

SUMMARY OF INCIDENT:

This investigation of allegations of domestic violence resulted from an incident that occurred on 19 April 2015, at approximately 1000 hours, at XXXX N. Legett Avenue when Lieutenant A went to Detective A's home (his ex-wife and formal residence) to pick up their five-year-old son, Juvenile 1¹. Detective A and Lieutenant A got into an argument inside the residence over an email Detective A sent Lieutenant A. Lieutenant A then left the residence and Detective A followed behind him. Detective A alleged that while she was behind Lieutenant A, he slammed the exterior storm door causing the door to strike Detective A's face. Juvenile 1 was waiting for Lieutenant A inside the car. After Lieutenant A entered his car, Detective A attempted to take Juvenile 1 out of the car because she no longer wanted Juvenile 1 to go with Lieutenant A. Civilian 1, Detective A's boyfriend, and Detective A were standing at the back passenger side of Lieutenant A's vehicle. Detective A attempted to take Juvenile 1 out of the car and Lieutenant A reversed his vehicle at a rapid speed, causing the back passenger door to strike Detective A's right arm. Civilian 1 pulled Detective A back to prevent her arm from being injured. Detective A did not sustain any injuries from the incident. Several hours later, Detective A went to the XXX District Station to file a complaint against Lieutenant A. Lieutenant B registered the complaint with IPRA on behalf of Detective A.

ALLEGATIONS:

On 19 April 2015, at approximately 1300 hours, Lieutenant C, #XXX, Unit XXX, called the Independent Police Review Authority (IPRA) and registered a complaint on behalf of the complainant, Detective A, star #XXXXXX. It is alleged that on 19 April 2015 at approximately 1000 hours, at XXXX N. Legett Ave, while off-duty, **Lieutenant A, star #XXX, Unit XXX:**

- 1) Struck her with his vehicle in violation of Rule 8; and
- 2) Slammed the exterior storm door at XXXX N. Legett Ave, causing the door to strike Detective A in violation of Rule 8.

It is also alleged that following the incident with Detective A on 19 April 2015, **Lieutenant A:**

- 3) Violated the provisions of Special Order S08-01-02 in that he failed to notify the Chicago Police Department that he was under investigation by the Department of Children and Family Services (DCFS) in violation of Rule 6.

On 13 January 2016, during a statement to IPRA at XXXX W. Chicago Ave, Lieutenant A alleged that **Detective A:**

- 1) Violated the provisions of Special Order S08-01-02 in that she failed to notify the Chicago Police Department that he was under

¹ Juvenile 1 (5 years of age-YOA), Juvenile 2 (8 YOA), and Juvenile 3 (7 YOA), and Detective A's boyfriend, Civilian 1, were inside the residence.

investigation by the Department of Children and Family Services (DCFS) in violation of Rule 6.

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 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.

S. O. S #08-01-02: Special situations involving allegations of misconduct.

INVESTIGATION:

In her **Initiation Report**, Lieutenant B stated that on 19 April 2015, Detective A arrived the XXX District Station requesting to initiate a complaint against Lieutenant A. Detective A alleged that during a custody dispute over their son, Juvenile 1, Lieutenant A attempted to run Detective A over with his vehicle, as she was retrieving Juvenile 1 from the rear passenger seat of Lieutenant A's vehicle. Detective A claimed that she was in fear of her safety and concerned about Juvenile 1 being returned as he left the scene with Lieutenant A. (Att. #4)

In a statement to IPRA on 04 May 2015, **complainant² Detective A** stated that on the date, time, and location of incident, she was at home with her children, Juvenile 1, Juvenile 2, and Juvenile 3, and her boyfriend, Civilian 1. Detective A stated that earlier that morning she had sent her ex-husband, Lieutenant A, an email telling him that he was not supposed to have the children that day. However, Detective A instructed Lieutenant A to send her an email if he wanted to take Juvenile 1 to T-ball that day and to agree to return him home after the game because Juvenile 2 had a theatre performance that evening. Lieutenant A did not respond to the email. Detective A explained that prior to this day, she and Lieutenant A were having problems with the children's visitation schedules.

According to Detective A, while she and Civilian 1 were making breakfast, Lieutenant A arrived at the residence and began to show Juvenile 1 the baseball equipment he had bought for him. Detective A asked Lieutenant A if he had read the email she sent him and he stated words to the effect of, "No I didn't read your fucking email, I will read it when I get a chance." Detective A asked Lieutenant A to read the email, which upset Lieutenant A and an argument ensued between the two in the kitchen. Detective A told Juvenile 1 to wait outside on the front porch. Detective A stated that she told Lieutenant A to, "Get out of the house." Civilian 1 attempted to calm Lieutenant A down because he was upset and cursing. Lieutenant A stated that he was going to take Juvenile 1 to T-ball and began to leave the house. Detective A initially said that she did not know if Lieutenant A was right in front of her when he exited the house. Detective A later said that Lieutenant A exited the house before her and Detective A followed behind

² It should be noted that Detective A was initially interviewed as a complainant, but later identified and questioned as an accused. See attachments #27-30.

him. As Lieutenant A exited the house, he shut the storm door very hard, causing it to strike Detective A on the face. Detective A did not sustain any injuries to her face. Detective A and Civilian 1 went outside at which time Lieutenant A told Juvenile 1 to get in his car. Detective A approached Lieutenant A and stated that she was going to take Juvenile 1 to T-ball and told him to leave. Lieutenant A and Juvenile 1 continued to get into the vehicle (XXXX Chevy Tahoe).

According to Detective A, she believed Juvenile 1 was standing in the rear passenger side area of the car, not sitting on the seat³. Juvenile 1 was crying and arguing with Lieutenant A. Detective A approached the back passenger door and asked Juvenile 1 to open the door because she and Civilian 1 were going to take him to T-ball. As Juvenile 1 opened the door, Detective A heard Lieutenant A say words to the effect of, "I fucking hate her." As Detective A reached in the car to remove Juvenile 1 from the back seat, Lieutenant A rapidly reversed his vehicle and the back passenger door struck Detective A's right arm. Civilian 1 pulled Detective A back by her shirt and Lieutenant A drove away. Detective A stated that she observed Juvenile 1 fall backwards inside the car.

Detective A stated that she waited to see if Lieutenant A would bring Juvenile 1 home after T-ball and when he did not, she went to the XXX District Station approximately three hours later to file a report. Detective A explained that she did not text or call Lieutenant A to find out when he was returning Juvenile 1 home because she was afraid and instead decided to go to the XXX District to file a complaint against him. Lieutenant B of the XXX District Station filed the report on Detective A's behalf. Detective A initially stated that Lieutenant A could not send her text messages because she had blocked his contact information on her cell phone. Detective A later said that when she returned from the recital, she sent Lieutenant A a text message asking if he was returning Juvenile 1 home, and he responded "Yes." Lieutenant A returned Juvenile 1 home at approximately 2130 hours. (Att. #8)

In an email sent from Detective A to Lieutenant A on 19 April 2015, at 0837 hours, Detective A requests that Lieutenant A confirm that he would return Juvenile 1 home by 1215 hours. Detective A requests Lieutenant A to confirm this before he left with Juvenile 1 or Juvenile 1 could not go with him. The email indicates that it is a "trust issue." (Att. #15)

In a statement to IPRA on 04 May 2015, **witness Civilian 1** stated that on 19 April 2015, at approximately 1000 hours, he was at the home of his fiancée, CPD Detective A. Detective A and her ex-husband, Lieutenant A, were in the kitchen talking about issues related to their children. Lieutenant A and Detective A were arguing about whether Lieutenant A would return their son Juvenile 1 home after his T-Ball game or if he would take him somewhere else. Civilian 1 entered the kitchen when he heard Lieutenant A raising his voice at Detective A. Civilian 1 stated that the argument escalated into Lieutenant A yelling at Detective A. Lieutenant A then left the house and closed the exterior screen door behind him as Detective A was exiting the house.

³ Detective A assumed Juvenile 1 was standing in the rear passenger area because Lieutenant A was speaking to Juvenile 1 inside the car.

Detective A went to Lieutenant A's SUV, where Juvenile 1 was in the backseat. Detective A went to get Juvenile 1 out of the vehicle because she no longer wanted Lieutenant A to take him. Lieutenant A closed and locked the rear passenger door so Detective A could not get to Juvenile 1. Juvenile 1 unlocked the door at Detective A's request and she moved to remove Juvenile 1 from the vehicle. Lieutenant A walked around the car and approached Detective A, at which point Civilian 1 stepped in between them because he did not want any further problems. Lieutenant A then told Civilian 1 to "talk to" Detective A.

According to Civilian 1, Lieutenant A got in the driver's seat and started the vehicle. Juvenile 1 was standing at the rear passenger area, the rear passenger door was open, and Detective A and Civilian 1 were standing in the open doorway. Lieutenant A needed to reverse his vehicle to get out of the parking spot and he put his vehicle in reverse and accelerated backward. This caused the open door to strike Detective A on the arm. Civilian 1 pulled Detective A out of the way to prevent an injury. Lieutenant A then drove forward out of the parking spot and the rear passenger door closed. Civilian 1 stated that Juvenile 1 did not fall down into the seat as he had already fastened himself into his booster seat. (Att. #12)

On 22 July 2015, the R/I received an **email from Detective A**. The email contained an attached letter from the Illinois Department of Children and Family Services (DCFS). The DCFS letter indicated, in essence, that after an investigation⁴, DCFS determined that Lieutenant A has abused or neglected a child. Lieutenant was indicated for child abuse and neglect. (Att. #16)

The **Chicago Police Department Original Case Incident Report (HY#XXXXXX)** indicates that Officer A and CPD Advocate A went to Detective A's residence on 23 April 2015, at approximately 1030 hours, to obtain her statement. Detective A essentially reiterated the events of the incident as she explained in her statement to IPRA on 04 May 2015. The report indicates that Detective A did not have any injuries from the incident and she declined medical care and to be photographed by an evidence technician. Detective A did not want to sign a complaint against Lieutenant A at that time. DCFS was notified of the incident and the complaint was recorded under #XXXXXXX. Furthermore, the report indicates that there were five previous abuses between Lieutenant A and Detective A. (Att. #31)

Chicago Police Department Special Order, #S08-01-02 identifies special situations involving allegations of misconduct. Section IV. A. states, "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." (Att. #17)

⁴ DCFS case number. SCR#XXXXXXX

In a statement to IPRA on 13 January 2016, **accused Lieutenant A**, stated that on 19 April 2015, at approximately 1000 hours, he went to Detective A's residence to take Juvenile 1 to T-ball practice. Lieutenant A stated that he and Detective A arranged via telephone earlier that week, that he would take Juvenile 1 to T-ball. According to Lieutenant A, when he arrived to pick up Juvenile 1, he knocked on the door and Detective A let him in. Lieutenant A stated that an argument ensued between he and Detective A over who was going to take Juvenile 1 to Juvenile 2's play. During the argument, Juvenile 1 went outside to wait for Lieutenant A and Juvenile 2 and Juvenile 3 went upstairs. Civilian 1 was present during the argument. Lieutenant A does not recall Civilian 1 becoming involved in the argument.

According to Lieutenant A, Detective A went outside and told Juvenile 1 to get out of Lieutenant A's vehicle. Lieutenant A and Civilian 1 followed her. Juvenile 1 began to cry because he wanted to go to T-ball. Detective A yelled at Juvenile 1 to get out of the car and she opened the back passenger side door to let him out of the car. According to Lieutenant A, Juvenile 1 was in the back driver's side of the vehicle and Detective A never went to the rear driver's side door. Lieutenant A got into the driver's seat, reversed the vehicle from the parking spot, and drove away. According to Lieutenant A, either Detective A or Civilian 1 closed the back passenger door before he drove away. Juvenile 1 was seated and fastening his seat belt. Lieutenant A stated that the door did not strike Detective A. Lieutenant A did not see anyone outside that witnessed the incident. Lieutenant A described Detective A as "slightly hysterical," and that she "was yelling and screaming." Lieutenant A stated that at no time did his vehicle door strike Detective A nor did he slam the storm door causing it to strike her. According to Lieutenant A, he and Detective A are in a continuous divorce and Detective A has made countless allegations against him with the Chicago Police Department. Lieutenant A stated that this incident was an unjustified allegation against him.⁵

Later that day, at approximately 3:00 p.m. or 4:00 p.m., Lieutenant A saw Detective A at Juvenile 2's play. He does not recall if the two spoke to each other. Lieutenant A stated that his parents were possibly at the play and recalled that during the play, the children were back and forth from Detective A to him and his parents. Lieutenant A also does not recall if he drove Juvenile 1 home after the play or if he went home with Detective A. According to Lieutenant A, there was no discussion between him and Detective A about the incident that occurred earlier that day.

Furthermore, Lieutenant A stated that he became aware of the DCFS investigation when a DCFS investigator called him and requested an inspection of his home. Lieutenant A assumed that the home visit had something to do with the two-year divorce procedure. According to Lieutenant A, he received a letter from DCFS in July 2015 indicating the finding of their investigation. Lieutenant A stated that he did not know how DCFS came to the findings that there is substantial risk of physical injury to a child. According to Lieutenant A, prior to this investigation, he has never been accused of abuse

⁵ Lieutenant A provided the R/I with an email from Detective A's attorney (Attorney 1) to Lieutenant A's attorney (Attorney 2) indicating that Lieutenant A "almost" struck her with his vehicle. (Att. #21)

or child neglect. Furthermore, Lieutenant A stated that he did failed to notify his unit commander that he was under investigation by DCFS because he thought that Special Order S08-01-02 was directed towards a criminal investigation and did not know DCFS was associated with that order.

Lieutenant A contended that as a department member of CPD, Detective A would also be required to follow the same rules and regulations that he is required to follow regarding him being the subject of a DCFS investigation. (Att. #20)

A State of Illinois Department of Children and Family Services Administrative Hearings Unit indicates that DCFS voluntarily unfounded the report. Lieutenant A will no longer be listed as a person who abused or neglected a child. (Att. #22)

A Personnel Action Request (PAR) from CPD indicates that Detective A was on an extended leave of absence, effective 14 December 2015 and remains on leave at this time.

In a statement to IPRA on 09 March 2016, **accused Detective A**, stated that she stood by her previous statement on 04 May 2015. Detective A added that CPD Advocate A, the domestic violence advocate for CPD filed a complaint on her behalf with DCFS on 23 April 2015. On or about 21 April 2015, a CPD detective went to Detective A's residence to discuss the incident. A few days after 21 April 2016, a DCFS investigator went to the schools of Detective A's children to speak to them about the incident that occurred on 19 April 2015 with Lieutenant A. Detective A stated that sometime after 21 April 2015 and before May 2015, a DCFS investigator called her via telephone to discuss the incident. At the end of July 2015, another DCFS investigator came to Detective A's home to do a well-being check of the children.⁶ According to Detective A, sometime in July, she received an email from Lieutenant A saying that he received a letter from DCFS indicating that he was indicated because of the incident on 19 April 2015. On 22 July 2015, Detective A forwarded the R/I a copy of the letter sent to Lieutenant A.

According to Detective A, she did not notify her unit commander that she had knowledge of Lieutenant A being investigated by DCFS as noted in provisions of Special Order #S08-01-02. Detective A explained that although she knew it was her duty to notify CPD of the DCFS investigation, she believed that by filing the case report about the incident was she notifying the department. Detective A said that she learned after February 2015 that DCFS unfounded the case against Lieutenant A. (Att. #30)

CONCLUSION:

The reporting investigator recommends a finding of **Not Sustained** for **Allegation #1** against Lieutenant A in that he struck Detective A with his vehicle. Detective A's account of the incident lacked credibility. Detective A initially said that Lieutenant A was not supposed to have the children the day of the incident, but Detective A sent Lieutenant

⁶ Detective A does not recall the name of this investigator, but recalled that the investigator was a male.

A an email telling him that if he wanted to take Juvenile 1 to T-ball practice, he had to reply to her email confirming that he was going to take Juvenile 1 to T-ball. During the argument with Lieutenant A, Detective A said that she instructed Juvenile 1 to wait outside. After allegedly being struck with Lieutenant A's vehicle, Detective A is worried that Lieutenant A is not going to bring Juvenile 1 home but make not attempt to go to the park, call contact Lieutenant A, or call 911. She waits three hours later, to report the incident to Lieutenant B at the XXX District. Detective A said that Juvenile 1 fell into the rear passenger seat when Lieutenant A drove away. Lieutenant A, and Civilian 1 said that Juvenile 1 never fell into the seat as he had fastened himself into his booster seat. Detective A initially stated that Lieutenant A could not send her text messages because she had blocked his contact information on her cell phone. Detective A later said that when she returned from the recital, she sent Lieutenant A a text message asking if he was returning Juvenile 1 home, and he responded "Yes."

Detective A said that Lieutenant A rapidly reversed his vehicle while she was standing at the rear passenger door, causing the door to strike her right arm. Civilian 1 explained that while he and Detective A was standing in the open doorway at the rear passenger side, Lieutenant A, who needed to reverse in order to get out of the parking spot, reversed his vehicle rapidly and the open door struck Detective A on the arm. Lieutenant A then drove forward and the door closed. Detective A did not sustain any injuries to her arm. According to Lieutenant A, Juvenile 1 was seated in the rear driver's side of his vehicle. Detective A never went to the back driver's side door. Lieutenant A reversed his vehicle from the parking spot and drove away. Lieutenant A explained that Detective A or Civilian 1 had shut the back driver's side door prior to him driving away. Lieutenant A said that his vehicle door did not strike Detective A. There were no witnesses that corroborated Lieutenant A's account of the incident. Detective A was consistent in her account of the incident to CPD police officers and in her statement to IPRA on 04 May 2015.

The reporting investigator recommends a finding of **Not Sustained** for **Allegation #2** against Lieutenant A in that he slammed the exterior storm door at XXXX N. Legett Ave causing the door to strike Detective A. Detective A explained that during an argument, she told Lieutenant A to "Get out of the house." As Lieutenant A began to leave the house, Detective A does not know if Lieutenant A was right in front of her when he exited the house. Detective A then said that Lieutenant A was in front of her when he exited the house and he shut the exterior storm door "very hard" causing the door to strike Detective A's face. Detective A sustained no injuries from the incident. Detective A did not report this incident to Lieutenant B when she provided Lieutenant B with a verbal account of the incident. Civilian 1, who is not an independent witness, corroborated Detective A's account in that he said that Lieutenant A closed the storm door while Detective A was behind him. According to Lieutenant A, Detective A exited the house first to tell Juvenile 1 to get out of Lieutenant A's vehicle. Lieutenant A and Civilian 1 followed behind her. Lieutenant A said that he never slammed the exterior

door on Detective A's face. Based on Detective A's inconsistencies and lack of independent witnesses, there is insufficient evidence to prove or disprove the allegation.

The reporting investigator recommends a finding of **Sustained** for **Allegation #3** against Lieutenant A in that he violated the provisions of S.O. S08-01-02 when he failed to notify his unit commander that he was under investigation by DCFS. Lieutenant A explained that he did not notify his unit commander of the DCFS investigation because he believed that S.O. 08-01-02 was directed towards a criminal investigation and he did not know that DCFS was associated with that order.

The reporting investigator recommends a finding of **Sustained** for **Allegation #1** against Detective A in that she violated the provisions of S.O. S08-01-02 when she failed to notify CPD that Lieutenant A was under investigation by DCFS. Detective A said that she did not notify her unit commander that she was aware of the DCFS investigation involving Lieutenant A because she thought that by filing the case incident report (HY-XXXXXX) and giving the detectives a statement about the incident, that was her notification to the department.