

## INDEPENDENT POLICE REVIEW AUTHORITY

Log #1063654

### INTRODUCTION:

The complainant, Complainant, and the accused, Officer A, were married for approximately five years. Complainant and Officer A divorced on 30 May 2011. They have two sons, Juvenile 1 and Juvenile 2, both minors. Complainant resides in Missouri with her current husband while her sons live with Officer A in Chicago, Illinois.

### ALLEGATIONS:

On 18 July 2013, at approximately 1429 hours, Sergeant A, #XXXX, Unit XXX, telephoned the Independent Police Review Authority, via Pax, and registered this complaint with Police Aide A on behalf of the complainant, Complainant. It is alleged that on 05 July 2013, and 15 July 2013, between 2300 and 0700 hours, at XXXXX S. Avenue X, Officer A, #XXXXX, Unit XXX:

1. endangered the well-being of his sons, Juvenile 1 (9 YOA) and Juvenile 2 (8 YOA), by leaving them unattended while he went to work in violation of Rule 8.

It is further alleged by the Reporting Investigator that on an unknown date and time, Officer A:

2. utilized Department equipment and resources to conduct a search of Complainant's license plates in violation of Rule 4.

### APPLICABLE RULES:

Rule 4: Any conduct or action taken to use the official position for personal gain or influence.

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

General Order 09-01-01

### INVESTIGATION:

The **Initiation Report** stated that Complainant alleged that her son, Juvenile 1, left her two messages indicating that Officer A left him and his brother home alone overnight while he went to work. (Att. 4)

INDEPENDENT POLICE REVIEW AUTHORITY  
Log #1063654

In a statement to IPRA on 01 August 2013, **Complainant** stated that she has been divorced from Officer A since 30 May 2011. Complainant stated that Officer A has residential custody of their two children, Juvenile 1 and Juvenile 2, because she lives with her current husband who is active-military in Missouri. Complainant stated that she and her sons communicate with each other mainly through the on-line function of their XBOX gaming system, which allows them to talk to each other and leave voice or text messages. Complainant stated that on 15 July 2013 she received two messages from her son, Juvenile 1, essentially stating that their father (Officer A) left them home alone. Complainant stated that the first message was left on 05 July 2013, at 2247 hours, and the second message was left on 15 July 2013, at 2246 hours. Complainant stated that after receiving the message she spoke with her sons and they told her that Officer A has repeatedly left them home alone at night while he goes to work. Complainant then contacted the Illinois Department of Children & Family Services (DCFS) and reported Officer A leaving their sons home alone at night while he goes to work. (Att. 20)

Juvenile content redacted.

Juvenile content redacted.

In a statement to IPRA on 27 August 2013, **Civilian 1** stated that he frequently baby-sits for Officer A when Officer A goes to work. Civilian 1 stated that he usually sleeps on the couch at Officer A's house when he baby-sits for Juvenile 1 and Juvenile 2. Civilian 1 stated that to the best of his knowledge, Officer A has never left his children home without adult supervision. (Att. 32)

The **Attendance and Assignment Record** indicates that 05 July 2013 and 06 July 2013 were Officer A's regular days off, and that on 14 July 2013 and 15 July 2013 he was on-duty. Officer A's regular start time was listed as 2230 hours. (Att's 5-6, 33)

The **Log Scan** inquiry revealed there was no record of any LEADS or hot Desk inquiries made regarding Complainant or her car. (Att. 40)

A **Letter from DCFS** to Officer A stated that after a thorough evaluation, DCFS determined that there was no credible evidence of child abuse or neglect and classified the allegation as Unfounded. (Att. 26)

In a statement to IPRA on 20 August 2013, **Officer A, #XXXXX, Unit XXX**, stated that he has never left his sons, Juvenile 1 and Juvenile 2, home alone while he goes to work. Officer A stated that he has several relatives available to him to baby-sit his sons when he has to go to work. Officer A stated that his uncle, Civilian 1, most frequently baby-sits for him when he goes to work.

Officer A spontaneously volunteered during his interview with IPRA that while he and

## INDEPENDENT POLICE REVIEW AUTHORITY

Log #1063654

Complainant were going through the process of divorce he ran her license plates. Officer A stated, “I know I wasn’t supposed to do it but I ran her plates and the plates came back to Complainant and that was kind of weird because she was still married to me and we were still going through a divorce process.”<sup>1</sup> (Att. 25)

In a subsequent interview on 01 July 2016, Officer A confirmed that the account he provided in his first interview was true and accurate. Officer A added that at some point during their separation Complainant failed to return from Missouri with his sons, and because he did not know her current address Officer A conducted a search of her license plates in order to learn her current address. Officer A stated that he could not recall when or how he conducted the search of Complainant’s license plates. (Att’s 37, 38)

### CONCLUSION:

#### Officer A, #XXXXXX

The R/I recommends a finding of **Not Sustained** for **Allegation 1**; that Officer A endangered the well-being of his sons, Juvenile 1 (9 YOA) and Juvenile 2 (8 YOA), by leaving them unattended while he went to work. Although Juvenile 1 and Juvenile 2 alleged that Officer A has repeatedly left them home alone while he went to work, this investigation revealed insufficient evidence to support or refute the allegation. Juvenile 1 sent messages to his mother on July 5, 2013 at 2447 hours and July 15, 2013 at 2246 hours. In his statement to IPRA Juvenile 1 also alleged that his father, Officer A, left the house wearing his uniform. However, the Attendance and Assignment Record indicates that Officer A was only working on July 15, 2013 and was not working on July 5, 2013. Furthermore, Juvenile 2 told IPRA investigators that there were many times where he and as brother initially thought they were home alone, but would later find either their father or another family member present in the home. Officer A denied the allegation. Officer A’s uncle, Civilian 1, stated that he frequently baby-sits Juvenile 1 and Juvenile 2 while Officer A goes to work. Civilian 1 also stated that he has never known Officer A to leave his sons home alone while he is at work.

The R/I recommends a finding of **Sustained** for **Allegation 2**; that Officer A utilized Department equipment and resources to conduct a search of Complainant’s license plates in violation of General Order 09-01-01, VI, A. 2, which states, “Any member who accesses information through the Department’s computerized information systems is accountable for the appropriate use and disposal of the information. Access to information is restricted to official police business. Access of information for personal or other reasons is strictly prohibited.” During his interview with IPRA, Officer A stated that although he was aware that it was against Department Rules and Regulations to utilize Department equipment and resources to conduct a search of Complainant’s license plates, he explained that he conducted the search in an attempt to learn her current address when she failed to

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<sup>1</sup> Statement of PO A, P. 16, L. 16. Following this admission, additional allegations were brought by the R/I.

INDEPENDENT POLICE REVIEW AUTHORITY  
Log #1063654

return his children to him. Officer A stated that he could not recall when or how he conducted the search of Complainant's license plates.

**FINDINGS:**

**Accused:**                    **Officer A**

**Allegation #1:**           **NOT SUSTAINED**

**Allegation #2:**           **SUSTAINED** – Violation of Rule 4: “Any conduct or action taken to use the official position for personal gain or influence;” in that Officer A admitted to utilizing Department equipment and resources to conduct an unauthorized search of Complainant's license plates.