

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1062191

INTRODUCTION:

Subject 1 alleged that, on 11 May 2013, Officer A damaged the rear passenger tire of her personal vehicle while she was parked at the Hospital. She also alleged that Officer A verbally abused her in person and via telephone/text messages. Subject 1 further alleged that Officer A used Department resources to search her new boyfriend's license plates and stalked them.

In 2013, Subject 1 and Officer A had been married for eighteen years and had three children in common. In May of 2013, they were separated and in the process of divorcing.

ALLEGATIONS:

This complaint was registered, via telephone, with the Independent Police Review Authority (IPRA) on 14 May 2013 by Sergeant A, #XXX, Unit X, on behalf of Subject 1. It was alleged that on 11 May 2013, at approximately 1600 hours, in the parking lot of the Hospital, X Talcott St., the accused, **Officer A, #XXXX, Unit X:**

1. Purposely damaged the rear passenger tire of Subject 1's vehicle, in violation of Rule 2.

It is also alleged that on or about 23 March 2013, at approximately 0230 hours, via telephone, the accused, **Officer A, #XXXX, Unit X:**

2. Verbally abused Subject 1 by calling her a "whore," in violation of Rule 9.

It is alleged that on unspecified dates between 29 January 2013 and 03 May 2013, via text, the accused, **Officer A, #XXXX, Unit X:**

3. Verbally abused Subject 1 by referring to her as a "whore," in violation of Rule 9.

It is also alleged that on 10 June 2013, at approximately 1520 hours, on the street at XXXX Canfield St., the accused, **Officer A, #XXXX, Unit X:**

4. Verbally abused Subject 1 by repeatedly calling her, "Fatty, bitch, and fat ass," in violation of Rule 9.

It is also alleged that on 26 March 2013, between approximately 05:10:47 and 10:02:51 hours, and again at 1842 hours, the accused, **Officer A, #XXXX, Unit X:**

5. Misused Department Records for non-Departmental purposes in that either he, or someone on his behalf in the Department, ran the license plate of Subject 2, in violation of Rule 4.

It is alleged that on an unspecified date in March 2013, at an unspecified time, in the vicinity of her brother's home on the XXXX Ozanam Ave., the accused, **Officer A, #XXXX, Unit X:**

6. "Stalked" Subject 1, in that he surveilled her and Subject 2, in violation of Rule 2.

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APPLICABLE RULES AND LAW:

- Rule 2:** Any action or conduct which 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:

In the **Initiation Report**, Sergeant A wrote that Detective A, #X, notified her of a phone call from Subject 1, the victim of Case Report #XX, Criminal Damage to Vehicle. On 11 May 2013, Subject 1's tire was damaged while parked in the Hospital parking lot. Subject 1 called Detective A to update him that she had reviewed the surveillance recording from the Hospital parking lot. Subject 1 observed a van pull up next to her vehicle and that the van in the image matched one owned by her estranged husband, Officer A. A male subject in the recording exited the van and then returned to the van. (Atts. 4, 22, 23)

In a **statement** to IPRA on 21 May 2013, **Subject 1** explained that Officer A was very angry that she had filed for divorce. Subject stated that between 29 January 2013 and 21 May 2013, Officer A was verbally abusive to her and repeatedly called her "a whore" and other derogatory names. Subject 1 stated that Officer A became aware of her dating Subject 2, in February 2013. Subject 1 also stated that she felt harassed at work by Officer A because she had received approximately three calls that she thought were from Officer A.

Subject 1 also stated that Officer A "stalked" her, in that on an unspecified date in March 2013, Officer A surveilled her and Subject 2 in the vicinity of her brother's home at XXXX Ozanam Ave. Subject 1 also stated that Officer A knew a lot about Subject 2 after he was at her brother's home. Subject 1 mentioned that their children may have informed Officer A that they would be there and that she believed that Officer A had been outside the house watching them. However, Subject 1 did not personally observe Officer A parked outside her brother's home or observe him stalking them.

Subject 1 went to visit her father at the Hospital on 11 May 2013. Subject stated that she arrived at approximately 1530 hours and parked her vehicle, a 2007 white Dodge Durango SUV, in the parking lot. At approximately 1700 hours, Subject 1 entered her vehicle and began to drive out of the parking lot when she noticed that her vehicle was pulling to the passenger side as she drove. Subject 1 stopped her vehicle near the hospital entrance to inspect the vehicle. Subject 1 saw that she had a flat tire and pulled back into the parking lot. Subject 1 stated that the valve stem from the front passenger tire was completely pulled out. Subject 1's brother, who had been driving ahead of her in his own vehicle, changed the tire for her. As Subject 1 sat in her vehicle, she observed Officer A drive past on Talcott in his black Dodge Ram pickup truck. Subject 1 notified the Hospital of her damaged tire and also filed a report at the District station. (Atts. 9, 14)

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The **Case Report** on Criminal Damage to Property completed on 11 May 2013 documented that on 11 May 2013, Subject 1 parked her 2007 Dodge SUV in the parking lot of the Hospital while visiting a hospitalized family member. While driving out of the parking lot, Subject 1 realized that her vehicle was not driving correctly and exited the vehicle to inspect it. Subject 1 observed the valve stem removed from her front passenger tire. Subject 1's brother was listed as a witness and assisted her in changing the tire. While the tire was changed, Officer A drove by on Talcott Avenue. Subject 1 stated that Officer A, who lived at XXXX Canfield St., was extremely unhappy about their pending divorce and upcoming child custody court date.

On 20 May 2016, the case was classified as Suspended, noting that Subject stated that she was not comfortable working with the Chicago Police Department because she felt that the police protect their own; and that she had initiated an IPRA investigation. Subject 1 also stated that she had not viewed the surveillance recording from the Hospital parking lot; however, her sister-in-law had and reported that the recording showed her estranged husband, Officer A, damaging the vehicle. The **Case Supplementary Report** was subsequently classified as Suspended. (Atts. 5, 24, 25)

The **Event/Occurrence Executive Summary** from the Hospital essentially stated the same as the Chicago Police Department Case Report, including that Subject 1 observed Officer A drive down Talcott in a 2009 black Dodge Ram pickup as her tire was being changed. (Att. 63)

The **photographs taken by** Hospital Security on 11 May 2013 depict the front passenger tire of a white SUV with a valve stem missing from the front passenger tire. (Att. 62)

The **Surveillance Recording** from the Hospital Parking Lot A/B on 11 May 2013 has a running time of 18:26 minutes. This recording is a single camera focused on Parking Lots A and B. This recording does not depict the actual act of damaging the tire on Subject 1's vehicle. At 17:00 minutes, a man exited a vehicle parked across the lane in a row of cars in Parking Lot A. At 17:12 minutes, the same figure walked through rows or parked cars and behind trees that block the camera view. At 17:15 hours, what appeared to be the same figure, walked out of frame and toward the hospital building? At 17:36 minutes, a figure appeared between a white van and a white SUV, now known to be Subject 1's SUV. The figure disappeared from view and was next seen re-entering the white van at 17:45 minutes. (Atts. 34, 42)

Subject 1 submitted a **Microcall** printout from her employer, which documented three calls to Subject between 18 March 2013 and 03 May 2013. The length of the calls was 01:32 minutes; 00:20 seconds, and 00:05 seconds. The caller was not identified.¹ (Att. 17)

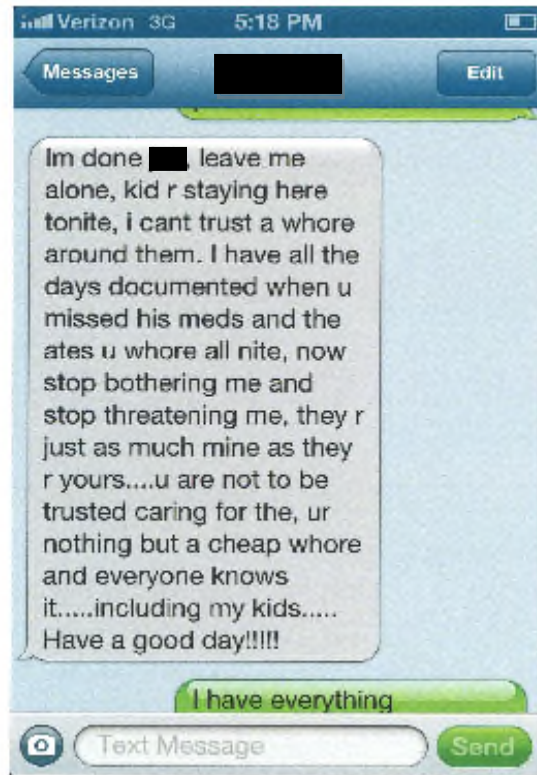
On 28 May 2013, Subject 1 also submitted six **text message** exchanges between herself and Officer A that occurred between 29 January 2013 and 23 March 2013. Four of the dated messages relate to the couple's divorce and their children's schedules. In

¹ This is a one page print-out from Subject 1's Employer that displayed five total phone calls received, three of which were assigned to Subject. This print-out did not identify the name or telephone number of the caller(s).

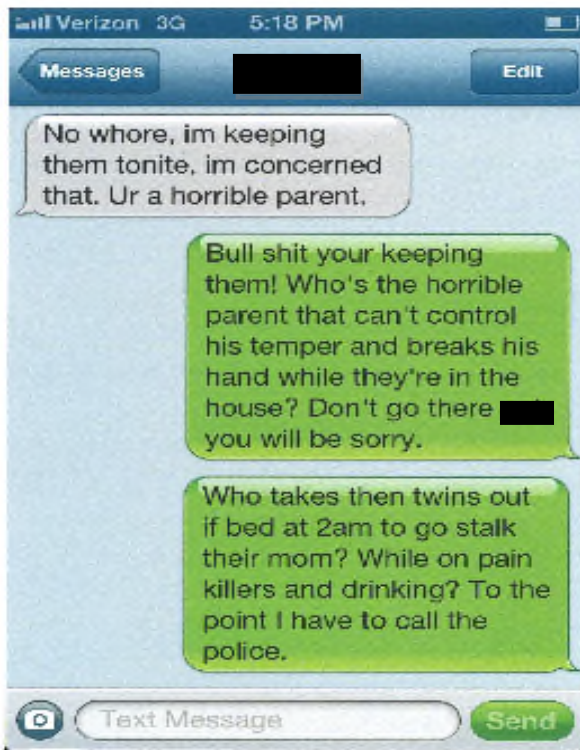
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two undated messages, Officer A referred to Subject 1 as “whore.” In the first message, Officer A wrote:



(Att. 27)



(Att. 32)

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In a **telephone call** to IPRA Investigator A on 10 June 2013, Subject 1 stated that on 10 Jun 13, at approximately 1520 hours, outside Officer A's residence at XXXX Canfield St., Officer A verbally abused her while she was inside her vehicle dropping off their daughter, for visitation. Officer A pulled up in his vehicle next to her vehicle and repeatedly called her "fatty, bitch, and fat ass."² Subject 1 stated that their sons were inside Officer A's vehicle during this incident.³ (Att. 18)

In a **telephone call** to IPRA Investigator A on 20 August 2013, Subject 1 reaffirmed that she definitely observed Officer A drive past the Hospital on 11 May 2013 after she discovered that her tire was damaged. Subject 1 also stated that Officer A had a white Dodge Cargo van that he uses for his plumbing business. Subject 1 stated that she observed the surveillance recording from the Hospital and that the white van in the recording matched Officer A's white Dodge Cargo van that pulled up next to her vehicle. However, Subject 1 stated that she could not identify the male in the recording as Officer A. (Att. 35)

In an **email** to IPRA Investigator A dated 2 August 2013, Subject 1 provided Subject 2's Illinois license plate as XXXXXX. (Att. 20)

A **Hot Desk Search** documented that a CPD member ran Subject 2's license plate on three different occasions: 02 January 2013, 26 March 2013, and 09 May 2013. Officer B, #X, was identified as the officer who ran the plate on 26 March 2013. Officer C, #X was identified as the officer who ran the plate on 09 May 2013. No one in the Chicago Police Department searched CLEAR/CHRIS for Subject 2's name between 01 January and 01 June 2013. (Atts. 37, 38)

Attendance and Assignment Sheets document that neither Officer B nor Officer A worked on 26 March 2013; and that Officer A did not work on 09 May 2013 when Officer C, #19376, ran the license plate. (Att. 39 - 41)

In a statement to IPRA on 15 July 2016, **Officer A** stated that he was hateful toward Subject 1 once she served him with divorce papers in 2012 and left him for Subject 2 adding that he was particularly resentful that she still drove Subject 2 around in a vehicle that Officer A had purchased. By May 2013, the only communication occurring between Officer and Subject 1 was through attorneys and "nasty texts."⁴ Officer A stated that they had to communicate due to the medication needs of their son. Officer A admitted to verbally abusing Subject 1 by referring to her as "a whore," adding that their divorce was horrendous and led to their hostility toward each other. Officer A also stated that, at times, Subject 1 spoke nicely to him in texts and in person but that his hurt and anger led him to be verbally abusive. Officer A also admitted to verbally abusing Subject 1 on 10 June 2013 by repeatedly calling her, "Fatty, bitch, and fat ass." Officer A stated that he and Subject 1 are now friendly and that he would not be verbally abusive to her now.

Officer A denied damaging the tire of Subject 1's vehicle and denied removing the valve stem from the tire. Officer A stated that he owned three white Dodge Cargo

² Att. 18, Pg. 1, Lns. 6-7.

³ Subject 1 stated that she did not want IPRA to interview her minor children.

⁴ Att. 61, Pg. 9, Ln. 9.

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vans for his plumbing business. However, all three vans have had a large business logo on both sides since 2010. Officer A explained that while he owns three vans associated with his plumbing business, he does most of the work himself and has two subcontractors that utilize the vans. On 11 May 13, Officer A stated that he was not working as a plumber on 11 May 13 because it was Mother's Day and he would have been with his mother.⁵ Officer A denied knowing that Subject 1's father was hospitalized at the Hospital on 11 May 13 and stated that he was not in the parking lot on 11 May 13. Officer A stated that he often drove by the Hospital down Talcott as a shortcut to the traffic on Harlem Avenue; and that his residence at XXXX Canfield St. was very close to the Hospital.⁶ Officer A also stated that Subject 1 had a history of getting flat tires on that vehicle but did not know how old the tires were on her vehicle in May 2013.

Officer A denied ever running the license plate of Subject 2 or having anyone run it on his behalf. Officer A stated that he had done plumbing work at the home of Officer B but that they were not friends and had no personal relationship. Officer A also denied "stalking" Subject 1 by following her and Subject 2 on an unspecified date in March 2013 in the vicinity of XXXX Ozanam Ave. (Atts. 60, 61)

On 15 Jul 2016, Officer A submitted a **photograph** of his white van that has very large advertising on the side for his plumbing business. (Att. 59)



⁵ According to the 2013 calendar, Mother's Day occurred on Sunday, 12 May 13.

⁶ Google Maps displayed the distance between the Hospital and X Canfield Ave. as 1.4 to 1.6 miles depending on route. (Att. 67),

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CONCLUSION:

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegation #1**, that on 11 May 2013, at approximately 1600 hours, in the parking lot of the Hospital, X Talcott St., Officer A, #X, intentionally damaged the rear passenger tire of Subject's vehicle in violation of Rule 2. The surveillance recording from the Hospital did not capture the tire being damaged. Subject 1 did not actually witness Officer A damage the tire and stated that she could not identify the man who exited the white cargo van in the recording as Officer A. While Subject 1 stated that the white cargo van was similar to the white cargo van owned by Officer A for his plumbing business, the van in the video did not have the plumbing business advertising on the side that Officer A stated had been added in 2010. The photographs of the incident taken by Hospital Security documented the valve stem missing from Subject 1's tire. Although Subject 1 stated that she observed Officer A drive by on Talcott in his pickup truck, Officer A stated that he did not, but added that he lived very close to the Hospital and often drove down Talcott. Officer A denied the allegation. There is insufficient evidence to determine if this incident did or did not occur as alleged.

A finding of **Sustained** is recommended for **Allegation #2**, that on or about 23 March 2013, at approximately 0230 hours, via telephone, Officer A verbally abused Subject 1 by calling her a "whore" in violation of Rule 9. In his statement, Officer A admitted he called Subject 1 a "whore," adding that he was very upset over their divorce and Subject 1's relationship with Subject 2. Officer A stated that they both said terrible things to each other during their divorce and that he would not use this language now.

A finding of **Sustained** is recommended for **Allegation #3**, that on unspecified dates between 29 January 2013 and 03 May 2013, via text, Officer A verbally abused Subject 1 by referring to her as "whore" in violation of Rule 9. Subject 1 submitted text messages from Officer A in which he referred to her as "whore." Officer A admitted sending these text messages, again explaining that he was very upset over the end of his marriage and Subject 1's relationship with Subject 2.

A finding of **Sustained** is recommended for **Allegation #4**, that on 10 June 2013, at approximately 1520 hours, on the street at XXXX Canfield St., Officer A verbally abused Subject 1 by repeatedly calling her, "Fatty, bitch, and fat ass" in violation of Rule 9. Officer A admitted the allegation and further stated that they both said terrible things to each other during their divorce and that he would not use this language now.

A finding of **Not Sustained** is recommended for **Allegation #5**, that on 26 March 2013, between approximately 05:10:47 and 10:02:51, and again at 1842 hours, Officer A misused Department records for non-Departmental purposes, in that either he, or someone on his behalf in the Department, ran the license plate of Subject 2, the boyfriend of Subject in violation of Rule 4. Officer B, #10160, was identified as the officer who ran the plate on 26 March 2013. However, Attendance and Assignment Sheets documented that neither Officer B nor Officer A worked on 26 March 2013; and that Officer A did not work on 09 May 2013 when Officer C, #19376, ran the license plate. Officer A denied the allegation. There is insufficient evidence to determine if this allegation did or did not occur as alleged.

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A finding of **Not Sustained** is recommended for **Allegation #6** that, on an unspecified date in March 2013, at an unspecified time, in the vicinity of XXXX Ozanam Ave., the accused “stalked” Subject 1 in that he surveilled Subject 1 and Subject 2 in violation of Rule 2. Subject 1 did not actually observe Officer A surveilling her and Subject 2 while they were present at Subject 1’s brother’s home. Instead she inferred that Officer A had surveilled them because he obtained personal information about Subject 2 after she and Subject 2 had been at this location. However, Subject 2 also stated that their mutual children may have provided Officer A with information about Subject 2. Subject 1 declined to have IPRA interview her children. Officer A denied the allegation. There is insufficient evidence to determine if this allegation did or did not occur as alleged.

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FINDINGS:

Accused #1: Officer A, #X, Employee #X, Unit X

Allegation #1: NOT SUSTAINED

Allegation #2: SUSTAINED – Violation of Rule 9, “Engaging in any unjustified verbal or physical altercation with any person, while on or off duty,” in that on or about 23 March 2013, at approximately 0230 hours, via telephone, the accused verbally abused Subject 1 by calling her a “whore.”

Allegation #3: SUSTAINED - Violation of Rule 9, “Engaging in any unjustified verbal or physical altercation with any person, while on or off duty,” in that between 29 January 2013 and 03 May 2013, via text, the accused verbally abused Subject 1 by referring to her as “whore.”

Allegation #4: SUSTAINED - Violation of Rule 9, “Engaging in any unjustified verbal or physical altercation with any person, while on or off duty,” in that on 10 June 2013, at approximately 1520 hours, on the street at XXXX Canfield St., the accused verbally abused Subject 1 by repeatedly calling her, “Fatty, bitch, and fat ass.”

Allegation #5: NOT SUSTAINED

Allegation #6: NOT SUSTAINED