

INDEPENDENT POLICE REVIEW AUTHORITY

Log # 1069932

INTRODUCTION:

Subject 1 and Chicago Police Detective A were involved in an intimate relationship for several years and have a son together named Witness 1, who was 14 years old at the time of the incident. Subject 1 and Detective A's relationship ended more than 10 years ago. Both parties were ordered by a judge to seek psychological evaluations and parenting education services on more than one occasion.

ALLEGATIONS:

On 21 June 2014, at approximately 1008 hours, The Reporting Party Victim Subject 1 telephoned the Independent Police Review Authority and registered this complaint with IPRA Investigator A. Subject 1 alleged that on 21 June 2014, at approximately 0700 hours, **an unknown male sergeant (NFI)** stated to her during a 311 telephone conversation, 1) "Well, then call IPRA and get your report." At which time, the same unknown male sergeant, hung up the telephone, in violation of Rule 10.¹

Subject 1 further alleged that on 20 June 2014, at approximately 2220 hours, during a telephone conversation her son's father, **Detective A #XXXXXX**: 2) made derogatory comments to her and directed profanities at her, in violation of Rule 9.

APPLICABLE CPD RULES AND REGULATIONS:

Rule 10: Inattentive to duty.

Rule 9: Engaging in any unjustified verbal or physical altercation with any person on or off duty.

Special Order 08-01-01, II (C) (12):

The member assigned to investigate a Log Number will: terminate the investigation when it is determined at any time that the incident is unfounded or if the member is clearly exonerated. The investigator will include all reports and statements containing information which support exonerating the accused or unfounding the allegation in the investigative file pursuant to the provisions of the Department directive entitled "Complaint Summary Reporting and Review Procedures."

¹ During a telephone conversation with OEMC Dispatcher A from OEMC, the R/I was informed that no calls are recorded inside of the command center office where the sergeants are located including where the secretary is located. (Att. 31)

INVESTIGATION:

In a statement with IPRA on 25 June 2014, **Reporting Party Subject 1** indicated that Witness 1 had a scheduled stay at Detective A's house for the weekend of 20 June 2014. On 20 June 2014, Subject 1 received a telephone call from Detective A. Detective A wanted to talk about Witness 1 because he was concerned something was going on with Witness 1 and that his behavior was unusual. Subject 1 said she listened to Detective A vent and offered little insight, which irritated and angered him. During the conversation, they realized that Witness 1 had provided them two different versions of how he traveled home from a local carnival. Subject 1 said Detective A was concerned and upset that Witness 1 had lied to him. Subject 1 said that she was not engaging during the conversation with Detective A. Subject 1 said that in response to Detective A's questions she attempted to end the conversation, "Are we done, you know, are you finished or whatever?"² Detective A responded "Fuck you, you fuckin' bitch. You're a fuckin' loser. You're a fuckin' piece of shit. Your mother thinks you're a piece of shit" He continued, "You got fired from your job. You're a loser" and "You fucking bitch."³ Subject 1 hung up the telephone.

Shortly after her verbal altercation with Detective A, Subject 1 began receiving text messages from Witness 1. Witness 1 was requesting that she pick him up from his father house. He did not want to stay at Detective A's house because he overheard what Detective A said to Subject 1 during their telephone conversation. Subject 1 related that Witness 1 was downstairs in the basement at Detective A's house and that Detective A was standing at bottom of the basement stairs while he was talking to her on the telephone. Subject 1 related that she reminded Witness 1 it was Detective A's visitation day and that he had to remain there unless he was in some trouble or harm. Subject 1 was not certain if she had saved the text messages from Witness 1. Subject 1 stated that Witness 1 reluctantly stayed at Detective A's house until the next morning. Witness 1 got up the next morning and returned home while Subject 1 was at work. She said while Witness 1 was home that he noticed Detective A parked outside in front of her house for about an hour. Detective A attempted to get Witness 1 to come outside to talk to him but he refused. Subject 1 further related that Witness 1 did not talk with Detective A for quite sometime.

Subject 1 said after the telephone incident that Detective A did not call or text her again. She also said that Detective A did not try to reach her through social media. Subject 1 said that Detective A called her mother crying. He asked her to speak with Witness 1 and find out why he was not speaking with him. Subsequently, Subject 1 said that Detective A texted her cellular telephone and asked her to have Witness 1 to call him. Subject 1 said that she did not respond. She relayed the message to Witness 1 but he still declined to call Detective A.

On the morning of 21 June 2014, Subject 1 called 311 at approximately 0700 hours. She spoke with Officer A. Subject 1 informed Officer A that she needed to obtain a report for telephone threats or telephone harassment. Officer A stopped taking Subject 1's information upon learning the complaint was against a Chicago Police Officer, at

² Transcript of Subject 1, Att. 22, Page 7, Lines 8-9.

³ *Id.* At Lines 9-14.

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which time, she indicated that she needed to secure a sergeant. Officer A obtained Subject 1's contact number and indicated that a sergeant would call her back. Subject 1 waited fifteen minutes, called again, and requested the sergeant's desk. Subject 1 spoke with Officer B who placed her on hold for a sergeant. Subject 1 said the call was disconnected shortly after. She assumed that someone picked up phone and hung it up. Subject 1 related that she called again and spoke with another unidentified sergeant. She was placed on hold, and moments later the call was dropped. Subject 1 called again about ten minutes later. Subject 1 said that she was mad because it had been forty minutes and no one had given her a report. Based on their voices, Subject 1 believed the first unknown sergeant she spoke with was a white man and the last was a Black man. Initially, she said both of the sergeants hung up on her. Shortly after, she said that one of calls could have gotten disconnected. Subject 1 continued that her call to the second unknown sergeant also could have gotten disconnected but not the last call. Subject 1 felt the last unknown sergeant deliberately hung up on her. She explained that during their conversation she mentioned that she already filed a report with IPRA and he responded, "Well, then you can call IPRA and get your report," and then hung up on her.⁴ At times, Subject 1 was not clear when she actually placed the calls for assistance. Subject 1 admitted being confused regarding the chain of events, the action she took, and the times she placed the telephone calls.

Subject 1 indicated that she had to work Saturday and Sunday so two days later she went to the 008th District Station and obtained a case report. (Atts. 5 & 22)

[omitted because it pertains to a juvenile witness]

On 21 June 2014, the following morning, at approximately 0815 hours, Witness 1 left Detective A's house and walked home. Shortly afterwards, Detective A sent Witness 1 a text message saying that they needed to talk. Witness 1 said that he did not respond. Subsequently, Detective A went to Subject 1's house, knocked on the door and called Witness 1. Witness 1 said that he did not answer and Detective A remained outside for approximately an hour and a half. Witness 1 concluded that he heard Detective A direct similar profanities at Subject 1 six or seven months prior to 20 June 2014. (Atts. 4, 13 & 23)

Chicago Police Department Event Query #XXXXXXXXXX documented on 22 June 2014, at 21:16:12, a complainant entered the 008th District Station at the location of 3240 W. 63rd Street. A case report was generated under RD #XXXXXXX for telephone threats. (Att. 14)

Original Case Incident Report under RD #XXXXXXXXXX documented that Subject 1 obtained this case report on 20 June 2014 against Offender Detective A. Subject 1 alleged that she received a telephone call from Detective A. He was very upset and began screaming, swearing, and was verbally abusive to Subject 1. Subject 1 indicated that Detective A had previously battered and threatened her, which evoked fear during their telephone conversation. Their minor son, Witness 1 informed Subject 1 that while he was at Detective A's house that he overheard Detective A screaming at his mother. Witness 1 was very upset by his father's actions and refused talk with him, visit

⁴ *Id.*, at. Page 21, Lines 12-13.

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or accept his visits. It was further reported that Detective A was observed sitting in front of Subject 1's home for an hour and departed after his son texted him to leave. Subsequently, Subject 1 obtained LOG #1069932 from IPRA Investigator A since Detective A is a Chicago Police Detective. (Att. 15)

A **Supplementary Report** generated under RD #XXXXXXXXX was essentially consistent with the aforementioned report. In addition, Detective B #XXXXXX conducted a follow-up conversation with Subject 1 who provided additional details about a conflict between Detective A and their son Witness 1. Detective B also spoke with Detective A, who also described the underlying behavior by Witness 1 that resulted in Detective A scolding and grounding him for disobedience. Subject 1 and Detective A engaged in an argument over the telephone; Subject 1 disagreed with Detective A's method of discipline. Detective A did admit to raising his voice but denied that any threats were made. Detective A said Subject 1 directed profanity at his wife via him, in that, she said, "I hope he never wants to go by you or that bitch again." Detective A said the conversation ended when Subject 1 hung up on him. Detective A said that the following morning he learned that Witness 1 had left his house. Detective A believed that Subject 1 picked up Witness 1 from his residence. Detective A continued that based on a court order, he was scheduled to have Witness 1 that entire weekend. Detective A concluded that Subject 1 refused to send Witness 1 back, at which time; he filed a report under RD# XXXXXXXXX that documented the violation.⁵ Detective B related that based on the facts, with no threats from either party, he requested that the case be classified unfounded. (Att. 17)

OEMC Transmissions documented two telephone calls made on 21 June 2014. During the first call, a female dispatcher assured a female caller that her sergeant would call her back and possibly obtain additional information to ensure that a report was warranted. The female dispatcher continued that because the accused is a Chicago Police Officer that protocol must be followed and the decision to generate a police report must come from a sergeant. The female dispatcher continued that she provided the sergeant with details of what transpired and sergeant must determine if the female caller's version warrants a police report. The female caller appeared to be impatient and persistent regardless of what the female dispatcher said or how often she explained the process and its protocol.

During the second call, a different female dispatcher spoke with the same female caller. The female alleged she had been on the line waiting to make a police report.⁶ The female caller then referred to the incident as an assault. The female caller said that her son's father is a Chicago Police Officer who called her the night before and directed profanities at her, called her derogatory names, and made some personal statements about her. The female dispatcher interrupted the female caller to inform her that what she alleged was not an assault. At which time, the caller said that she believed the incident to be harassment by telephone. The female dispatcher reiterated that after hearing the story

⁵ See Atts. 18-20 for the associated Case Report, Supplemental Report and Event Query.

⁶ During a telephone conversation, OEMC Dispatcher A, explained that calls were not recorded in the common office where the sergeants and Officer B were located. OEMC Dispatcher A further added that Subject 1 is known throughout the center as a frequent, problematic caller. Att. 31, Page 5, Telephone Conversation entry 17 July 2014 at 0950 hours.

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clearly it was not assault and then she went on to provide the definition of assault along with an example. The female caller attempted to bring up previous alleged incidents with the accused but was re-directed by the female dispatcher to the current incident. The female dispatcher related what the female caller was expressing sounded like a telephone threat but she was uncertain without speaking to her sergeant and obtaining additional information. The female dispatcher identified herself as Officer A and the female caller identified herself as Subject 1. Subject 1 also identified the accused as Detective A. Officer A requested that Subject 1 hold on because she needed to speak with her sergeant to verify that Detective A is a CPD member and to address what occurred. In addition, Officer A obtained Subject 1's contact number and asked her to hold on while she addressed the situation. Subject 1 was reluctant to hold on and continued to talk over the dispatcher. Subject 1 was adamant that she had obtained police reports over the telephone regarding Detective A. (Atts. 25-26 & 29-30)

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CONCLUSION:

The R/I recommends a finding of **Not Sustained** for **Allegation 1** against an **unknown male sergeant (NFI)** who allegedly stated to Subject 1 during a telephone conversation, “Well, then you can call IPRA and get your report,” and then terminated the call. Subject 1 clarified that the sergeant told her this after she informed him that she had already filed a report with IPRA. Based on information provided by OEMC, the identity of this sergeant cannot be identified. Therefore, this allegation should be Not Sustained.

The R/I recommends a finding of **Unfounded** for **Allegation 2** that **Detective A** made derogatory comments to her and directed profanities at her in violation of Rule 9 on 20 June 2014 at approximately 2220 hours. Subject 1 reported that Detective A told her, “Fuck you, you fuckin bitch. You fucking loser. You are a fucking piece of shit. Your mother thinks you are a piece of shit” and “You got fired from your job.” Witness 1 reported that he overheard the conversation and initially reported that he heard Detective A say, “You ruined your own life, you’re a piece of shit, your mother doesn’t even like you, um, it’s your fault you’re in financial ruin.” Subsequently, Witness 1 reported that he also heard Detective A say, “You’re a piece of shit,” and “You can go fuck yourself.” Although the description of the incident as described by Subject 1 and Witness 1 was basically consistent, at issue is whether the verbal exchange constituted misconduct, considering the totality of the circumstances. Based on Detective A’s statement to Detective B, the argument between Detective A and Subject 1 was mutual, including Subject 1 saying, “I hope he never wants to go by you or that bitch again.” Given that the alleged statements occurred in the context of a mutual, private argument, the R/I recommends that the investigation should be closed unfounded in accordance with S.O. 08-01-01, II (C) (12).