

ALLEGATIONS:

On 24 April 2015, Sergeant A of Unit XXX, telephoned the CPIC Unit and registered a complaint on behalf of the complainant, Complainant 1 with Officer A. The complainant, who is not a witness, alleged that on 23 April 2015, at approximately 2200 hours, at XXXX West 65th Street, **Officer B of Unit XXX:**

- 1) Stalked Subject 1 when he followed for no reason the vehicle Subject 1 was traveling in, a violation of Rule 8.

APPLICABLE RULES AND LAWS:

Rule 8 – Maltreatment of any person while on or off-duty.

INVESTIGATION:

In his **Initiation Report**, Sergeant A reported that he responded to an incident at XXXX W. 60th Street. Upon arrival, Complainant 1, who was not a witness to the incident, informed Sergeant A that his daughter, Subject 1, was a victim of a stalking incident. Complainant 1 stated that Subject 1 was the passenger in a vehicle that was followed by accused Officer B. Officer B was previously married to Complainant 1's sister and due to prior incidents involving the accused officer, the victim feared for her safety. A case report was completed under RD# XXXXXXXX. (Att. 4)

In her statement to IPRA on 20 May 2015, the victim, **Subject 1**, stated that she was the passenger in Witness 1's vehicle, when she observed the vehicle of off-duty Officer B driving parallel to their vehicle. Subject 1 stated that she believed that Officer B was following them because he turned in the same direction that they turned. Subject 1 admitted that Officer B did not make any verbal or non-verbal gestures to get her attention or to speak with her. However, she believed that he was following their vehicle because he seemed to make the same turns that they did as they attempted to elude him. Subject 1 identified Officer B as the ex-husband of her father's sister (aunt). Subject 1 stated that they were able to elude Officer B when they pulled into the parking lot of an apartment complex. Subject 1 said that she was uncomfortable with Officer B's past behavior in domestic disputes with her aunt and feared for her safety. Subject 1 was not approached by Officer B, but she believed that he was harassing her for no reason. Subject 1 did not have any prior incidents with Officer B when he was married to her aunt. Upon arrival home she and her father, Complainant 1, contacted the police. Both Subject 1 and her father reported that various members of their extended family have noticed Officer B drive slowly past their homes. (Att. 11)

In his statement to IPRA on 11 September 2015, the witness, **Witness 1**, stated that he, Subject 1, and his cousin, Witness 2, were driving home from the gym when Officer B (now known as Officer B) pulled up next to his car at the light on Oak Park and 65th Street. Although he did not know Officer B, and Officer B did not make any gestures to speak with them or get their attention, Subject 1 appeared concerned and urged him to drive away.

Witness 1 turned left at the next block and observed that Officer B turned left as well. At this time, believing that Officer B may be following them, Witness 1 made additional turns and then entered the parking lot of an apartment complex building. They all waited in the parking lot until they no longer saw Officer B. Witness 1 stated that Subject 1 called her father and they all provided their accounts to the police officers that responded to her house. (Atts. 30, 38)

In a statement given to IPRA on 11 September 2015, **Witness 2**, stated that he was the rear passenger in his cousin's vehicle, Witness 1. In the front passenger seat was their friend, Subject 1. Witness 2 stated that he observed Officer B (now known as Officer B) after he was pointed out by Subject 1. Witness 2 stated that Officer B was behind them and never made any gestures to them. However, Subject 1 freaked out when she saw him and urged them to drive away from Officer B. Witness 2 stated that Witness 1 made several turns, but that Officer B appeared to be behind them after the turn. They ended up driving toward an apartment complex where they lost Officer B. They briefly waited in the parking lot as Subject 1 contacted her father. (Atts. 37)

A **Petition for Order of Protection, XX OP XXXXX** was requested by Complainant 1 on behalf of Subject 1 and her family. The sole allegation in the Petition was that on 23 April 2015, Officer B followed Subject 1 for several blocks. An **Emergency Order of Protection** was granted on 24 April 2015. The Order of Protection was vacated on 07 May 2015. (Atts. 15-16, 51)

The **Event Query** and **911 OEMC** calls documented a call from Complainant 1, who reported that his 17 year old daughter was being followed by his sister's ex-husband, Officer B.¹ (Atts. 6, 22 - 23, 42)

The **Original Case Incident** and the **Case Supplementary Reports** for Stalking (RD# XXXXXXXXX) documented that Subject 1 along with her friends; Witness 1 and Witness 2 were driving on 65th street when Subject 1 saw off-duty Officer B pulled partially next to their vehicle. Officer B was married to Subject 1's aunt. Subject 1 was concerned due to prior incidents between Officer B and her family. Subject 1 told Witness 1 to turn left and Officer B made the same left turn as they did. Officer B continued to follow their vehicle until Witness 1 pulled into a parking lot of an apartment complex to lose Officer B. It was reported that Officer B never made any attempts or gestures to get Subject 1's attention or to contact her. Detective A was assigned to the stalking case and he conducted interviews with all of the involved parties including Officer B and his girlfriend, Citizen 1. Citizen 1 and Officer B related that they were together on the date and time of the incident at Cxxx's Restaurant at XXXX W. 79th Street, Burbank, IL. It was confirmed that after they left the restaurant, Officer B dropped off Citizen 1 at her residence at XXXX W. 64th Place. It was learned that this was the same route taken by Subject 1 and her friends when they were eluding Officer B. Detective A continued the investigation by talking to Subject 1 about the incident and what was stated by Officer B and Citizen 1.

During this subsequent interview by Detective A, Subject 1 further reported that on the night of the incident, she was returning home from a gym and a baseball field that she never

¹ Complainant 1 referred to Officer B as Mxxx. Officer B has the middle name of Mxxx.

visited before. It was agreed by Subject 1 and her father not to proceed with charging Officer B with stalking and a refusal to prosecute form was signed. After reviewing all the evidence, Detective A concluded that the incident did not fit the ILCS stalking requirements for charging since the victim and the offender reside at very close proximity and the frequency of sightings between them did not indicate deliberate behavior. The case was closed Unfounded. (Att. 20, 39 - 40)

The **Property Inventory Receipt** regarding RD #XXXXXXXXX documented the Refusal to Prosecute Form and the Short Form Notice from Complainant 1 regarding not going forward with charges against Officer B for Stalking. (Att. 56)

The **security surveillance video** from Cxxxx's Restaurant, XXXX W. 79th Street, Burbank, IL contained footage of Officer B and his girlfriend, Citizen 1, in the restaurant on the date and time of this incident. Officer B and Citizen 1 left their table at 2159 hours. (Att 52, 53)

A **letter** to Officer B from the Illinois State Police, documented that Officer B's FOID card had been revoked and the use of his firearms was restricted as a result of an Order of Protection that was set in place on 24 April 2015. The letter asked Officer B to surrender his FOID card and weapons. (Att. 50)

A **letter to Attorney 1**, from the Illinois State Police Legal Office, from the Law Offices of Attorney 1 and Attorney 2, it documented the Disposition Order against Officer B regarding an Order of Protection that was vacated. The letter requested for the reinstatement of Officer B's FOID card so he can return back to duty since he is a Chicago Police Officer. (Att. 51)

Attempts were made to contact and interview **Citizen 1**, but all attempts were met with negative results. (Att. 54)

In a statement to IPRA on 18 November 2015, **Officer B** stated that he and Citizen 1 were out at Cxxxx's restaurant on the date and time of the incident. Officer B stated that he did not even know that Subject 1 had taken the same route that he took in order to drop off Citizen 1 at her residence. He denied observing Subject 1 at all, or having knowledge of the vehicle she was in; he reported that except for the court hearing regarding this incident, he had not seen Subject 1 in approximately six years and did not know whether he even would have recognized her on the date of the incident had he seen her. Officer B denied the allegation made against him and provided video recordings from Cxxxx's restaurant and from his home that documented his whereabouts and time. In addition, Officer B stated that it was Complainant 1 who drove past his residence and took photographs of his vehicle. Officer B stated that he does not have communication with the Subject 1's family since his divorce, and has no reason to follow Subject 1. (Atts. 49)

CONCLUSION:

The Reporting Investigator recommends that **Allegation #1** against **Officer B** that he stalked Subject 1 when he followed for no reason the vehicle she was traveling in, a violation of Rule 8, be closed with a finding of **UNFOUNDED**. The evidence supports that Officer B and

Subject 1 traveled along a similar route at the same period of time. However, the evidence does not support that Officer B deliberately stalked Subject 1. By her own description to Detective A, Subject 1 explained that she had previously never been to the gym or the baseball field from where she was returning home. Subject 1 was a passenger in the car of her friend, not a family vehicle that Officer B may have recognized. Officer B provided video evidence that he was dining at a nearby restaurant prior to the alleged incident. Given that Officer B was inside of a restaurant for approximately two hours prior to the incident, and that Subject 1 was outside of the areas she typically patronizes, the evidence establishes that their interaction on the street was not a result of Officer B stalking Subject 1.

Although, Subject 1 and her friends stated that Officer B followed Subject 1 in the vehicle that she was a passenger in, and that Officer B followed them through several turns, there is no evidence that indicates that Officer B did this purposely since they all stated that Officer B did not make eye contact or any gestures to speak or get Subject 1's attention. Officer B denied the allegation and reported that he was unsure whether he would have recognized seventeen-year-old Subject 1 after not seeing her for approximately six years. Due to the fact that Officer B resides at close proximity from Subject 1 and her family, and that Citizen 1 lives in the same area of the route taken by Subject 1 and her friends, the allegation did not rise to the level of misconduct or even stalking per the ILCS stalking requirements. Officer B provided a reasonable explanation and justification for being in the area of the incident. Therefore, the R/I recommends that these allegations against Officer B be closed with a finding of **UNFOUNDED**.