

INTRODUCTION:

This investigation was initiated on 16 June 2015, by Sergeant A, Star #XXXX on behalf of the victim, Subject 1, who made allegations of domestic violence against her estranged husband, Lieutenant A, Star #XXX. As a result of the investigation, Lieutenant A accepted a Five (5)-day suspension from the Chicago Police Department. The investigation also revealed allegations of misconduct against Sergeant B, Star #XXX who also accepted a Two (2)-day suspension. The evidence related to the allegations against Lieutenant A and Sergeant B are not included in this summary report.

Subject 1 related that during a previous incident, another supervisor arrived at her residence and also failed to take any action. The investigation revealed that on 26 December 2014, at 2358 hours, Sergeant C, Star #XXX responded to a 911 domestic call made by Subject 1 who reported that Lieutenant A was intoxicated and threatening her. (Att. 25)

ALLEGATIONS:

It is alleged that on various dates, times and locations, the accused, **Lieutenant A, Star #XXX, Unit XXX:**
See CLEAR.

On 26 December 2014, at about 2358 hours, at XXX N. Panama Avenue, **Sergeant C, Star XXX, Unit XXX,** while on duty:

- 1) Failed to properly document a domestic incident involving Lieutenant A who was reportedly intoxicated, in violation of Rules 3 and 6.

It is alleged that on 14 June 2015, at about 0158 hours, at XXXX N. Panama Avenue, the accused, **Sergeant B, Star #XXX, Unit XXX:**
See CLEAR.

APPLICABLE RULES AND LAW

Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.

Rule 6: Disobedience of an order or directive, whether written or oral.

Rule 15: Intoxication on or off duty.

Special Order 04-04(III)(B) Domestic Incidents.

Bureau of Patrol field supervisors will: (4) obtain a CR number and follow the procedures outlined in the Department directive entitled "**Complaint and Disciplinary Procedures**" if a Department member is involved in the domestic incident and a crime/misconduct by the Department member is alleged.

Special Order 08-01-02(II)(F)(2)- Special Situations Involving Allegations of Misconduct. Whenever a sworn member or reporting party makes an allegation against a Department member relating to impairment not involving the operation of a vehicle, the procedures outlined below will be followed. The responsible command or supervisory member will:

- a. obtain a Log Number;

- b. ensure that a To-From-Subject report is obtained from each member having knowledge of the circumstances surrounding the incident prior to the end of their tour of duty;
- c. prepare a To-From-Subject report summarizing the investigation;
- d. perform the duties and responsibilities of the call-out BIA supervisor outlined in Item II-E-4 of this directive.

Special Order 08-01-02(II)(E)(4), (*relevant portions*):

- a. The BIA call-out supervisor will:
 - (4) order the accused member to complete the “Field Sobriety Tests,” the results of which will be recorded on the Alcohol/Drug Influence Report.
 - (5) order the accused member to answer the questions in the “Interview” section of the Alcohol/Drug Influence Report.
 - (6) order the accused member to submit to a breath test, the results of which will be entered into the “Breath Test” section of the Alcohol/Drug Influence Report.

INVESTIGATION

In a **statement to IPRA** dated 19 June 2015, the **victim Subject 1** said that on 26 December 2014, she and her estranged husband, Lieutenant A got into argument about their extramarital affairs. Subject 1 said that Lieutenant A was drinking heavy that evening and was apologizing and expressing his love to her. Subject 1 said that Lieutenant A cornered her in the kitchen and grabbed her by the face and began to forcefully kiss her. Subject 1 responded by pushing Lieutenant A off of her and then called the police. Subject 1 said that Lieutenant A grabbed a knife out of the butcher block and rolled up his sleeves and said, “When they get here, I’m going to cut myself and you’re going to jail for it.”¹ Subject 1 said that her children heard the arguing, but did not witness the incident. Subject 1 said that she did not want her children involved in the investigation.

The police responded and made Lieutenant A leave the premises. After the police left, Subject 1 said that Lieutenant A stayed outside in his vehicle to sleep and was later picked up by a friend. (Atts. 9, 10, 44)

Chicago Police Department, **Event Query #XXXXXXXXXX**², documented that on 26 December 2014, at 2358 hours, Subject 1 reported her husband threatened her, was intoxicated, and was a member of the Chicago Police Department. Beats XXXXX and XXXXX responded; Beat XXXXX coded the assignment as a “D/1F” and reported, “caller wants no paper / party left.” (Atts. 25, 30)

¹ Transcription of Subject 1, Att. 10, Page 22, Lines 2-4.

² The audio-recording of Subject 1’s call to 911 was no longer available by the time IPRA was notified of the 26 December 2014 incident. (Att. 25).

Audio Recycled

CHICAGO POLICE DEPARTMENT
EVENT QUERY

24-JUN-2015 PAGE 1

Event # 1436014772

Type	Location	Date	Pri	DG	Svc Beat	Disp
RECSUP	[REDACTED]	26-DEC-2014 23:58:22	1A	016	1631	1F
Source	Response Level	Caller	Phone			
E	1	[REDACTED]	[REDACTED]			
Address of Occurrence						Occ Beat
[REDACTED]						1631

Date	Activity	Wkstn	Person	Text
26-DEC-2014 23:57:10	REC			
26-DEC-2014 23:58:22	ENTRY	PCT33	C303729	CallerName have been changed. Priority: 3D-> 1A
27-DEC-2014 00:02:32	DSP	PD29	D307500	1633R
27-DEC-2014 00:02:42	ASST	PD29	D307500	1630R
27-DEC-2014 00:03:15	ACK	PMDT5883	PC0S858	1633R
27-DEC-2014 00:13:02	CHNG	PDS28	D103688	Remarks Entered:
27-DEC-2014 00:26:52	CLEAR	PDS28	D103688	1630R 1633R Papercar changed from 1633R to 1630R D/1F , caller wants no paper / party left D/1F
27-DEC-2014 00:26:52	CLOSE	PDS28	D103688	
	RMKS			CS HER HUSBAND IS INTOX AND THREATENING HER HE IS CPD NFI
	RMKS			comp coming out

Unit Summary		Enroute	Onscene	T	TA	TC	Clear
Unit	Dispatch						
1633R	27-DEC-2014 00:02:32						27-DEC-2014 00:26:52
1630R	27-DEC-2014 00:02:42						27-DEC-2014 00:26:52

LOG # 1075706
Attachment # 25

In her **Affidavit in Support of Emergency Verified Petition for Exclusive Possession of the Marital Home**, and related court documents, Subject 1 reported: “In December 2014, Lieutenant A cornered Subject 1 in the marital residence’s kitchen. After she called the police, Lieutenant A grabbed a knife out of the butcher’s block and declared, ‘I’m going to cut myself and you’re going to jail.’³ Before the cops arrived, Lieutenant A put the knife back in its place. A couple of days later, Subject 1 asked Lieutenant A to discuss the incident and he admitted that he was so drunk that day that he did not remember it.” (Att. 28)

In a **statement to IPRA** dated 10 March 2016, the **accused Sergeant C** said that he has known Lieutenant A since becoming a cadet in 1994, but denied that they have a friendship. Sergeant C confirmed that on 26 December 2014, he responded to a domestic disturbance, and was aware it was the residence of Lieutenant A and that Subject 1 alleged that Lieutenant A was intoxicated and had made threats to her. Sergeant C called his supervisor, Lieutenant B and told him, “[T]his is uh involving the lieutenant [Lieutenant A]. [Y]ou’re prob’ly gonna have to come out. Um I’m on my way to see, I’ll let you know.”⁴ Sergeant C said that he arrived first; Officers A and B also responded to the scene and he instructed them to stay outside.

Sergeant C spoke to Subject 1 who informed him that Lieutenant A had been drinking and arguing with her. Subject 1 said that Lieutenant A grabbed a knife and threatened to cut himself and blame it on her. Sergeant C said that Lieutenant A denied grabbing a knife and threatening to cut himself, but confirmed they had been arguing. Sergeant C was informed that

³ Emergency Order of Protection, Att. 28, Page 19.

⁴ Transcript of Sergeant C, Page 5, Lines 25-31.

Subject 1 was involved in an extramarital affair and that she and her estranged husband, Lieutenant A were arguing about the affair and about his infidelities. Sergeant C asked Subject 1 “Do you want this documented? What do you want done here today?”⁵ Sergeant C said that Subject 1 responded, “I just want him to leave. The children are here, I want, I don’t wanna argue anymore”⁶

Sergeant C asked Lieutenant A if he had been drinking and he replied, “I had a couple of drinks, yes.”⁷ Sergeant C described Subject 1 and Lieutenant A as “very calm and one of the easiest domestics I’ve ever been on.”⁸ Sergeant C was asked to describe Subject 1’s demeanor and said, “She was calm but crying’ a lil bit. But she wasn’t you know actively upset. She was like um basically slightly kinda worked up I guess. You could tell she had been crying. I don’t know if she was actually crying when I talked to her, but --.”⁹ Sergeant C said Lieutenant A agreed to leave his residence; Sergeant C waited until Lieutenant A left. Sergeant C said that he re-contacted Lieutenant B and told him, “Don’t bother comin’, it’s over,”¹⁰

Sergeant C acknowledged that he was aware that the PCAD report described Lieutenant A as being intoxicated and threatening. Sergeant C was told by Subject 1 said that Lieutenant A had been drinking, but made no allegation that he was intoxicated. Sergeant C said that he did not observe Lieutenant A to be impaired or intoxicated as a result of the use of alcohol. Sergeant C said that Lieutenant A had no odor of alcohol and observed his eyes were not bloodshot. Sergeant C said that the information provided in PCAD reports are not always reliable. Sergeant C said that he had a sample and was asked to explain and stated:

“It came out about three weeks ago. This is from, this is not from a drunk on a phone, this is from Chicago Fire Department calling Chicago Police Department dispatch. Their dispatch calling our dispatch. These are the PCAD’s we deal with all the time and I would say 50% of the time you probably have mistakes. And 50% of the time a percent of the time the jobs are totally different. So I’m gonna show you something that came out, this call came out February 1st or it came out at 00 something. I’ll read it to you, if you wanna see it... This ambulance 86 needs CPD for irate patient. That’s the, that’s CP, that’s allegedly CFD calling CPD dispatcher to dispatchers. It’s a DOA. There’s no irate patient. So I basically rush to this job thinking they’re arguin’ or fighting with the, the C, CFD. 61 was already there. I pull up there in front I said where’s the patient? He goes he’s dead. I just need a paper car. So that’s what we deal with with the PCAD. So I am not gonna fully judge something on a PCAD because sometimes things are not taken down correctly... Okay this is something I actually consider investigatin’ but I can’t draw a conclusion as far as the PCAD.”¹¹

Sergeant C did not document his preliminary investigation or his conversations with Lieutenant A and Subject 1 in any police reports. Sergeant C denied failing to properly document the incident and ensure that Lieutenant A was administered a breathalyzer. Sergeant C was asked to explain and stated:

⁵ *Id.* at Page 9, Lines 22-24.

⁶ *Id.* at Page 9, Lines 25-7.

⁷ *Id.* at Page 9, Line 31-32.

⁸ *Id.* at Page 10, Lines 16-17.

⁹ *Id.* at Page 18, Lines 19-23.

¹⁰ *Id.* at Page 10, Line 15.

¹¹ *Id.* at Pages 19-20, Lines 17-28, 31 & 1-9, 14-16.

“First off um she said she did not want it documented. Secondly, they're fighting about infidelity. They're fighting about cheating. Neither one denied that either one is cheating. So obviously it implies sayin' foul stuff to each other the whole day. At the time I took it as a stupid statement. There was no act of furtherance. He did not cut himself. He did not call the police. Um so I took it as a stupid statement during an argument and he denied it. He denied it ever happened. So you got him deny it, there's no act of furtherance. He was not bleeding, he was not cut. He did not call the police. Had he done all that, yes it would be documented. If I tell you I'm gonna go steal candy from Walgreen's is that misconduct, is that a crime? It's when I do it that, it becomes an issue, when it becomes a crime,”¹²

Sergeant C denied violating any order and said that Subject 1 did not make any allegations of criminal misconduct against Lieutenant A and therefore no further action was required. Sergeant C was shown a copy of Special Order 04-04, specifically Item III-B-4: **“Complaint and disciplinary procedures”** if a Department member is involved in a domestic incident and a crime, or misconduct by the Department member is alleged.”¹³ Therefore, Sergeant C denied violating this order and Special Order 08-01-02 because he believed there was “No allegation of misconduct or criminal behavior.”¹⁴

Sergeant C was shown a copy of Special Order 08-01-02¹⁵ which describes allegations of impairment, not involving the operation of a vehicle and states: “Alcohol intoxication means that a person’s mental or physical functioning is substantially impaired as a result of the use of alcohol”¹⁶ Sergeant C stated, “I conducted my investigation. I spoke with ‘em, he spoke clearly. He has no alcohol on his breath. He did not have bloodshot eyes. He was lucid like I’m saying as you are talking to me. And at that point if there’s no signs of impairment we do not do a, you don’t do any um sobriety test.”¹⁷ Sergeant C said that after completing his preliminary investigation, he re-contacted Lieutenant B and told him, “That it was resolved and don’t bother coming.”¹⁸ (Att. 20)

CONCLUSION

Accused Lieutenant A: See Mediation Agreement

It is recommended that **Allegation #1** that on 26 December 2014, at about 2358 hours, at XXXX N. Panama Avenue, **Sergeant C** responded to a domestic altercation involving Lieutenant A, who was reportedly intoxicated, and failed to properly document the incident, in violation of Rules 3, 6, S0-04-04, and S0-08-01-02, be **SUSTAINED**.

There is no dispute that Sergeant C failed to obtain a CR number for this incident. Sergeant C admitted he did not obtain a CR number because he found no evidence of misconduct and determined that Lieutenant A was not intoxicated. Sergeant C acknowledged that he was aware that he was responding to a domestic call at the residence of Lieutenant A. He was also

¹² *Id.* at Pages 21-22, Lines 21-32 & 1-6.

¹³ Special Order 04-01, Att. 48, Page 4.

¹⁴ Transcription Sergeant C, Att. 116, Page 25, Lines 25-26.

¹⁵ Note: Sergeant C was originally cited the wrong issued date of this order (see Att. 47) and corrected (see Att. 120).

¹⁶ Special Order 08-01-02, Att. 120, Page 4.

¹⁷ Transcription Sergeant C, Att. 116, Page 32, Lines 17-23.

¹⁸ *Id.* at Page 23, Lines 25-26.

aware that the event query reported that Lieutenant A was intoxicated and threatening Subject 1. Sergeant C reported that Subject 1 informed him that Lieutenant A had been drinking and arguing with her. Regardless of Sergeant C's opinion that Lieutenant A was not intoxicated, he was nonetheless required to obtain a CR number for any allegation of police misconduct, even if he mistrusts PCAD information. His failure to obtain a CR number was therefore in violation of 08-01-02 (II)(F)(2)(a) and (c), and S0-04-04(III)(B)(4) also CPD Rules 3 and 6.

Sergeant C also violated Special Order 08-01-02(II)(F)(2), which required him to complete an Alcohol/Drug Influence Report for Lieutenant A, including ordering Lieutenant A to complete "Field Sobriety Tests," and submit to a Breath Test upon receiving allegations that Lieutenant A was impaired by Alcohol Intoxication. Sergeant C admitted that he did not document his investigation on any police reports, or ensure that Lieutenant A submit to a breathalyzer. Additionally, although he initially alerted Lieutenant B that he was responding to Lieutenant A's home, in his follow-up telephone call he told Lieutenant B that the job was completed and advised him not to come to the scene.

Sergeant C's failure to appropriately document this incident resulted in a lack of conclusive evidence regarding Lieutenant A's state of sobriety/intoxication. It further caused the Independent Police Review Authority to remain unaware of these allegations of misconduct for approximately six months; which led to the destruction and decay of evidence, and therefore limited the Independent Police Review Authority's ability to conduct a thorough, timely investigation. Subject 1's call to 911 was overwritten during this time period and the memories of the involved parties were unnecessarily diminished. Sergeant C's failure to document the incident as required by CPD policies is particularly disturbing given his indication that Lieutenant B automatically understood the situation simply by telling him that the matter was, "involving the lieutenant," without the need to provide further details. It can be inferred from this statement that the supervisors in their district were well-aware that Lieutenant A was involved in domestic disturbances, even though no CR was generated until June 2015.

Accused Sergeant B: See Mediation Agreement

FINDINGS:

Accused #1 **Lieutenant A, Star ##XXX, Unit XXX**

See Mediation Agreement and CLEAR.

Accused #2 **Sergeant C, Star XXX, Unit XXX**

Allegation #1 **Sustained**

Count#1 **Violation of Rule 6**, "Disobedience of an Order/Directive, whether written or oral," in that Sergeant C, Star #9654, Unit XXX, failed to obtain a CR number and follow the procedures outlined in Special Order 04-04(III)(B)(4), which requires that a field supervisor will obtain a CR number if a Department member is involved in the domestic incident and a crime/misconduct by the Department member is alleged.

Count#2 **Violation of Rule 6**, “Disobedience of an Order/Directive, whether written or oral,” in that Sergeant C, Star #9654, Unit XXX, failed to obtain a CR number and follow the procedures outlined in Special Order 08-01-01(II)(F)(2)(a & c), which requires that whenever a sworn member or reporting party makes an allegation against a Department member relating to impairment not involving the operation of a vehicle, the responsible command or supervisory member will obtain a Log number and prepare a To-From-Subject report summarizing the investigation.

Count#3 **Violation of Rule 6**, “Disobedience of an Order/Directive, whether written or oral,” in that Sergeant C, Star #9654, Unit XXX, failed to ensure that Lieutenant A was administered a breathalyzer when he was aware of an allegation that Lieutenant A was intoxicated and was required to follow the procedures outlined in Special Order 08-01-01(II)(F)(2)(d), which requires that whenever a sworn member or reporting party makes an allegation against a Department member relating to impairment not involving the operation of a vehicle, the responsible command or supervisory member will perform the duties and responsibilities of the call-out BIA supervisor as outlined in Item II-E-4 of this directive, including ordering the accused member to submit to a breath test.

Count#4 **Violation of Rule 3**, “Any failure to promote the Department’s efforts to implement its policy or accomplish its goals,” in that Sergeant C, Star #9654, Unit XXX, failed to obtain a CR number and follow the procedures as outline in Special Order 08-01-02 and Special Order 04-04.

Accused #3 **Sergeant C, Star #XXX, Unit XXX**

See Mediation Agreement and CLEAR.