, by mail and in person. He reported that she threatened to “intentionally, fuck with my job...to cause problems.”<sup>8</sup> He reported that she threatened on Talking Parents to file a false police report against him and advised her friend to get an Order of Protection against him. (Atts. 26-28)

Officer A provided IPRA with copies of **To-From-Subject Reports** on 15 April 2015, in which he informed 025th District Commander A and BIA Chief A of the possibility of Subject 1’s friend filing an Order of Protection against him.<sup>9</sup> He explained that he learned of this possible Order of Protection through correspondence with Subject 1 on the website Talking Parents. Officer A also provided IPRA with a To-From-Subject Report on 08 September 2015 to the 025<sup>th</sup> District Commander regarding another disagreement in visitation between he and Subject 1. Officer A reported that Subject 1 threatened to file a false police report against him regarding disputed vacation time on Talking Parents.<sup>10</sup> Officer A reported that all of the correspondence on Talking Parents is time-stamped, recorded indefinitely and available for investigators to obtain and review. (Atts. 35, 39, 40)

Officer A provided additional **court documents** related to their court proceedings, 10 D 80034, **To/From Reports** to the Department regarding Subject 1 and correspondence with the Chicago Park District about him canceling their daughter’s enrollment in summer camp. The correspondence with the Chicago Park District includes a handwritten cover page that is printed in block text, uppercase letters. (Atts. 31-40)

A copy of the correspondence between Subject 1 and Officer A obtained from the **Talking Parents website** does not include any discussion between Officer A and Subject 1 about visitation on 18 April 2014. The Talking Parents correspondence began in January 2014; most of their correspondence occurred subsequent to the alleged misconduct investigated as part of Log #1068265. (Att. 30)

**INVOLVED OFFICER BACKGROUND:**

Police Officer A was appointed to the Chicago Police Department on 02 December 2002. Officer A is assigned to the 3<sup>rd</sup> Watch in the 025<sup>th</sup> District. Officer A has been assigned to the 025<sup>th</sup> District since leaving the Chicago Police Academy.

**CONCLUSION:**

**Accused Officer:                      Police Officer A, Unit 025**

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<sup>8</sup> Transcript of Officer A’s Statement, Attachment #27, Page 16, Lines 16-17.

<sup>9</sup> Subject 1 reported that she advised a friend to seek an Order of Protection against Officer A because she 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.

<sup>10</sup> Regarding the threat of filing a police report, they had a disagreement over how to interpret their parenting agreement regarding an upcoming holiday; Subject 1 threatened to file a report if he did not return their daughter by a stated time. Although Subject 1 threatened to file a police report, she did not threaten to file a false police report. (Att. 27, Pages 18, 26-30)

**Allegation #1: Sustained**

The Reporting Investigator recommends that **Allegation #1** against **Police Officer A** that he violated Court Order #10D80034 in that he harassed Subject 1 by subscribing to numerous magazines in Subject 1's name and having them sent to her home, in Violation of Chicago Police Department Rule 2, and Rule 8, be **SUSTAINED**. Officer A was found to be in contempt during a court hearing on this matter. Subject 1 reported to the police, IPRA and court that she recognized Officer A's handwriting when she saw the subscription cards because it matched his writing on her child support envelopes and checks. The handwriting on the subscription cards submitted by Subject 1, the handwriting on Officer A's child support checks, and his handwritten report to the Chicago Park District Law Department are written in all uppercase letters with block text that appears to be the same handwriting. Officer A denied the allegation and did not offer an explanation for how the magazine subscriptions cards appeared to be written in his handwriting. Based on a preponderance of the evidence this allegation should be Sustained.

**Allegation #2: Unfounded**

The Reporting Investigator recommends that Allegation #2 against Police Officer A that he Violated Court Order #10D80034 in that he went to Subject 1's residence on 18 April 2014 to pick up Civilian 3, in Violation of Chicago Police Department Rule 2, be **Unfounded**. Officer A was not found to be in contempt of court regarding this incident. Subject 1 stated that she heard from her attorney that Officer A was not exercising visitation on 18 April 2014. Officer A stated he waited at the pick up/drop off location for twenty to thirty minutes before relocating to an area near Subject 1's residence and summoning police. His visitation time began at 0700 hours. Officer A stated that he understood his actions to be allowed under the Order. The OEMC event query documented that he called 911 at 0740 hours to request a police escort to avoid issues while picking up his daughter. Regardless of the cause of the miscommunication regarding Officer A's visitation with his daughter, the actions he took to resolve the situation were appropriate for the circumstances and not a violation of the Agreed Order; therefore this allegation should be Unfounded.

**Allegation #3: Sustained**

The Reporting Investigator recommends that Allegation #3 against Police Officer A that he was found to be in Contempt of Court for violating Court Order #10D80034 in Violation of Chicago Police Department Rule 2 be **Sustained**. Judge Kaplan found Officer A in contempt of court on three separate counts of violating the Court's orders. The evidence established that this misconduct occurred as alleged, and Officer A admitted he had been found in contempt.

**FINDINGS:**

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

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**Allegation #1:** **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 he violated a Court Order when he harassed Subject 1 by subscribing to numerous magazines in Subject 1's name and having them sent to her home.

**SUSTAINED** – Violation of Rule 8: “Disrespect or maltreatment of any person, while on or off duty,” in that at various times on or about April 2013-September 2013, in that he harassed Subject 1 by subscribing to numerous magazines in Subject 1's name and having them sent to her home.

**Allegation #2:** **UNFOUNDED**

**Allegation #3:** **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 he violated a Court Order.