

# INDEPENDENT POLICE REVIEW AUTHORITY

Log # 1063523

## INTRODUCTION

It is alleged that on the evening of 13 July 2013, when off-duty Chicago Police Officer A was returning his 18-month-old daughter Juvenile 1 to the home of Juvenile 1's mother, and Officer A's former girlfriend, Subject 1, he yelled profanities at Subject 1's mother, Subject 2 and assumed a position as if he intended on striking Subject 2 with his fist.

## BACKGROUND – RELEVANT DOMESTIC RELATIONSHIPS

Chicago Police Officer A and Subject 1 were in a relationship from 2011 until approximately 2012. Juvenile 1 is their daughter. There is no custody agreement in place regarding Juvenile 1, but Juvenile 1 spends most of her time under the care of Subject 1. When Juvenile 1 stays with Subject 1, they reside at the home of Subject 2, Subject 1's mother. Their household also includes Subject 1's two other daughters, Juvenile 2 and Juvenile 3, and Subject 1's sister Civilian 1 and her daughter Juvenile 4.

## ALLEGATIONS

On 14 July 2013, at approximately 2051 hours, the complainant Subject 2 registered this complaint with IPRA Investigator A. Subject 2 alleged that on 13 July 2013, at approximately 2005 hours, outside of her residence, located at XXXX S. Seeley Avenue, accused **Officer A, # XXXXX**:

- 1) yelled and directed profanities at her in violation of Rule 9,
- 2) made a fist and pulled back his arm as if he was going to punch her in violation of Rule 8, and
- 3) threatened to take her to court and obtain full custody of her minor granddaughter, Juvenile 1, so she could not have further contact with her in violation of Rule 9.

Subject 2 further alleged that on an unspecified date in February or March 2012, at approximately 1530 hours, inside of the doorway to his residence, **Officer A**:

- 4) grabbed Subject 1 by her neck with his entire arm, in violation of Rule 8,
- 5) choked Subject 1 in violation of Rule 8, and
- 6) attempted to drag Subject 1 inside of his house in violation of Rule 8.

In addition, it was alleged by IPRA that **Officer A**:

- 7) between 28 September 2013 and 29 October 2013 failed to notify the Department that he was under investigation by the Department of Children and Family Services, in violation of SO 08-01-02 (IV) (A) and Rule 6.

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### **APPLICABLE RULES AND REGULATIONS:**

**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.

**Special Order: SO 08-01-02(IV) (A)** (effective date 17 March 2013): Department Member's Involvement with Any Outside Law Enforcement Agency, Government Or Lawful Investigatory Entity. Department members will immediately submit a To-From Subject report to their exempt unit commanding officer whenever they are under investigation by any outside law enforcement agency or governmental or lawful investigatory entity, or have knowledge that another member is under investigation by any law enforcement agency or governmental or lawful investigatory entity, regardless if the member has been contacted by that agency/entity.

### **INVESTIGATION**

During an **audio-recorded statement** on 16 July 2013, **Subject 2** stated that she cares for her granddaughter, eighteen-month-old Juvenile 1.<sup>1</sup> Subject 2 related that Juvenile 1 is the only child of Subject 1 and Officer A. Subject 2 said that Officer A and Subject 1 never lived together and were no longer dating. According to Subject 2, Subject 1 ended the relationship several months ago after Officer A behaved in a manner that Subject 1 deemed possibly harmful for her children. However, Subject 1 did not provide specifics about the purported inappropriate behavior to Subject 2. However, Subject 2 claimed to have observed Officer A verbally abuse Subject 1's daughters in the past. Subject 2 stated that Officer A sent harassing text messages to Subject 1. Subject 2 did not have any of the text messages in her possession but was shown them. Subject 2 further stated that Subject 1 no longer had the text messages in her possession. Subject 2 stated that there was no custody agreement in place regarding Juvenile 1. Juvenile 1 lives with Subject 1 and spends Saturday and Sunday afternoons with Officer A.

Subject 2 stated that, on 13 July 2013, at approximately 2005 hours, Officer A returned Juvenile 1 to her home after his visitation and that several of her grandchildren were at her home. At the time of the incident, Subject 1's daughters, Juvenile 2 and Juvenile 3, were present along with their cousins, Civilian 2 and Juvenile 4 (Last Name Unknown). Subject 2 indicated that the younger girls were in the next room when the incident occurred. Subject 2 continued that the three youngest children did not see the incident, but they heard it. According to Subject 2, based on the history between Subject 1's children and Officer A, she tried to keep them away from the door when he arrived. Subject 2 related that, when Officer A returned Juvenile 1 on 13 July 2013, Subject 2 noticed that Juvenile 1 was wearing different clothes from when Officer A picked her up from her house. Subject 2 commented to Officer A that he brought Juvenile 1 home again wearing different clothes. Officer A appeared angered by her comment and began yelling and directing profanities at her as he reminded her of his position as the child's father. Subject 2 said she reminded him that she was speaking to her granddaughter and not to

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<sup>1</sup> Juvenile 1 is inaccurately identified as "XXXXXXXX" on several documents.

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him. Subject 2 stated that she took Juvenile 1 from his grasp, and Officer A continued to yell and scream as he walked down the stairs. Subject 2 also said that Officer A made a fist and pulled back his arm as if he was going to punch her as he walked down the stairs. In addition, Officer A continued to yell and scream various things as he walked at least five houses away. At which time, Officer A threatened to take Subject 2 to court and obtain full custody of Juvenile 1, so she could not have further contact with her. In the past, Officer A had threatened Subject 1 with court procedures. Subject 2 said she felt threatened by Officer A's body language even though Officer A did not make any verbal threats to harm her or made any motion in her direction. Subject 2 further stated that Officer A was not on duty at the time of the incident and he was dressed in civilian clothing.

Subject 2 stated that, on an unspecified date in February or March 2012, at approximately 1530 hours, she went with Subject 1 and her children to take Juvenile 1 to Officer A's house at XX<sup>th</sup> or XX<sup>st</sup> Parkside for a visit. Subject 2 stayed inside the car with the other children while Subject 1 went to the door with Juvenile 1. Subject 2 observed Officer A standing in the doorway of his residence. Subject 2 saw Officer A grab Subject 1 by her neck with his entire arm. He then choked Subject 1 and attempted to drag her inside of his house. Subject 2 said that she rolled down the window, yelled for him to stop, and threatened to take Juvenile 1 back to her house. He then let her go after some of his neighbors came outside.

Subject 2 stated that Subject 1 informed her that Officer A had directed profanities at Subject 1's minor children. Subject 2 did not witness or hear Officer A direct profanities at the children. She also reported that Juvenile 2 told her that Officer A once pushed Juvenile 2 off a bed after she noticed him rambling through some papers on Subject 1's dresser. (Atts. 7, 14)

On 17 September 2015, the R/I **interviewed Subject 1 by phone**. Subject 1 referenced the incident, which occurred on the evening of 13 July 2013, between her mother, Subject 2 and Officer A. Subject 1 stated that as Officer A was pulling off in his vehicle that she walked up the block. She further stated that she did not see or hear anything regarding that incident.

Subject 1 acknowledged that she had a past with Officer A. Subject 1 indicated that their relationship endured hardships just as any other relationship and that there were encounters between them but she declined to discuss them. Subject 1 said that she did not want to register a complaint, provide a statement, or allow her minor daughters to give a statement. Subject 1 also reported that her sister Civilian 1 and Civilian 1's daughters would not cooperate with the investigation.

Subject 1 said she attempted to obtain an Order of Protection because Officer A would occasionally park outside of her residence in his personal vehicle but she was unable to provide specific dates and times. She said the court informed her that he had not committed a crime and was just trying to ensure the safety of his daughter. Subject 1 said she would prefer to leave her past behind and that her family would follow suit. According to Subject 1, Officer A had moved on with his life. Subject 1 concluded that Officer A periodically parks and sits in front of her residence and still tries to make her life hard but she refused to elaborate further. (Att. 16)

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A **Canvass** was conducted in the vicinity of XXXX S. Seeley Ave. which produced negative results. (Att. 12)

A **Personal Visit** was conducted to the family house to interview the witnesses but was met negative results. (Att. 11)

Several unsuccessful attempts were made to interview the minor children of Civilian 1 and Subject 1 via regular and certified **Letters** and by **Telephone**. (Atts. 13, 15, 38)

**Court Documents** for XX D XXXXXX established that Officer A and Subject 1 engaged in litigation to establish parentage and custody for Juvenile 1. There was no documentation that Subject 1 sought an Order of Protection for any form of abuse against Officer A or vice versa. (Atts. 21, 28)

During an **audio-recorded statement** on 30 Sept 2015, **Accused Police Officer A, #XXXXXX**, stated that Subject 1 is his ex-girlfriend and mother of his now, three-year-old daughter Juvenile 1. Officer A stated that he and Subject 1 have joint custody of Juvenile 1. Although Subject 1 has two other daughters, he does not have a relationship with them. Subject 2 is normally the person who is present when Officer A returns his daughter from visits. Officer A explained that he does not get along with Subject 2, and that they always seem to argue with each other. Officer A stated that, on 13 July 2013, he went to Subject 2's house to return his daughter. As soon as Subject 2 opened the door, Subject 2 noticed that Juvenile 1 was wearing different clothes. Officer A explained that Juvenile 1 dropped ice cream on her shirt so he changed her outfit. Officer A said that he and Subject 2 argued about it for a while, but he never stepped inside of the house. He denied threatening Subject 2. Officer A also denied directing profanities at Subject 2 or drawing his fist back as if he was going to strike her. Officer A added that while he did tell Subject 2 that he would seek custody of his daughter through the court system, he did not threaten to keep Subject 2 from having contact with Juvenile 1. Officer A stated that he does not know who was in the house at the time of the verbal exchange because he never entered the house.

Officer A denied ever being involved in a physical altercation with Subject 1. On the date and time in question in 2012, Officer A denied grabbing her by her neck, choking her, or attempting to drag her inside the house. Officer A explained that Subject 1 only came to his house a few times while they were dating, which was before Juvenile 1 was conceived. He said that he mostly visited her at Subject 2's house. Officer A stated Subject 1 has never brought Juvenile 1, Subject 1's older children or her mother to his house. Officer A stated that he normally visited Juvenile 1 at the Richter house. Officer A said that when problems arose between him and Subject 1's family, he begin visiting with Juvenile 1 at Officer A's mother's house so she could visit with her as well.

Officer A stated that on one occasion, Subject 1 made false accusations against him to DCFS, and DCFS initiated an investigation. Officer A reported that he learned that DCFS was investigating him on or in late September or early October in 2013. Officer A noted that he received letters dated 29 October 2013 and 20 November 2013 in which DCFS reported the allegations against him were unfounded. (Atts. 35, 37)

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**Illinois Department of Children and Family Services letters and Tendered Letters Response**, documented that Officer A was under investigation for suspected child abuse or neglect under SCR# XXXXXXXX. The DCFS letter dated 29 October 2013, indicated that the initial investigation determined that there was no reason to continue the inquiry and that no action would be taken. (Atts. 30, 31, 32)

**Medical Records** from Rush University Medical Center documented that Juvenile 1 was admitted on 28 September 2013 on suspicion of child abuse. DCFS was contacted on 28 September 2013 regarding an allegation that Officer A had abused his daughter Juvenile 1. (Att. 33)

During a subsequent **audio-recorded statement** to IPRA on 12 August 2016, **Accused Officer A, #XXXXX**, stated that he stood by his previous statement to IPRA on 30 Sept 2015.

Officer A reported that during a telephone conversation sometime in September 2013 with Subject 1, he first became aware that he was under investigation by DCFS for allegedly sexually abusing his daughter. Officer A did not deny that he failed to report to the Department that he was under investigation by DCFS, and explained that he was unfamiliar with the special order at the time of the incident. Officer A related this was his first investigation with an outside agency and he did not know that he was supposed to report it to his supervisor. (Atts. 44, 51)

**CONCLUSION**

The R/I recommends a finding of **Not Sustained** for **Allegation #1**, that **Officer A** yelled and directed profanities at Subject 2, in violation of Rule 9. Officer A denied the allegations, but admitted to having an exchange of words with Subject 2 when he returned his daughter to her after a visit. Although Subject 2 identified witnesses who heard the alleged verbal altercation, neither Civilian 1 nor Subject 1 allowed their children to be interviewed for this CR investigation. While the evidence established that a verbal altercation between Officer A and Subject 2 occurred, there is no additional evidence to support either party's version of the incident.

The R/I recommends a finding of **Not Sustained** for **Allegation #2**, that **Officer A** made a fist, and pulled his arm back as if he was going to punch Subject 2 as he walked down the stairs, in violation of Rule 8. Subject 2 said she felt threatened even though Officer A did not make any verbal threats to harm her or made any motion in her direction. Officer A denied the allegation. As described above, none of the potential witnesses cooperated with this investigation. Beyond the allegation made by Subject 2, there is no evidence to support or refute this allegation.

The R/I recommends a finding of **Unfounded** for **Allegation #3**, that **Officer A** threatened to go to court and obtain full custody of his daughter, so that Subject 2 could not have further contact with her in violation of Rule 9. Officer A admitted he told Subject 2 that he would seek custody of his daughter through the court system. Officer A denied however that he threatened to keep her from having contact with his daughter. Although Subject 2 made this allegation, it does not rise to the level of police misconduct even if Officer A made a threat of civil action as alleged. Therefore, the R/I recommends that this allegation be Unfounded.

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The R/I recommends a finding of **Not Sustained** for **Allegation #4**, that **Officer A** grabbed Subject 1 by the neck with his entire arm, in violation of Rule 8. Subject 2 alleged that the incident occurred when she went with Subject 1 and her children to take Juvenile 1 to Officer A's house for a visit. Subject 2 stayed inside the car with the other children while Subject 1 went to the door with Juvenile 1. Officer A denied the allegation occurred, and further denied that Subject 1 ever brought her mother to his house. Subject 1 declined to sign a Sworn Affidavit or provide a statement to IPRA regarding this alleged incident. Beyond the allegation made by Subject 2, there is no evidence to support or refute this allegation.

The R/I recommends a finding of **Not Sustained** for **Allegation #5**, that **Officer A**, choked Subject 1, in violation of Rule 8. Subject 2 observed Officer A standing in the doorway of his residence. She witnessed him choke Subject 1. Subject 2 said that she rolled down the window, yelled for him to stop, and threatened to take Juvenile 1 back to her house, which would have ended his visit. She then said that he let her go after some of his neighbors came outside. The police were not called nor was there a police report filed. Officer A denied the allegation occurred, and further denied that Subject 1 ever brought her mother to his house. Subject 1 declined to sign a Sworn Affidavit or provide a statement to IPRA regarding this alleged incident. Beyond the allegation made by Subject 2, there is no evidence to support or refute this allegation.

The R/I recommends a finding of **Not Sustained** for **Allegation #6**, that **Officer A** attempted to drag Subject 1 inside of his house, in violation of Rule 8. Officer A denied the allegation occurred, and further denied that Subject 1 ever brought her mother to his house. Subject 1 declined to sign a Sworn Affidavit or provide a statement to IPRA regarding this alleged incident. Beyond the allegation made by Subject 2, there is no evidence to support or refute this allegation.

The R/I recommends a finding of **Sustained** for **Allegation #7**, that **Officer A**, between 28 September 2013 - 29 October 2013 failed to notify the Department that he was under investigation by the Department Of Children and Family Services in violation of SO 08-01-02 (IV) (A) and Rule 6. In his statements to IPRA, Officer A reported that he became aware that he was under investigation for suspected child abuse or neglect of his minor daughter, Juvenile 1 sometime in either late September or early October of 2013. Officer A admitted that he did not notify the Department upon receiving knowledge of this DCFS investigation; he explained that he was unaware that he was required to notify the Department. The evidence established that Officer A did not notify the Department when he became aware that he was the subject of a DCFS investigation.