

INTRODUCTION:

On June 16, 2015 at approximately 2330 hours, the Reporting Party Subject 1, met her boyfriend, Officer A #XXXXXX at his residence. The residence is located at XXXX N. Oakley Avenue. Officer A was off-duty at the time. When Subject 1 arrived at Officer A's home, he had recently returned from a Cubs baseball game, was intoxicated, and passed out in her presence. While Officer A was sleeping, Subject 1 looked through Officer A's cell phone and discovered that Officer A was involved in a relationship with another woman.

Subject 1 called the woman, now known to be Officer B #XXXXXX, and questioned her about her relationship with Officer A. Officer B went to Officer A's residence where she and Subject 1 discussed their respective relationships with Officer A. During the discussion, Subject 1 learned from Officer B that Officer A was seeing a third woman, now known to be Officer E #XXXX. Officer A eventually woke up to find Subject 1 and Officer B inside his residence. Officer A instructed both Subject 1 and Officer B to leave his residence. Both women complied.

On June 17, 2015, at approximately 0200 hours, Officer A went to the 019th District Station (West)¹ where he spoke with Officer D #XXXX and Officer C #XXXX. During the conversation, Officer A informed Officer D and Officer C that his girlfriend Officer B, stole his personal vehicle and he wanted to file a report. Officer D and Officer C began to question Officer A about the whereabouts of his vehicle. Officer A stated that he could not locate it. Officer D drove to Officer B's residence located at XXXX N. Clybourn Avenue and spoke with her about the whereabouts of Officer A's vehicle. Officer B explained to Officer D that she did not steal or take his car, but that she discovered earlier in the morning that Officer A was involved in a relationship with two other women. Officer D and Officer B toured the vicinity near Officer B's residence in an attempt to locate Officer A's vehicle. They were not able to locate the vehicle.

Officer C, remained at the 019th District Station (West) with Officer A, and questioned him about the whereabouts of his vehicle. At some point, Officer A remembered that he parked his vehicle at the 019th District Station (East)² garage. Officer C drove Officer A to the 019th District Station (East) garage where Officer A's vehicle was located. Officer C then drove Officer A to his residence.

On August 16, 2015, at approximately 2350 hours, at the location of XXX W. Buckingham Place, Subject 1 woke up to the sound of her front door buzzer. Subject 1 went to

¹ The 019th District Station (West) is located at 2452 W. Belmont Avenue. The location is also referred to as Area North.

² The 019th District Station (East) is located at 850 W. Addison Street.

her front window and observed Officer A walk away from her building, cross the street and attempt to conceal himself behind a building. Officer A continued this behavior two additional times. Subject 1 called 911 and an Initiation Report was generated by Sergeant A #XXXX.

On June 17, 2015, at approximately 0433 hours, Officer B contacted 911 and reported a male passed out inside a blue Toyota Corolla with the engine running at the location of XXXX N. Clybourn Avenue³. Officer D, who was working Beat XXXXR, responded to that location and observed Officer A seated inside his vehicle outside of Officer B's residence. Officer D asked Officer A what he was doing there and Officer A replied that he wanted to talk with Officer B. Officer D told Officer A that it was early in the morning and that it would be best if he were to go home. Officer D then drove Officer A to his residence in his squad car.

On August 19, 2015, Subject 1 filed an Emergency Order of Protection (Case #XXXXXXXXXX) against Officer A. On September 4, 2015, Subject 1 filed a request for the Order of Protection to be withdrawn and the Order of Protection was vacated.

ALLEGATIONS:

On June 27, 2015, at approximately 1347 hours, Reporting Party Victim, Subject 1, contacted the Independent Police Review Authority (IPRA) and registered a complaint with Investigator A. Subject 1 alleged that from August 2013 to June 16, 2015, **Officer A #XXXXX;**

- 1) Made racist comments about people of color, referring to them as "Savages," "Mondays," "DAN(S)"⁴, "Canadians," and "Animals" which violates Rule 02 of the Department's Rules and Regulations which "prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department."

It is further alleged that on June 17, 2015, at approximately 0200 hours, while off-duty, **Officer A #XXXXX;**

- 2) Attempted to file a false police report at the 019th District Station, located at Belmont Avenue and Western Avenue alleging that Officer B #XXXXX stole his personal vehicle, which violates Rule 14 of the Department's Rules and Regulations that prohibits "making a false report, written or oral," and
- 3) Used on-duty Chicago Police Department members, Officer D #XXXX and Officer C #XXXX for personal gain by taking them away from their official duties. Specifically, on 17 June 2015 he had them search the area of XXXX N. Clybourn

³ Officer B resides at XXXX N. Clybourn Avenue.

⁴ "DAN(S)" is an acronym which stands for "Dumb Ass Niggers."

Avenue and the 019th District parking lot for his vehicle and then they drove him to his place of residence without supervisor approval, which violates Rule 04 of the Department's Rules and Regulations that prohibits "any conduct or action taken to use the official position for personal gain or influence."

It is further alleged that on June 17, 2015, at approximately 0433 hours, **Officer A #XXXXXX;**

- 4) Went to Officer B's home (XXXX N. Clybourn Avenue) unannounced and uninvited causing a disturbance by pounding on the door and remained in the vicinity of said home for an extended time frame, which violates Rule 02 of the Department's Rules and Regulations that prohibits "any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department," and Rule 08 that prohibits "disrespect to or maltreatment of any person, while on or off duty."

It is further alleged that on June 17, 2015, at approximately 0930 hours, at XXXX N. Clybourn Avenue, **Officer A #XXXXXX;**

- 5) Accused Officer B #XXXXXX of stealing his phone and threatened her by stating he "started paper" on her, which violates Rule 02 of the Department's Rules and Regulations that prohibits "any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department," and Rule 08 that prohibits "disrespect to or maltreatment of any person, while on or off duty," and
- 6) Harassed Officer B #XXXXXX by stating, "Unless you want some bullshit in your life, you better tell me where my phone is," which violates Rule 02 of the Department's Rules and Regulations that prohibits "any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department," and Rule 08 that prohibits "disrespect to or maltreatment of any person, while on or off duty," and Rule 09 that prohibits "engaging in any unjustified verbal or physical altercation with any person, while on or off duty."

It is further alleged that on August 16, 2015, at approximately 2350 hours, at XXX W. Buckingham Place, **Officer A #XXXXXX;**

- 7) Harassed the complainant, Subject 1 by ringing her doorbell and walking away on three successive occasions resulting in an Order of Protection (XXXXXXXXXX) being filed against him, which violates Rule 02 of the Department's Rules and Regulations that prohibits "any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department," and Rule 08 that prohibits "disrespect to or maltreatment of any person, while on or off duty."

It is further alleged that on January 21, 2016, during the course of his statement to IPRA, **Officer A #XXXXXX;**

- 8) Admitted that he was intoxicated while off-duty on the evening of 16 June and/or morning of 17 June 2015, which violates Rule 02 of the Department's Rules and Regulations that prohibits "any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department," and Rule 15 that prohibits "intoxication on or off duty."

It is further alleged that on June 17, 2015, at approximately 0200 hours, at the 019th District Station, **Officer C #XXXX;**

- 1) Failed to notify a supervisor that off-duty Officer A #XXXXXX was intoxicated and wanted to report that his vehicle had been stolen by a Department member, which violates Rule 22 of the Department's Rules and Regulations that prohibits "failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department,"
- 2) Left his duty assignment without being relieved or without proper authorization when he transported Officer A #XXXXXX to the 019th District (East) in an effort to locate his vehicle, which violates Rule 30 that prohibits "leaving duty assignment without being properly relieved or without proper authorization," and
- 3) Failed to report misconduct relative to his knowledge that Officer A #XXXXXX made a false report regarding his vehicle and misconduct on the part of the Department member, which violates Rule 22 of the Department's Rules and Regulations that prohibits "failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives or the Department."

It is further alleged that on June 17, 2015, at approximately 0200 hours, at the 019th District Station, **Officer D #XXXX;**

- 1) Failed to notify a supervisor that off-duty Officer A #XXXXXX was intoxicated and wanted to report that his vehicle had been stolen by a Department member, which violates Rule 22 of the Department's Rules and Regulations that prohibits "failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives or the Department," and
- 2) Failed to report misconduct relative to his knowledge that Officer A #XXXXXX made a false report regarding his vehicle and misconduct on the part of a Department member, which violates Rule 22 of the Department's Rules and Regulations that prohibits "failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives or the Department."

It is alleged that on June 17, 2015, at approximately 0433 hours, while in the vicinity of XXXX N. Clybourn Avenue, **Officer D #XXXX**;

- 3) Failed to document his interaction with off-duty Officer A #XXXXXX upon observing him intoxicated while in his vehicle, which violates Rule 22 of the Department's Rules and Regulations that prohibits "failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department,"
- 4) Failed to administer a field sobriety test and ensure a breathalyzer test was administered to Officer A #XXXXXX, which violates Rule 05 of the Department's Rules and Regulations that prohibits "failure to perform any duty," and General Order G04-08 "Driving While Under the Influence (DUI) and Zero Tolerance,"
- 5) Failed to arrest and properly charge Officer A #XXXXXX, which violates Rule 05 of the Department's Rules and Regulations that prohibits "failure to perform any duty,"
- 6) Failed to impound Officer A's #XXXXXX personal vehicle, which violates Rule 05 of the Department's Rules and Regulations that prohibits "failure to perform any duty," and Special Orders S04-08-04 "DUI Investigations – Additional Responsibilities" and S07-03-05 "Impoundment of Vehicles for Municipal Code Violations,"
- 7) Failed to notify a supervisor after discovering Officer A #XXXXXX seated in his vehicle, sleeping, with the vehicle running, which violates Rule 22 of the Department's Rules and Regulations that prohibits "failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department,"
- 8) Impeded the Chicago Fire Department's efforts to assess Officer A's #XXXXXX medical condition and well-being when he directed Chicago Fire Department personnel to disregard the call, which violates Rule 11 of the Department's Rules and Regulations which prohibits "incompetency or inefficiency in the performance of duty," and
- 9) Drove Officer A #XXXXXX in his marked squad car to Officer A's residence (XXXX N. Oakley Avenue) without obtaining permission from a supervisor, which violates Rule 22 of the Department's Rules and Regulations which prohibits "failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department."

APPLICABLE RULES AND LAW

Rules

- **Rule 02:** Prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- **Rule 04:** Any conduct or action taken to use the official position for personal gain or influence.
- **Rule 05:** Failure to perform any duty.
- **Rule 06:** Disobedience of an order or directive, whether written or oral.
- **Rule 08:** Disrespect to or maltreatment of any person, while on or off duty.
- **Rule 09:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- **Rule 11:** Incompetency or inefficiency in the performance of duty.
- **Rule 14:** Making a false report, written or oral.
- **Rule 15:** Intoxication on or off duty.
- **Rule 22:** Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.
- **Rule 30:** Leaving duty assignment without being properly relieved or without proper authorization.

General Orders

- **G04-08:** Driving While Under the Influence (DUI) and Zero Tolerance
- **S04-08-04:** DUI Investigations – Additional Responsibilities
- **S07-03-05:** Impoundment of Vehicles for Municipal Code Violations

INVESTIGATION:

In a correspondence to IPRA, dated June 27, 2015, **Reporting Party Subject 1**, detailed Officer A's behavior which was in violation of the Department's Rules and Regulations⁵ from August 2013 to June 16, 2015. On June 16, 2015, Subject 1 discovered that Officer A was "actively engaged in a serious relationship with two other women." On June 16, 2015, Subject 1 confronted an intoxicated Officer A about his relationships with two other women. Subject 1 described Officer A's behavior stating "he could not walk straight or speak coherently and was vomiting on himself."

Following her confrontation with Officer A, Subject 1 returned to her residence. Officer A followed her in a taxi cab. According to Subject 1, Officer A was so intoxicated that he forgot that he parked his vehicle at the 019th District. After the police helped Officer A find his vehicle, they drove him back to his residence.

⁵ The Rules and Regulations of the Chicago Police Department outlines the control, disposition and governance of the employees of the Chicago Police Department.

Subject 1 stated that Officer A then drove to another person's house⁶, where he proceeded to pass out with the engine running. The police were called to the scene and drove Officer A home. Subject 1 added that Officer A regularly made racist comments about the residents of his district of assignment and used several different derogatory terms for people of color. Subject 1 stated that Officer A has used the terms "Savages," "Mondays," "DANS," "Canadians," and "Animals," in her presence. (Att. #5)

In her audio recorded statement to IPRA on June 27, 2015, **Reporting Party Victim Subject 1** provided an account which was consistent with the information contained in her letter. Subject 1 added that Officer A registered his personal vehicle to his father's address in Indiana so he could avoid buying a Chicago city sticker. Subject 1 stated that Officer A informed her of his purpose in registering his vehicle in Indiana and appealing any tickets he received for not having a city sticker affixed to his windshield⁷.

Subject 1 stated that Officer A used racist comments on a daily basis during general conversation and when he was speaking about work. Officer A used the term "Mondays," in referring to African-Americans, stating that "everyone hates them." Officer A used the term "DANS," which means "dumb ass niggers." Subject 1 could not clarify the term or significance of "Canadians," but stated that Officer A used the term "Savages," which he used to refer to people based on their behaviors and their lifestyles. (Atts. #10, 11)

In her audio recorded statement to IPRA on July 23, 2015, **Witness Officer B #XXXXX** stated that she was in a relationship with Officer A #XXXXX from March 2014 until December 2014. In December 2014, Officer A ended the relationship. From December 2014 until mid-April 2015, Officer B had no contact with Officer A. In mid-April 2015, Officer B and Officer A began dating each other again. In the early morning of June 17, 2015, Officer B received a text message from Officer A's phone, which stated, "I already have a girlfriend." Officer B thought it was a joke, so she called Officer A's phone and a female, now known to be Subject 1 answered. Officer B left her residence and traveled to Officer A's residence located at XXXX N. Oakley Avenue where she met Subject 1.

Officer B stated that she and Subject 1 were inside Officer A's residence and attempted to confront Officer A. Officer B spoke with Subject 1 and they both began inquiring about each other's relationship with Officer A. During their conversation, Officer B told Subject 1 that Officer A was involved in a third relationship with Officer E #XXXX. Officer B stated that she

⁶ Through the investigation, it was discovered that Officer A drove to Officer B's residence located at XXXX N. Clybourn Avenue.

⁷ Subject 1 alleged that Officer A's vehicle was not properly registered in the State of Illinois and City of Chicago. Log #1075898 was initiated and assigned to the Bureau of Internal Affairs for further investigation.

knew that Officer A and Officer E were in a relationship during the time that they stopped seeing each other. Officer B believed that Officer A broke up with Officer E in mid-April 2015 when they began dating each other again.

Officer B observed Officer A lying on his couch. He appeared to have vomited on himself. Officer A eventually woke up and told Officer B and Subject 1 to “Get the fuck out” of his residence. Officer B stated that Officer A “slurred a little” and “he appeared to be intoxicated.”⁸ Officer B left Officer A’s apartment by exiting through the back door and Subject 1 followed shortly behind her.

Officer B got in her vehicle and was about to leave when Officer A ran up to her vehicle and started banging on the window, demanding that she give him back his cell phone. Officer B denied having Officer A’s cell phone. Officer A then began following Subject 1, who was walking toward Clybourn Avenue.

Officer B returned to her residence, located at XXXX N. Clybourn Avenue. At approximately 0200 hours, Officer B heard knocking on her front and rear door. She believed it was Officer A, and was afraid to open the door. Officer B stated that the knocking lasted approximately five minutes. At 0215 hours, Officer B received a telephone call from an unknown police officer⁹. Officer D stated that he was the one knocking on her door and he was parked outside her residence.

Officer B exited her residence and spoke with Officer D, who informed her that Officer A walked into the 019th District Station (West) and wanted to file a report accusing her of stealing his vehicle. Officer B denied taking Officer A’s vehicle. Officer D asked Officer B if she would tour the neighborhood with him and see if they could locate Officer A’s vehicle. Officer B agreed.

While Officer D and Officer B toured the area in his squad car, Officer D called another officer¹⁰ on his cell phone and inquired if he could find out where Officer A went earlier in the evening. Officer D returned Officer B to her residence and then left the area. Officer A’s vehicle was not located in the vicinity of Officer B’s residence.

At 0400 hours, Officer B heard banging on her door again and assumed it was Officer A. Officer B didn’t answer the door and waited for Officer A to leave. Officer B waited several

⁸ Statement of Officer B, Attachment 47, Page 15, Lines 22-23

⁹ While Officer B did not establish the identity of the Department member who contacted her, through the investigation it was determined that it was Officer D #XXXX who telephoned and spoke with Officer B that evening.

¹⁰ While Officer B did not establish the identity of the Department member that Officer D contacted, through the investigation it was determined that it was Officer C #XXXX.

minutes and looked outside. Officer B observed Officer A passed out in his vehicle with the engine running. Officer B called 911 and reported what she observed¹¹. Moments later, Officer B saw a squad car and fire truck arrive at the scene. Officer B stated she did not pay attention to what happened after the squad car and fire truck arrived.

At 0930 hours, Officer B heard banging on her door. Officer B opened her door slightly and observed Officer A. Officer A informed Officer B that he “started paper”¹² on her and demanded his cell phone back. Officer A added, “Unless you want some bullshit in your life, you better tell me where my phone is.”¹³ Officer B perceived this to be a threat, responded that she did not have his phone, informed Officer A that she was done with him, and asked him to stop accusing her of taking his car and cell phone. Officer B closed the door and Officer A left the area.

Officer B additionally stated that during the course of their relationship, Officer A made racist comments in her presence. According to Officer B, Officer A used the term “DANS,” which means “dumb ass niggers” on several occasions when he talked about work. Officer A also used the term “savages,” “animals,” and “Canadians,” when talking about work and dealing with people of color. Officer B added that Officer A registered his personal vehicle in Indiana under his father’s name in an effort to avoid buying a Chicago city sticker. Officer B stated that she was afraid of Officer A because of his demeanor and that he lied about her taking his cell phone and stealing his vehicle. Officer B stated that she was “terrified that he’s gonna try to fuck with my job, because I know how much this job means to him, and how much money means to him.”¹⁴ (Atts. #46, 47)

In her audio recorded statement to IPRA on July 29, 2015, **Witness Officer E #XXXX** stated that she first met Officer A in April 2014, while they both were working together in the 011th District. Officer E stated that she and Officer A were not partners, but saw each other occasionally within the district. From September 2014 to December 2014, Officer E casually dated Officer A. According to Officer E, in December 2014, the relationship “progressed,” while Officer E and Officer A “didn’t call each other boyfriend and girlfriend.....we were close....I thought we were committed.”¹⁵ In mid-April 2015, Officer A told Officer E about Officer B,

¹¹ Attachment #14 documents that on 17 June 2015, at approximately 0433 hours, a female caller, now identified as Officer B, contacted OEMC to report a male passed out in a blue Toyota Corolla with the engine running at XXXX N. Clybourn Avenue.

¹² Statement of Officer B, Attachment 47, Page 38, Line 23

¹³ Statement of Officer B, Attachment 47, Page 38, Line 24; Page 39 Line 1

¹⁴ Statement of Officer B, Attachment 47, Page 55, Lines 12-15

¹⁵ Officer E, Attachment 49, Page 7, Lines 30-32

who he identified as an ex-girlfriend of his. Officer A told Officer E that he felt badly about the way he ended the relationship. Officer E recommended to Officer A that he call Officer B and apologize to her.

On June 17, 2015, Officer E received a telephone call from Officer B. Officer B explained to Officer E that she was at Officer A's house, that he was intoxicated and that she learned that he had been dating three women at the same time. Officer E learned that Officer A was dating two other women during the conversation with Officer B that evening. Officer E described the conversation as short. At 0230 hours, Officer B called Officer E, told her that the police were at her door, and that Officer A was accusing her of stealing his car. Officer E described the conversation as being short and that Officer B ended the call to deal with the officers at her house.

Officer E would later learn from Officer B that Officer A showed up at Officer B's house later in the morning on June 17, 2015. According to Officer B, Officer A banged on Officer B's door for several minutes, but Officer B was afraid to answer the door. Several minutes later, Officer B peeked out her door and observed Officer A sleeping in the front seat of his vehicle, with the engine running. Officer B then called 911 anonymously to report Officer A. The police arrived and drove Officer A home.

Officer E has no first-hand knowledge of the events that occurred at either Officer A's residence and/or Officer B's residence on the morning of 17 June 2015. Officer E stated that on multiple occasions Officer A used the terms "savages," "Mondays," and "animals" in social settings outside of work when describing people of African American descent. Officer E has never heard Officer A use the term "DANS" or "dumb ass niggers." Officer E added that Officer A's personal vehicle is a Toyota Corolla and is register in XXXXXXXX. (Atts. #48-49)

The related **Office of Emergency Management and Communication (OEMC) Event Query (#1516801986)** documented that at 0433 hours on June 17, 2015 a female caller notified OEMC of a male passed out inside a blue Toyota Corolla with the engine running located at XXXX N. Clybourn Avenue. Beat XXXXR responded to the location and coded it a 19/P¹⁶. The Event Query identified the caller's telephone number as (XXX) XXX-XXXX¹⁷. (Atts. #14, 29)

The **Global Positioning Data (GPS)** was obtained relative to the location of XXXX N. Clybourn Avenue. On June 17, 2015, at 0155 hours, Beat XXXXR was identified as being in the vicinity of XXXX N. Clybourn Avenue. Beat XXXXR was in the vicinity of XXXX N. Clybourn Avenue from 0155 hours until 0223 hours. At 0437 hours, Beat XXXXR returned to

¹⁶ Other Miscellaneous Incident/Other Police Service

¹⁷ On 08 July 2015, the R/I telephoned (XXX) XXX-XXXX to establish the identity of the 911 caller. A female answered the phone who later identified herself as Officer B #XXXXXX

the vicinity of XXXX N. Clybourn Avenue. At 0441 hours, Beat XXXXR left the vicinity of XXXX N. Clybourn Avenue and arrived at the vicinity of XXXX N. Oakley Avenue at 0444 hours. At 0446 hours, Beat XXXXR left the vicinity of XXXX N. Oakley Avenue and returned to the vicinity of the 019th District Station (East). (Atts. #15, 23, 25, 26)

A search for **Police Observation Devices (PODS)** in the vicinity of the alleged incident was met with negative results as there were no PODS located in the areas relevant to this investigation. (Atts. #30, 31)

Surveillance footage obtained from the **019th District Parking Garage** (850 W. Addison Street) captured a light blue Toyota Corolla with damage to the front passenger side headlight leaving the garage at 0310 hours on June 17, 2015¹⁸. (Atts. #56, 57)

The **Attendance and Assignment (A&A) Sheets** for Unit 019, June 17, 2015, 1st Watch were obtained. Officer D #XXXX was assigned to Beat XXXXR. Officer C #XXXX was assigned to Beat XXXXW, which is the district desk for 019th District West located at 2452 W. Belmont Avenue. Officers F #XXXXX, H #XXXXX, and G #XXXXX were assigned to Beat XXXX, which is the district desk for 019th District East located at 850 W. Addison Street. (Att. #16)

An **Initiation Report**¹⁹ generated on August 17, 2015 by Sergeant A #XXXX, documented that on August 16, 2015, at 2357 hours, he responded to a report of a domestic disturbance involving an off-duty police officer at XXX W. Buckingham Place, Unit 3. Upon arrival, Sergeant A met with Subject 1, who stated that on August 16, 2015, at 2350 hours, she heard her doorbell ring repeatedly. Subject 1 looked out of her front window and observed Officer A walking away from the front of her residence, east bound on Buckingham Place, then crossing the alley and appearing to conceal himself behind the building located east of the alley.

Subject 1 then observed Officer A walk out of the alley and enter the front yard to her residence and she then heard her doorbell ring again. Subject 1 used the intercom system and asked Officer A what he wanted, but received no response. Subject 1 then called the police. Officer A repeated these actions a third time and then left the area. During Sergeant A's field interview, Subject 1 stated that she was fearful of Officer A²⁰. (Att. #51)

¹⁸ It was discovered through the investigation that Officer A drives a light blue Toyota Corolla, with damage to the front passenger side headlight.

¹⁹ Sergeant A's Initiation Report was registered under Log #1076728 and incorporated into this investigation.

²⁰ The R/I had telephone contact with Subject 1 on 18 August 2015, in which she related, in essence, the same information that was documented in the Initiation Report. Refer to Attachment #52.

The related **OMEC** and **PCAD reports** documented that at 2355 hours on August 16, 2015, Subject 1 called OEMC to report that her ex-boyfriend, Officer A, was downstairs constantly ringing her doorbell and refused to leave. Beat XXXXR²¹ responded to the location and coded it a 1P²². (Att. #53)

An **Emergency Order of Protection** (Case #XXXXXXXXXX) was obtained by Subject 1 against Officer A on August 19, 2015. The Emergency Order of Protection was vacated on September 4, 2015. (Atts. #62, 67, 70, 108)

In his audio recorded statement to IPRA on August 26, 2015, **Chicago Fire Department Paramedic A** stated that on June 17, 2015, he was working on Ambulance 62. Paramedic A did not recall any of the events that occurred on June 17, 2015 in the vicinity of XXXX N. Clybourn Avenue. (Atts. #65, 66)

In their audio recorded statements to IPRA on September 22, 2015, **Witness Officer F #XXXXX** and **Officer G #XXXXX** stated similar information. On June 17, 2015, Officer F and Officer G were working the district desk at the 019th District Station (East). Officer F and Officer G each stated that they did not have any contact with Officer A on June 17, 2015. Officer F and Officer G added that the 019th District has a sign in sheet for off duty officers to log their personal vehicles if they park in the garage, but the sign in sheet is not a department issued form. (Atts. #73-76)

In her audio recorded statement to IPRA on October 6, 2015, **Witness Officer H #XXXXX** stated that on June 17, 2015, she was the watch secretary for the 019th District (East). Officer H stated that her desk was located at the east end of the district front desk and she does not generally deal with the public. Officer H did not have any contact with nor did she ever hear of any officers dealing with Officer A during the 1st Watch on June 17, 2015. Officer H added that Lieutenant A was the acting district commander that evening. Officer H further stated that the district desk has a sign-in log for officers if they park their personal vehicles in the garage lot to attend the Cubs baseball game. The log is a sign-in sheet on a clipboard and is discarded at the end of every game. (Atts. #71, 72)

In his audio recorded statement to IPRA on November 30, 2015, **Witness Lieutenant A #XXX** stated that Officer A previously worked on his watch in the 011th District from July 2014 to May 2015. In May 2015, Lieutenant A was reassigned to the 019th District. On June 17, 2015, Lieutenant A was the Watch Commander for the 019th District, 1st Watch, when he received a telephone call from Officer D who was located at 019th District West. Officer D informed

²¹ Officer D #XXXX was assigned to Beat XXXXR.

²² Disturbance, Domestic/Other Police Service

Lieutenant A that Officer A walked into 019th District West and wanted to file a report that his girlfriend stole his personal vehicle. Officer D told Lieutenant A that the girlfriend in question was a Department member and that he wanted to see if Lieutenant A could find her phone number. Lieutenant A searched in the CLEAR system and found Officer B's phone number and gave it to Officer D.

Lieutenant A later learned that Officer A's vehicle was located in the 019th District (East) parking garage. Lieutenant A did not know of any of the events that occurred later in the morning of June 17, 2015 regarding Officer A being found in front of Officer B's residence by Officer D. Lieutenant A stated that he became aware of the relationship between Officer A and Officer E after he was reassigned to the 019th District. Lieutenant A did not have any contact with Officer D on the date in question. Lieutenant A did not have any contact with Officer A on the date in question. (Atts. #95, 96)

In his audio recorded statement to IPRA on October 22, 2015, **Accused Officer D #XXXX** stated that he is a certified breath operator and has three years of experience in investigating cases of citizens driving under the influence. On June 17, 2015, he was working first watch and assigned to Beat XXXXR²³. At approximately 0200 hours, Officer D was standing at the 019th District West desk, when Officer A entered the station. Officer A approached the front desk and stated he wanted to report that his girlfriend, who is also a Department member, stole his vehicle. Officer D, along with Officer C began questioning Officer A as to why he thought Officer B stole his vehicle. Officer A responded that, "She's mad at me."²⁴ Officer D continued to ask Officer A about the whereabouts of his vehicle and requested Officer B's phone number. Officer A stated that he did not know where he last parked his vehicle and did not have Officer B's phone number because he lost his cell phone.

Officer D stated that Officer A did not appear to be intoxicated, that he did not detect an odor of alcohol from his breath, and that he was not displaying any signs of intoxication. Officer D obtained Officer B's name from Officer A and called Lieutenant A, who was located at the 019th District Station (East) to attempt to locate her phone number.

Officer D explained the situation to Lieutenant A and told him that it seemed, "like a weird domestic."²⁵ Lieutenant A provided Officer D with Officer B's telephone number and address. Lieutenant A then instructed Officer D to contact Officer B to get a statement. Officer D left 019th District West and drove to Officer B's residence, located at XXXX N. Clybourn

²³ Beat XXXXR's area of patrol was from Belmont Avenue to Fullerton Avenue and from Ashland Avenue to the Chicago River.

²⁴ Statement of Officer D, Attachment 87, Page 9, Line 16

²⁵ Statement of Officer D, Attachment 87, Page 22, Line 5

Avenue. Officer D knocked on Officer B's door, but there was no answer. Officer D then called Officer B on her cell phone. When Officer B answered, Officer D explained that Officer A was at the station and accused her of stealing his car. Officer B became upset, at which time Officer D instructed her to come outside and talk to him. Officer B exited her residence and approached Officer D. She told Officer D that she found out earlier that night that Officer A was cheating on her. Officer B denied taking Officer A's vehicle.

Officer D asked Officer B if she would tour the area with him in an effort to locate Officer A's vehicle. Officer B was upset but complied. At the same time, Officer D received a telephone call from Officer C, who informed him that Officer A remembered parking his vehicle at the 019th District East parking garage. Officer D immediately contacted Lieutenant A and informed him that Officer A remembered where he parked his car. Lieutenant A said, "Okay. That's cool."²⁶ Officer D dropped Officer B back at her residence and returned to patrol.

At approximately 0433 hours, OEMC dispatched XXXXR to a male passed out in a blue Toyota Corolla, with the engine running located at XXXX N. Clybourn Avenue. Officer D, who was monitoring the radio, stated that he went over the air and took the call as he presumed it was Officer A and remembered the location of Officer B's residence; also, it was on his beat of assignment.

Upon his arrival, Officer D observed Officer A awake, sitting in his vehicle. Officer D approached the driver side of the vehicle on foot, opened the door and asked Officer A, "What are you doing?" Officer A responded, "I'm waiting...I wanna talk to her." Officer D responded, "At 4:30 in the morning? You've had a long day. You need to go home."²⁷ Officer A exited his vehicle and at the same time firefighters were walking towards him to check his condition. Officer D stated that he did not notice any signs of intoxication, and that he told the firefighters that there was no need for Officer A to be assessed. The firefighters left the scene. Officer D stated that since Officer A did not appear to be intoxicated, he did not perform a field sobriety test. Officer A appeared to be tired and did not say much, but reacted as if, "his dad caught him...he's like got his tail between his legs."²⁸ Officer D could tell that Officer A recognized him from earlier in the morning.

Officer D stated that he did not arrest and charge Officer A nor impound Officer A's personal vehicle because he did not believe an offense or crime was committed. Officer D placed Officer A in his squad car and drove him home. Officer D believed that Officer A was tired and needed to go home. On the way to Officer A's residence, Officer D told Officer A to

²⁶ Statement of Officer D, Attachment 87, Page 14, Line 21

²⁷ Statement of Officer D, Attachment 87, Page 28, Lines 22-23; Page 29, Lines 3-4

²⁸ Statement of Officer D, Attachment 87, Page 31, Lines 20-22

stop bothering Officer B and that he was tired of dealing with him. Officer D took Officer A home in an effort to remove him from the scene and put a stop to the events of the evening. Officer D believed that he did not need permission from a supervisor to drive Officer A to his residence since he was a Department member.

Officer D returned to 019th District East, and learned that Lieutenant A had already left for the day. Officer D completed his check out procedures and then left for the day. Officer D stated that he told Lieutenant A about the latest incident involving Officer A when he reported for duty on the evening of June 17, 2015. Lieutenant A did not specifically instruct Officer D to document any of the events from his previous shift on paper. (Atts. #86, 87)

In his audio recorded statement to IPRA on November 13, 2015, **Accused Officer C #XXXX** stated that on 17 June 2015, he was assigned to the district desk located at 019th District West. According to Officer C, Officer A walked into the station, approached the desk, and stated that his girlfriend, who is a Department member, stole his car. Officer A wanted to file a report. Officer C asked Officer A what occurred and he stated that they got into an argument and Officer B took his vehicle. Upon further questioning, Officer A changed his story and stated, "We had an argument, and I can't find my car."²⁹ Officer C and Officer D asked Officer A where Officer B lives. Officer A told the officers that Officer B lives on Clybourn Avenue. Officer D left the station to see if he could locate Officer A's vehicle near Officer B's residence.

Officer C returned to his duties, while Officer A waited in the front lobby area. Approximately twenty minutes later, after not hearing from Officer D, Officer C put Officer A in a marked squad car and they began traveling towards Officer B's residence in an effort to locate his vehicle. While on his way to Officer B's residence, Officer C received a telephone call from Officer D who stated that he could not locate the vehicle. Officer C then turned to Officer A and asked him, "Where did you leave it?" Officer A responded, "At 850 West Addison,"³⁰ which is the address to the 019th District Station (East). Officer C did not question Officer A further about his recollection of his vehicle because he was aggravated with him.

Officer C drove to the 019th District Station (East) and located Officer A's vehicle in the parking garage. Officer C drove Officer A to his residence because he believed that Officer A was emotional because of his argument with his girlfriend, and that it was best for him to be back at home. Officer C stated that he did not see any signs of Officer A being intoxicated while he was in his presence. Officer C admitted that he failed to notify a supervisor that off-duty Officer A wanted to report that his vehicle had been stolen by another Department member and that he left his duty assignment without being relieved, or without proper authorization, when he

²⁹ Statement of Officer C, Attachment 94, Page 8 Lines 8-9

³⁰ Statement of Officer C, Attachment 94, Page 8, Line 21

transported Officer A to the 019th District East. Officer C stated that since no report was generated regarding Officer A's allegation that a Department member stole his vehicle and Officer A located his vehicle, there was no misconduct to report. (Atts. #93, 94)

In his initial audio recorded statement to IPRA on January 21, 2015, **Accused Officer A #XXXXXX** stated that he joined the Department on October 5, 2012. Since 2012, Officer A has worked in the 003rd, 007th and 011th Districts. Officer A explained that he first met Subject 1 in August of 2013 through the dating application Tinder. From August 2013 until 16 June 2015, Officer A was in a relationship with Subject 1.

In January 2013, Officer A met Officer B at a restaurant located at Ashland and Belmont Avenues. From January 2013 to April 2014, Officer A had brief contact with Officer B. In April 2014, Officer A and Officer B became reacquainted with each other through the dating application Tinder. From April 2014 to December 2014, Officer A was in a relationship with Officer B, while also in a relationship with Subject 1. In December 2014, Officer A ended his relationship with Officer B. In the spring of 2015, Officer A and Officer B reconciled their relationship and dated each other until June 16, 2015.

In October 2014, Officer A met Officer E while working with her in the 011th District. From October 2014 to June 16, 2015, Officer A was in a relationship with Officer E, while also in relationships with Subject 1 and Officer B. Officer A did not believe that he was in an exclusive relationship with any of the women.

On 16, June 2015, Officer A drove his personal vehicle to a Chicago Cubs baseball game, and parked it in the 019th District East parking garage. Officer A attended the game with Officer I. While Officer A was at the baseball game he consumed several Old Style beers, which he explained was enough to cause him to be intoxicated. When the game was over, Officer A returned to his residence via a taxi cab or Uber. Officer A stated that he and Subject 1 planned to meet at his residence that night and when he arrived, Subject 1 was already there. Officer A stated that he had his cell phone with him when he arrived at his residence. Officer A was intoxicated, entered his residence, and fell asleep on his couch. He stated that it was "a long night."³¹ Officer A stated that when he awoke, he found Subject 1 and Officer B, standing in his kitchen looking at his cell phone. Officer A stated that Subject 1 and Officer B were angry with him and began calling him names. Officer A went to his bedroom and fell asleep.

Officer A woke up and began to look for his keys and cell phone. He noticed that Officer B was no longer in his residence, but Subject 1 was still there. Subject 1 then exited the residence and Officer A followed her, believing that she had his cell phone and keys. Subject 1 hailed a cab and left the area. Officer A returned to his residence, changed his clothes and then walked to the

³¹ Gorzelanny, Attachment 107, Page 24, Line 14

019th District Station (West) at Belmont and Western Avenues. When asked, Officer A stated that he could not remember if he went to Subject 1's residence before or after going to the 019th District Station (West).

Officer A walked into the 019th District Station (West) "angry, frustrated [and] embarrassed," and approached the district desk and related that his phone and car keys were stolen and that he wanted to get a report³². Officer A believed at that time that Officer B stole his keys and vehicle, but was quickly told to reconsider by the desk officer. Officer A further stated that after he mentioned this to the desk officer, now known to be Officer C, he "realized that it probably wasn't a good idea," and that the desk officers "suggested" not to file a report because he may have "left the keys or phone at home or wherever it was."³³

Officer A added that he was intoxicated at the time, and therefore could not recall if he mentioned to Officer C and Officer D if Officer B and Subject 1 were the ones responsible for taking his vehicle or phone. Officer A stated that the officers agreed to drive him around the neighborhood in an effort to locate his vehicle and he agreed.

Officer C drove Officer A to Officer B's residence in an effort to locate his vehicle. Upon arrival, Officer A observed Officer B seated inside another squad car. Officer A did not recall if he had any contact with her. After touring the area, Officer A's vehicle was not located. Officer C asked Officer A what he did earlier in the evening and he replied that he went to the Cubs baseball game and drove his vehicle there. Officer C then drove him to the 019th District East parking garage and located his vehicle. Officer C then drove Officer A to his residence. Officer A entered his residence and fell asleep. Officer A did not recall what time he was dropped off at his residence or how long remained there.

Officer A stated that on June 17, 2015, at approximately 0900 hours, he returned to the 019th District East parking garage to retrieve his vehicle. After retrieving his vehicle, Officer A drove to Officer B's residence in search of his cell phone. Upon arrival, Officer A knocked on Officer B's front door and there was no response. Officer A then knocked on Officer B's rear door, which she answered. Officer A and Officer B engaged in a "heated" conversation during which he accused her of stealing his phone and told her that he "wanted to start a report on her" and that he "didn't wanna do that, but [he] would if she wouldn't tell [him] where [his] phone

³² Gorzelanny, Attachment 107, Page 31, Line 7

³³ Gorzelanny, Attachment 107, Page 30, Lines 12-17

was.”³⁴ Officer B responded that his cell phone was in the gangway of his condo building. Officer A returned to his residence where he located and retrieved his cell phone.

During the course of his statement, Officer A was shown the OEMC Event Query for 17 June 2015 (Attachment #14). After reviewing the event query, Officer A was asked a series of questions regarding the events of June 17, 2015, at approximately 0433 hours at XXXX N. Clybourn Avenue. Officer A stated that he did not remember going to Officer B’s residence or having contact with Officer D during the times reflected in the OEMC records.

Officer A stated that on August 16, 2015, he attempted to make contact with Subject 1 at her residence located at XXX W. Buckingham Place. Officer A stated he attempted to make contact with Subject 1 that evening in an effort to “smooth things over” after the incident that occurred on June 17, 2015. Officer A was not invited to Subject 1’s residence that evening. Officer A stated that he had been drinking that evening, but did not believe that he was intoxicated.

Officer A approached the front door and rang Subject 1’s door buzzer several times but received no answer. Officer A then relocated to the sidewalk in front of Subject 1’s residence, in an effort for Subject 1 to see him from her living room. Officer A was at Subject 1’s residence between 15 and 20 minutes before he walked away to get a cab. As he was walking away, he “thought he heard something,” so he returned to the front door and proceeded to ring the buzzer several more times. When there was no answer, Officer A then left the area. Several days later, Officer A was served at his unit of assignment by Lieutenant B with an Order of Protection filed by Subject 1. Since August 16, 2015, Officer A has not had any contact with Subject 1. Officer A stated that he didn’t believe he was harassing Subject 1 on the evening of August 16, 2015.

Officer A denied making racist comments about people of color, or referring to them as “savages.” Officer A stated he has said the word “savages,” “but not in a discriminatory way against any race.”³⁵ Officer A stated that he makes those comments in “reference to offenders that [he’s] arresting,”³⁶ but does not make those comments to the offenders themselves. Officer A admitted to making these comments to fellow officers, family, and friends. Officer A added that he has used these terms before while sitting in a squad car. Officer A has used the terms “Mondays,” “Canadians” and “Animals” when referencing offenders. Officer A does not believe

³⁴ Gorzelanny, Attachment 107, Page 38, Lines 11-14

³⁵ Gorzelanny, Attachment 107, Page 52, Lines 25-26

³⁶ Gorzelanny, Attachment 107, Page 52, Line 30

that “Mondays,” “Canadians” and “Animals” are racist comments since “there is no intent to... discriminate against anyone or any gender.”³⁷

Officer A denied any knowledge of the significance that these were derogatory terms historically used to describe African-Americans, stating he “didn’t consider them negative connotations”³⁸ when he used them. Officer A added that he began using these terms when he became employed as a Department member.

Officer A stated that he has used the term “DANS” before, but did not know the meaning of it. Officer A added that offenders on the street call themselves “Joe,” so he decided to call them “Dan.” When confronted with the definition of “DANS” to mean, “Dumb Ass Niggers,” Officer A denied hearing or knowing of that meaning. Officer A then admitted that he heard of the acronym before, and he had heard people explain what the acronym meant.

Officer A denied that he used Officer D and Officer C for personal gain by taking them away from their official assigned duties on 17 June 2015, when he had them search for his vehicle and drive him to his place of residence, without supervisor approval. Officer A stated that it was not his intention to take Officer D and Officer C away from their official duties, nor did he recall ever requesting them to drive him. (Atts. #106, 107)

In his supplemental statement to IPRA on June 1, 2016, **Accused Officer A #XXXXXX** stated that since his statement to IPRA on January 21, 2016, he had learned more details concerning the events that occurred on June 17, 2015 at 0433 hours at XXXX N. Clybourn Avenue. Officer A stated that he had been provided additional information from Officer B, who was now his wife. Officer B informed Officer A that she called the police on him that morning because he was outside knocking on her door. Officer A admitted that because he was intoxicated on the morning of June 17, 2015, he could not remember the events that occurred at 0433 hours. (Atts. #116, 117)

Submitting Investigator

Supervising Investigator

³⁷ Gorzelanny, Attachment 107, Page 54 Lines 1-3

³⁸ Gorzelanny, Attachment 107, Page 65 Lines 15-16

CONCLUSION AND FINDINGS:

The Civilian Office of Police Accountability (COPA) recommends a finding of **Sustained** for **Allegation #1** for **Accused Officer A #XXXXX** in that he **made racist comments about people of color, referring to them as “Savages,” “Mondays,” “DANS,” “Canadians,” and “Animals,” which violates Rule 02 of the Department’s Rules and Regulations which prohibits “any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.”** Officer A’s repeated use of these derogatory terms in his conversations with Subject 1, Officer B, and Officer E is a violation of the Department’s Policies, Procedures, Directives and Rules.

The potential of Officer A’s statements to impede the Department’s efforts to achieve its policy and goals in the community is immense. His statements also have the capacity to cause damage within the Department by fostering an environment of resentment, mistrust, and racial contention between fellow officers. In this case, Officer A’s right to state his personal feelings must yield to the public good. The boundaries of the First Amendment do not require the Chicago Police Department to allow Officer A to make racist statements which risk damaging the Department's goals and policies.

In his statement, Officer A initially stated that he did not use any of these terms, and that he did not know what they meant. This claim is disputed by the accounts of Subject 1, Officer B, and Officer E – who unanimously assert that Officer A uses these terms regularly and in a racially derogatory context.

Officer A’s later admission to using these terms when making “reference to offenders that [he’s] arresting,” and his admission to making these comments while sitting inside a squad car, is in violation of Departments policy. The use of such language is neither acceptable nor warranted, on nor off-duty. Officer A’s use of racially derogatory language brings discredit to the Chicago Police Department.

COPA recommends a finding of **Not Sustained** for **Allegation #2** for **Accused Officer A #XXXXX** in that he **attempted to file a false police report at the 019th District Station, located at Belmont Avenue and Western Avenue alleging that Officer B #XXXXX stole his personal vehicle, which violates Rule 14 of the Department’s Rules and Regulations that prohibits “making a false report, written or oral.”** Officer A admitted to entering the 019th District Station at Belmont and Western and requesting to file a report against Officer B, because he believed that she stole his car. Officer D and Officer C explained that Officer A initially requested to file a report, accusing Officer B of stealing his car, but later remembered where he parked his car.

Officer A stated that he was intoxicated, and confused about the whereabouts of his car. A formal report was never generated. Because Officer A believed that his car was in fact stolen by Officer B, he lacks the requisite intent to file a false report. Although his assumption was incorrect, his belief that Officer B stole his car signifies that the report he intended to file was not made with the intention to deceive the Department.

COPA recommends a finding of **Not Sustained** for **Allegation #3** for **Accused Officer A #XXXXX** in that he **used on-duty Chicago Police Department members, Officer D #XXXX and Officer C #XXXX for personal gain by taking them away from their official duties. Specifically, on 17 June 2015 he had them search the area of XXXX N. Clybourn Avenue and the 019th District parking lot for his vehicle and then they drove him to his place of residence without supervisor approval, which violates Rule 04 of the Department's Rules and Regulations that prohibits "any conduct or action taken to use the official position for personal gain or influence."**

Officer A did not ask Officer D or Officer C to search for his vehicle. He went to the district to file a complaint because he believed that his car was stolen. The officers on duty responded to his allegations and investigated the would-be complaint. Officer D and Officer C are responsible for determining how to respond to an alleged complaint. It is not the responsibility of the complaining party to determine how an officer should respond to a criminal investigation. There is not enough evidence available to support the claim that Officer A did not believe that his car was stolen.

COPA recommends a finding of **Sustained** for **Allegation #4** for **Accused Officer A #XXXXX** in that he **went to Officer B's home (XXXX N. Clybourn Avenue) unannounced and uninvited causing a disturbance by pounding on the door and remained in front/in the vicinity of her home for an extended period of time in violation of Rule 02 of the Department's Rules and Regulations that prohibits "any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department," and Rule 08 that prohibits "disrespect to or maltreatment of any person, while on or off duty."**

Officer A's actions of arriving unannounced and uninvited and causing a disturbance placed Officer B in fear of her safety. Officer A's actions were a violation of the Departments Rules and Regulations because he harassed Officer B by coming to her house in the middle of the night without being invited, banging on her door, and causing her fear and concern for her safety. There were two witnesses who identified Officer A at the location of XXXX N. Clybourn Avenue on the morning of 17 June 2015.

Officer B observed Officer A sitting inside his vehicle outside her residence, at which time she called 911. Officer D responded to the call and found Officer A seated in his vehicle

outside of Officer B's residence. Officer D stated that he asked Officer A what he was doing there and Officer A responded that he wanted to talk to Officer B. Officer A initially denied having any knowledge of the event that occurred at 0433 hours on June 17, 2015 at XXXX N. Clybourn Avenue. In his supplementary statement to IPRA on June 1, 2016, Officer A admitted to going to Officer B's residence in an attempt to speak with her. Officer A added that he did not remember the events of the morning, as he was intoxicated at the time.

COPA recommends a finding of **Not Sustained** for **Allegation #5** for **Accused Officer A #XXXXX** in that he **accused Officer B of stealing his phone and threatened her by stating he "started paper" on her which violates Rule 02 of the Department's Rules and Regulations which prohibits "any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department," and Rule 08 that prohibits "disrespect to or maltreatment of any person, while on or off duty."** Officer A stated that he believed that Officer B stole his phone. He told her that he would "start paper" on her if she did not return the phone. Officer A alleges that when he asked Officer B where his phone was located, she told him that it was in the alley at his house.

We do not have evidence to confirm or deny whether or not Officer B placed Officer A's phone in the alley of his house. However, if Officer B did take Officer A's phone, Officer A would have the right to file a complaint against Officer B alleging theft. This allegation is Not Sustained because the fact that Officer A alleged that Officer B took his phone is not a violation, if he believed in good faith that Officer B stole his phone. Likewise, if Officer B did in fact steal Officer A's phone, Officer A would have the right to file a report against her.

COPA recommends a finding of **Sustained** for **Allegation #6** for **Accused Officer A #XXXXX**, that he **harassed Officer B #XXXXX by stating, "Unless you want some bullshit in your life, you better tell me where my phone is" which violates Rule 02 of the Department's Rules and Regulations which prohibits "any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department," and Rule 08 that prohibits "disrespect to or maltreatment of any person, while on or off duty," and Rule 09 that prohibits "engaging in any unjustified verbal or physical altercation with any person, while on or off duty."** Officer B stated that Officer A was very aggressive and she felt threatened by his demeanor. Officer B added that she felt threatened by Officer A when he stated words to the effect of, "Unless you want some bullshit in your life, you better tell me where my phone is."

Officer B stated that she was afraid of Officer A because of his demeanor and because he accused her of taking his cell phone and stealing his vehicle. Officer B stated that she was "terrified that he's gonna try to fuck with my job, because I know how much this job means to

him, and how much money means to him.”³⁹ Officer A denied making such a statement and denied harassing Officer B, but admitted to going to Officer B’s residence and engaged in a “heated” argument with her. Based on the preponderance of evidence, Allegation #6 is Sustained.

COPA recommends a finding of **Sustained** for **Allegation #7** for **Accused Officer A #XXXXX** in that he **harassed the complainant, Subject 1 by ringing her doorbell and walking away on three successive occasions resulting in an Order of Protection (XXXXXXXXXX) being filed against him, which violates Rule 02 of the Department’s Rules and Regulations that “prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department,” and Rule 08 of the Department’s Rules and Regulations that “disrespect to or maltreatment of any person, while on or off duty.”** Officer A’s actions put Subject 1 in fear for her safety. Subject 1 observed Officer A on her property and heard her door bell ring on three separate occasions. Subject 1 attempted to make contact with Officer A via the intercom, but Officer A did not reply.

Subject 1 did not invite Officer A to her residence on August 16, 2015. Subject 1 called 911 and Sergeant A responded. A separate log number was generated and Subject 1 was granted an Emergency Order of Protection against Officer A. Officer A admitted to going to Subject 1’s residence, uninvited, on the evening of August 16, 2015 and to ringing her door bell several times, on two separate occasions. Based on the preponderance of evidence, Allegation #7 is Sustained.

COPA recommends a finding of **Sustained** for **Allegation #8** for **Accused Officer A #XXXXX** in that he **admitted that he was intoxicated while off-duty on the evening of June 16, and/or morning of June 17, 2015, which violates Rule 02 of the Department’s Rules and Regulations which prohibits “any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department,” and Rule 15, which prohibits “intoxication on or off duty.”** During the course of his initial statement to IPRA on January 21, 2016, Officer A admitted that he was intoxicated while off-duty on the evening of June 16, and morning of June 17, 2015. In his supplementary statement to IPRA on June 1, 2016, Officer A reaffirmed that he was intoxicated while off-duty on the evening June 16, and/or June 17, 2015 and because of this could not remember some of the events that occurred during that time frame. Based on the preponderance of evidence, Allegation #8 is Sustained.

COPA recommends a finding of **Not Sustained** for **Allegation #1** for **Accused Officer C #XXXX** in that he **failed to notify a supervisor that off-duty Officer A #XXXXX was**

³⁹ Statement of Officer B, Attachment 47, Page 55, Lines 12-15

intoxicated and wanted to file a report that his vehicle had been stolen by Department member which violates Rule 22 of the Department's Rules and Regulations that prohibits "failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department."

Officer C stated that he did not observe any signs of intoxication while Officer A was in his presence. Additionally, Officer D was with Officer C at the district desk, who also stated that he did not detect that Officer A was intoxicated. Though Officer A would later admit that he was intoxicated, and though the facts of this investigation show that likely to be true, Officer C and Officer D's evaluations of his condition cannot be fully supported nor refuted. Their account of what they observed or perceived is not definitively contradicted. As to the notification of potential misconduct, the officers made contact via telephone with Lieutenant A and informed him of what Officer A alleged. Based on the preponderance of evidence, the overall Allegations are Not Sustained.

COPA recommends a finding of **Not Sustained** for **Allegation #2** for **Accused Officer C #XXXX** in the he **left his duty assignment without being relieved or without proper authorization when he transported Officer A to the 019th District Station (East) in an effort to locate his vehicle which violates Rule 06 of the Department's Rules and Regulations that prohibits "disobedience of an order or directive, whether written or oral," and Rule 30 that prohibits "leaving duty assignment without being properly relived or without proper authorization."** Officer C admitted that he left his duty assignment without being relieved or without proper authorization when he transported Officer A to the 019th District Station (East) in an effort to locate his vehicle. There is insufficient evidence to prove this allegation, that Officer C purposefully or knowingly violated policy, as this particular protocol does not clearly address the transport of other department members. Based on the preponderance of evidence, Allegation #2 is Not Sustained.

COPA recommends a finding of **Not Sustained** for **Allegation #3** for **Accused Officer C #XXXX** in that he **failed to report misconduct relative to his knowledge that Officer A made a false report regarding his vehicle and misconduct on part of the Department member which violates Rule 22 of the Department's Rules and Regulations that prohibits "failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives or the Department."** Initially, Officer A requested to file a report because he believed that Officer B stole his vehicle. Officer C questioned Officer A about his vehicle, at which time he stated, "We had an argument, and I can't find my car."⁴⁰ It was Officer A who later remembered that he parked his vehicle at the

⁴⁰ Statement of Officer C, Attachment 94, Page 8 Lines 8-9

019th District parking garage at Addison and Halsted. Officer A did not file a false report with Officer C regarding his vehicle, nor was any report generated. There is an insufficient evidence to suggest that Officer C should, or could, have recognized that Officer A's reporting was false.

COPA recommends a finding of **Not Sustained** for **Allegation #1** for **Accused Officer D #XXXX** in that he **failed to notify a supervisor that off-duty Officer A #XXXXX was intoxicated and wanted to report that his vehicle had been stolen by a Department member which violates Rule 22 of the Department's Rules and Regulations that prohibits "failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives or the Department."** In his statement to IPRA, Officer D stated that he did not observe any signs of intoxication while Officer A was in his presence. Additionally, Officer C was with Officer D at the district desk who also stated that he did not detect that Officer A was intoxicated.

Though Officer A would later admit that he was intoxicated, and though the facts of this investigation show that likely to be true, Officer C and Officer D's evaluations of his condition cannot be fully supported nor refuted. Their account of what they observed and/or perceived is not definitively contradicted. As to the notification of potential misconduct, the officers made contact via telephone with Lieutenant A and informed him of what Officer A was alleging. Based on the preponderance of evidence, the overall Allegations are Not Sustained.

COPA recommends a finding of **Not Sustained** for **Allegation #2** for **Accused Officer D #XXXX** in that he **failed to report misconduct relative to his knowledge that Officer A made a false report regarding his vehicle and misconduct on the part of a Department member which violates Rule 22 of the Department's Rules and Regulations that prohibits "failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives or the Department."** Initially, Officer A requested to file a report because he believed that Officer B had stolen his vehicle. Officer C questioned Officer A about his vehicle, at which time he changed his story, stating, "We had an argument, and I can't find my car."⁴¹ It was Officer A who later remembered that he parked his vehicle at the 019th District parking garage at Addison and Halsted. Officer A did not file a false report regarding his vehicle, nor was any report generated. There is insufficient evidence to suggest that Officer D should, or could, have recognized that Officer A's reporting was knowingly false.

COPA recommends a finding of **Not Sustained** for **Allegation #3** for **Accused Officer D #XXXX** in that he **failed to document his interaction with off-duty Officer A #XXXXX upon observing him intoxicated while in his vehicle which violates Rule 22 of the Department's**

⁴¹ Statement of Officer C, Attachment 94, Page 8 Lines 8-9

Rules and Regulations that prohibits “failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives or the Department.” Throughout his contact with Officer A, Officer D did not detect an odor of alcohol, nor did he display any signs of intoxication. Officer D informed Lieutenant A about Officer A’s allegation that Officer B stole his vehicle. When Officer A remembered where he left his vehicle, Officer D contacted Lieutenant A and told him that Officer A forgot where he parked his vehicle and that it was in the 019th District parking garage.

When checking in for his shift on the evening of June 17, 2015, Officer D informed Lieutenant A of the events that occurred at 0433 hours at XXXX N. Clybourn Avenue and that he found Officer A parked outside Officer B’s residence. Lieutenant A did not instruct Officer D to document any of the events from his previous shift on paper. During Officer D’s contact with Officer A, he did not observe any misconduct. Based on the preponderance of evidence, Allegation #3 is Not Sustained

COPA recommends a finding of **Not Sustained** for **Allegation #4** for **Accused Officer D #XXXX** in that he **failed to administer a field sobriety test and ensure a breathalyzer test was administered to Officer A #XXXXX** which violates **Rule 05 of the Department’s Rules and Regulations that prohibits “failure to perform any duty,” and General Order G04-08 “Driving While Under the Influence (DUI) and Zero Tolerance.”** Throughout his contact with Officer A, Officer D did not detect an odor of alcohol, nor did he display any signs of intoxication. Officer D stated that he did not see any need to conduct a field sobriety test or ensure that a breathalyzer test was administered to Officer A. Officer D’s initial contact with Officer A was corroborated by Officer C. Officer D’s perceptions and/or observations of Officer A at the time are, subjective and cannot be refuted or supported. Based on the preponderance of evidence, Allegation #4 is Not Sustained.

COPA recommends a finding of **Not Sustained** for **Allegation #5** for **Accused Officer D #XXXX** in that he **failed to arrest and properly charge Officer A which violates Rule 08 of the Department’s Rules and Regulations that prohibits “disrespect to or maltreatment of any person, while on or off duty,” and Rule 09 of the Department Rules and Regulations that “engaging in any unjustified verbal or physical altercation with any person, while on or off duty.** Throughout his contact with Officer A, Officer D stated that he did not detect an odor of alcohol, nor did he display any signs of intoxication. Further, Officer D did not observe Officer A break any laws or ordinances and there was no reason to arrest and properly charge him as no violations occurred.

Officer D’s perceptions and/or observations of Officer A were subjective and cannot be definitely refuted or supported. Based on the preponderance of evidence, Allegation #5 is Not Sustained.

COPA recommends a finding of **Not Sustained** for **Allegation #6** for **Accused Officer D #XXXX** in that he **failed to impound Officer A's personal vehicle which violates Rule 05 of the Department's Rules and Regulations that prohibits "failure to perform any duty," and Special Orders S04-08-04 "DUI Investigations – Additional Responsibilities" and S07-03-05 "Impoundment of Vehicles for Municipal Code Violations."** Throughout his contact with Officer A, Officer D stated that he did not detect an odor of alcohol, nor did he display any signs of intoxication. Further, Officer D did not observe Officer A break any laws or ordinances and there was no reason to arrest and properly charge him since no violations occurred. Officer D's perceptions and/or observations of Officer A were subjective and cannot be definitely refuted or supported. Based on the preponderance of evidence, Allegation #6 is Not Sustained.

COPA recommends a finding of **Not Sustained** for **Allegation #7** for **Accused Officer D #XXXX** in that he **failed to notify a supervisor after discovering Officer A seated in his vehicle, sleeping, with the vehicle running which violates Rule 22 of the Department's Rules and Regulations that prohibits "failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department."** Officer D stated that when he found Officer A seated in his vehicle, he was awake and alert. Officer D asked Officer A why he was located outside Officer B's residence, to which Officer A responded that he wanted to talk to her. Officer D stated that he did not observe any misconduct on Officer A's behalf. Officer D's perceptions and/or observations of Officer A were subjective and cannot be definitely refuted or supported. Based on the preponderance of evidence, Allegation #7 is Not Sustained.

COPA recommends a finding of **Not Sustained** for **Allegation #8** for **Accused Officer D #XXXX** in that he **impeded the Chicago Fire Department's efforts to assess Officer A's medical condition and well-being when he directed Chicago Fire Department personnel to disregard the call which violates Rule 11 of the Department's Rules and Regulations which prohibits "incompetency or inefficiency in the performance of duty."** Officer D stated that when he found Officer A seated in his vehicle, he was awake and alert. Throughout his contact with Officer A, Officer D stated that he did not detect an odor of alcohol, nor did he display any signs of intoxication. Officer D did not see any need for Officer A to receive medical attention and told firefighters to disregard. Officer D's perceptions and/or observations of Officer A at were subjective and cannot be definitely refuted or supported. Based on the preponderance of evidence, Allegation #8 is Not Sustained.

COPA recommends a finding of **Not Sustained** for **Allegation #9** for **Accused Officer D #XXXX** in that he **drove Officer A in his marked squad car to Officer A's residence (XXXX N. Oakley Avenue) without obtaining permission from a supervisor which violates Rule 22 of the Department's Rules and Regulations which prohibits "failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department."** Officer D admitted that he

placed Officer A in his squad car and drove him to his residence located at XXXX N. Oakley Avenue. Officer D claimed that he believed that he did not need permission from a supervisor to drive Officer A to his residence, as he was a Department member. There is insufficient evidence to prove this particular allegation, and/or that Officer D purposefully or knowingly violated policy, as this particular protocol does not clearly address the transport of other department members. Based on the preponderance of evidence, Allegation #9 is Not Sustained.

FINDINGS:

Accused #1

Officer A #XXXXXX, Unit XXX

Allegation #1

Sustained – Violation of Rule 02, “Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department” in that from August 2013 to 16 June 2016, Officer A #XXXXXX, Unit 011, made racist comments about people of color, referring to them as “Savages,” “Mondays,” “DANS,” “Canadians,” and “Animals.”

Allegation #2

Not Sustained – Violation of Rule 14, “making a false report, written or oral” when he attempted to file a police report at the 019th District Station, located at Belmont Avenue and Western Avenue alleging that Officer B #XXXXXX stole his personal vehicle.

Allegation #3

Not Sustained – Violation of Rule 4, “any conduct or action taken to use the official position for personal gain or influence” when Officer D and Officer C Transported Officer A #XXXXXX to look for his car, and drove him home.

Allegation #4

Sustained – Violation of Rule 02, “Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department,” in that on 17 June 2015, at the location of XXXX N. Clybourn Avenue, Officer A #XXXXXX, Unit XXX, overall conduct of traveling to Officer B’s home unannounced and uninvited causing a disturbance by pounding on the door and remained in front/in the vicinity of said home for an extended time frame.

Sustained – Violation of Rule 08, “Disrespect to or maltreatment of any person, while on or off duty,” in that on 17 June 2015, at the location of XXXX N. Clybourn Avenue, Officer A #XXXXXX,

Unit 011, went to Officer B's home unannounced and uninvited causing a disturbance by pounding on the door and remained in front/in the vicinity of said home for an extended time frame.

Allegation #5

Not Sustained – Violation of Rule 02, “Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department,” in that on 17 June 2015, at the location of XXXX N. Clybourn Avenue, Chicago, IL, Officer A #XXXXXX, Unit XXX, accused Officer B #XXXXXX of stealing his phone and told her that he “started paper” on her.

Not Sustained – Violation of Rule 08, “Disrespect to or maltreatment of any person, while on or off duty,” in that on 17 June 2015, at the location of XXXX N. Clybourn Avenue, Chicago, IL, Officer A #XXXXXX, Unit XXX, accused Officer B #XXXXXX of stealing his phone and told her that he “started paper” on her.

Allegation #6

Sustained – Violation of Rule 02, “Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department,” in that on 17 June 2015, at the location of XXXX N. Clybourn Avenue, Chicago, IL, Officer A #XXXXXX, Unit XXX, stated, “Unless you want some bullshit in your life, you better tell me where my phone is.”

Sustained – Violation of Rule 08, “Disrespect to or maltreatment of any person, while on or off duty,” in that on 17 June 2015, at the location of XXXX N. Clybourn Avenue, Chicago, IL, Officer A #XXXXXX, Unit XXX, disrespected and maltreated Officer B #XXXXXX by stating, “Unless you want some bullshit in your life, you better tell me where my phone is.”

Sustained – Violation of Rule 09, “Engaging in any unjustified verbal or physical altercation with any person, while on or off duty,” in that on 17 June 2015, at the location of XXXX N. Clybourn Avenue, Chicago, IL, Officer A #XXXXXX, Unit XXX, engaging in an unjustified verbal altercation with Officer B #XXXXXX by stating, “Unless you want some bullshit in your life, you better tell me where my phone is.”

Allegation #7

Sustained – Violation of Rule 02, “Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or

brings discredit upon the Department,” in that on 16 August 2015, at the location of XXX W. Buckingham Place, Chicago, IL, Officer A #XXXXXX, Unit XXX, harassed the complainant, Subject 1 by ringing her doorbell and walking away on three successive occasions resulting in an Order of Protection (XXXXXXXXXX) being filed against him.

Sustained – Violation of Rule 08, “Disrespect to or maltreatment of any person, while on or off duty,” in that on 16 August 2015, at the location of XXX W. Buckingham Place, Chicago, IL, Officer A #XXXXXX, Unit XXX, harassed the complainant, Subject 1 by ringing her doorbell and walking away on three successive occasions resulting in an Order of Protection (XXXXXXXXXX) being filed against him.

Allegation #8

Sustained – Violation of Rule 02, “Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department,” in that on 21 January 2016, at the location of the IPRA, Officer A #XXXXXX, Unit XXX, admitted that he was intoxicated while off-duty on the evening of 16 June and/or morning of 17 June 2015.

Sustained – Violation of Rule 15, “Intoxication on or off duty,” in that on 21 January 2016, at the location of the IPRA, Officer A #XXXXXX, Unit XXX, admitted that he was intoxicated while off-duty on the evening of 16 June and/or morning of 17 June 2015.

Sustained – Violation of Rule 02, “Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department,” regarding Officer A #XXXXXX, Unit XXX, overall conduct during the events of 16/17 June 2015 and 16 August 2015.

Accused #2

Officer C #XXXX, Unit XXX

Allegation #1

Not Sustained

Allegation #2

Not Sustained – Violation of Rule 06, “Disobedience of an order or directive, whether written or oral,” in that on 17 June 2015, Officer C #XXXX, Unit XXX, left his duty assignment without

being relieved or without proper authorization when he transported Officer A to the 019th District (East) in an effort to locate his vehicle.

Not Sustained – Violation of Rule 30, “Leaving duty assignment without being properly relived or without proper authorization,” in that on 17 June 2015, Officer C #XXXX, Unit XXX, left his duty assignment without being relieved or without proper authorization when he transported Officer A to the 019th District (East) in an effort to locate his vehicle.

Allegation #3

Not Sustained

Accused #3

Officer D #XXXX, Unit XXX

Allegations #1-9

Not Sustained

APPROVED:

IPRA Deputy Chief Administrator