

SUMMARY OF INCIDENT:

On April 27, 2014, Officer A showed up at Sergeant A's house in the middle of the night after learning that his ex-wife, Civilian 1, was there. Sergeant A spoke with Officer A and told him to leave. Officer A complied and proceeded to Civilian 1's house, their former marital home, and retrieved their son and the dog without her permission. Because of this incident, Civilian 1 obtained an Emergency Order of Protection on May 1, 2014. Officer A was served with the Order on May 7, 2014. Nevertheless, on the night of May 16, 2014, into the early hours of May 17, 2014, Officer A drove past Sergeant A's house multiple times while Civilian 1 was present. Civilian 1 called the police and, while they were present, Officer A drove past Sergeant A's residence two more times. Officer A was subsequently arrested for Violation of an Order of Protection.

ALLEGATIONS:

This complaint was registered by Sergeant B with the Independent Police Review Authority (IPRA) on May 17, 2014.¹

1. The complainant, Sergeant A, alleged that on 27 April 2014, at approximately 0100 hours, Officer A arrived outside of his residence, XXXX W. XXth St., uninvited and banged on his front door, in violation of Rule 7.
2. The complainant, Sergeant A, alleged that on 27 April 2014, at approximately, 0100 hours, Officer A arrived outside of his residence, XXXX W. XXth St., and caused a disturbance by banging on his front door, in violation of Rule 7.
3. The complainant, Sergeant A, alleged that on 27 April 2014, at approximately, 0100 hours, Officer A arrived outside of his residence, XXXX W. XXth St., and stated to him words to the effect of, "I was gonna come here to kick your ass," in violation of Rule 7.
4. The complainant, Civilian 1, alleged that on 27 April 2014, at approximately, 0130/0200 hours, Officer A removed their son, who was XX years old at the time of the incident, from her residence, XXXX S. St. Louis Ave., without her permission, in violation of Rule 1.
5. The complainant, Civilian 1, alleged that on 27 April 2014, at approximately. 0130/0200 hours, Officer A removed her dog from her residence, XXXX S. St. Louis Ave., without her permission, in violation of Rule 1.
6. The complainant, Civilian 1, alleged that on 27 April 14, at approximately, 0130/0200 hours, Officer A drove her vehicle away from her residence, XXXX S. St. Louis Ave., without her permission, in violation of Rule 1.

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Thus, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

7. The complainant, Civilian 1, alleged that on 16/17 May 2014, at approximately between 2210 and 0056 hours, Officer A. parked in front of XXXX W. XXth St. where she was a visitor, in violation of Rule 1.
8. The complainant, Civilian 1, alleged that on 16/17 May 2014, at approximately between 2210 and 0056 hours, Officer A slowed down as he drove several times past XXXX W. XXth St, where she was a visitor, in violation of Rule 1.
9. The complainant, Civilian 1, alleged that on 16/17 May 2014, at approximately between 2210 and 0056 hours, Officer A drove, twice, past XXXX W. XXth St, where she was a visitor on 16/17 May 14 while Sergeant B was present, in violation of Rule 1.
10. The complainant, Civilian 1, alleged that on 16/17 May 2014, at approximately between 2210 and 0056 hours, Officer A violated Order of Protection XXXXX, in violation of Rule 1.
11. The complainant, IPRA Investigator 1, alleged that on 17 May 2014, at approximately 0054 hours, Officer A was arrested and charged with violation of Order of Protection XXXXX, in violation of Rule 2.
12. The complainant, IPRA Investigator 1, alleged Officer A failed to notify the Department that he was a named Respondent in Order of Protection #XXXXX issued on 01 May 2014 and served with the Order on 07 May 2014, in violation of Rule 6.

APPLICABLE RULES AND LAWS:

- Rule 1: Violation of any law or ordinance.
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 7: Insubordination or disrespect toward a supervisory member on or off duty.

Special Order S08-01-02 (issued 05 December 2013)

- 750 ILCS 60: Illinois Domestic Violence Act of 1986
720 ILCS 5/12-3.4(A)(1): Violation of an Order of Protection
720 ILCS 5/10-5.5: Unlawful visitation or parenting time interference.
720 ILCS 5/16-1: Theft

INVESTIGATION:

In the **Initiation Report, Sergeant B** wrote that on May 17, 2014, at 12:30 a.m., he responded to a call of “A Violation of an Order of Protection” involving an off-duty officer at XXXX W. XXth Street, Chicago, Illinois. Upon his arrival, Civilian 1, Sergeant A, and Civilian 2 told Sergeant B that Officer A had been parked in front of XXXX W. XXth Street on May 16, 2017, at approximately 10:10 p.m. They related that Officer A drove past the residence, Sergeant A’s home, and slowed down six more times prior to Sergeant B’s arrival. Civilian 1 tendered a copy of her Emergency Order of Protection to Sergeant B. The order protected her from Officer A’s stalking and harassment. Sergeant B noted that the emergency order was valid from May 1, 2014, until May 22, 2014.

While Sergeant B was still responding to this call, he saw Officer A drive past the location twice in a silver Car Model 1. Officer A was pulled over by Beat XXX who ran a LEADS check to ascertain if the Order of Protection had been served to Officer A. The LEADS response showed that Officer A had been served on May 7, 2014 by Cook County Sheriffs. The Initiation Report stated that Officer A was arrested by Beat XXX at 12:54 a.m. for violating the Order of Protection. He was subsequently transported to the 022nd District. Operations Command was notified about the arrest and a weapons restriction for Officer A was issued under CL# 1069221. (Att. 4)

A **Synoptic Report**, dated May 17, 2014, was written by **Sergeant C**, who reported that on May 17, 2014, at approximately 2:02 a.m., he was notified by Officer B from the CPD’s Crime Prevention and Information Center (“CPIC”) that Officer A had been arrested in the 022nd District for a Violation of an Order of Protection. The report stated that Officer A had previously been relieved of his police powers on December 30, 2013, due to an unrelated incident under Log# 1066809. (Att. 5)

A **LEADS Response** from a check performed on May 17, 2014, at 1:25 a.m., revealed that Officer A was the subject of Petitioner Civilian 1’s Order of Protection. It also showed that Officer A had been served with the long form of the Order of Protection on May 7, 2014, at 2:00pm by Deputy A. (Att. 7)

A **Petition for Order of Protection** was filed on May 1, 2014 at 11:52 a.m. The petition lists the petitioner as Civilian 1 and the respondent as Officer A. Civilian 1 stated in her petition that her ex-husband, Officer A, had been stalking her repeatedly since their divorce. Civilian 1 alleged that on the evening of April 26, 2014, Officer A followed her to her boyfriend’s house and confronted her boyfriend. Civilian 1 alleged that Officer A was drunk and that they asked him to leave. She further alleged that, after he left, he went to her home and took their son and her dog while her XX-year-old daughter was asleep. Officer A then called Civilian 1 to let her know. Civilian 1 demanded that he bring their son home. She also stated that the next morning, her boyfriend called her to say that Officer A had taken her car and was parked in front of his house. Civilian 1 described Officer A in her petition as a “chronic alcoholic.” Civilian 1 signed the petition below the “Penalties of Perjury” clause, certifying that the statements in the petition are true and accurate. (Att. 10)

An **Emergency Order of Protection** was issued by Judge 1 in the Circuit Court of Cook County on May 1, 2014, at 2:30 p.m. The order is listed as in effect until May 22, 2014 at 5:00 p.m. The order names Officer A as the respondent. The protected parties listed are Civilian 1 and her two minor children. With respect to the protected parties, the order prohibits the respondent from committing the following: physical abuse, harassment, interference with personal liberty, and stalking. The order also prohibits the respondent from entering the petitioner's residence at XXXX S. St. Louis, Chicago. Additionally, the order commands the respondent to stay away from the petitioner and other protected parties, including, but not limited to refraining from telephone calls, mail, e-mails, faxes, written notes, and communications through third parties. Through the Emergency Order, the respondent's visitation with the minor children was denied and the petitioner was granted physical care and possession of the children. The petition additionally granted the petitioner exclusive possession of a Car Model 2. (Att. 11)

An **Affidavit of Service** certifies that Deputy Sheriff A personally served Officer A with the Emergency Order of Protection XXXXXX on May 7, 2014, at 2:09 p.m. In the Affidavit, Deputy A noted that Officer A stated that he had turned in his FOID card to the Chicago Police Department. (Att. 45)

An **OEMC recording of 911 transmissions** relative to this incident document that on May 17, 2014, at 12:12 a.m., Civilian 1 called 311, the non-emergency line, regarding this incident. Civilian 1 stated that she would like to file a report because her ex-husband, who she had an Order of Protection against, had driven around the house she was at four times and had parked in front of the house. She told the operator that her Order of Protection prohibits stalking. Civilian 1 was transferred to a 911-operator who said that police would be sent to her location. (Atts. 41-43)

An **Event Query** from the **Office of Emergency Management and Communications** indicates that on May 17, 2014, at 12:20 a.m., a call was transferred from 311. The caller stated that she has an Order of Protection against her husband who is Chicago Police Officer A. According to the report, the caller said that he drives a silver "Car Model 3" (*sic*), has circled where she is six times, and he is now parked on the corner in his vehicle. (Att. 19)

The **Arrest Report (RD# XXXXXXXX)** documents that on May 17, 2014 at 12:54 a.m., Officer A was arrested for Violating an Order of Protection. The report, written by Officer C, stated that while responding to a call for a VOOP, arresting officers observed the subject driving nearby and subsequently placed him under arrest on signed complaints. (Att. 14)

The **Original Case Incident Report (RD# XXXXXXX)** documents that the arresting officers saw Officer A drive around XXXX W XXth St twice. It further states that Civilian 1 saw Officer A drive by six times "very slow." The arresting officers followed and curbed Officer A in his vehicle at XXXX S. Homan.

In an **interview with IPRA** on May 18, 2014, **Complainant Civilian 1** stated that on the evening of May 16, 2014, she was at the home of her friend, CPD Sergeant A with another friend, Civilian 2. At around 9:00 p.m., Sergeant A received a call from his neighbor who informed him that Civilian 1's ex-husband was again sitting in a car outside of Sergeant A's

house. Civilian 1 stated that this was not the first time her ex-husband had done this, which is why she got an Order of Protection against him. Civilian 1 said that from where she was sitting at Sergeant A's house, she could see Officer A's car because he was parked in a location where he had a direct view of her through the window. As soon as Civilian 1 and Civilian 2 spotted him through the window, he drove away. Officer A drove by their location three more times, each time parking temporarily and then leaving. Civilian 1 believed he was stopping because he wanted them to know that he was there.

After Officer A drove by Sergeant A's residence for the third time, Civilian 1 called 311 and explained what was happening. The 311-operator transferred her to 911 who dispatched police. About fifteen minutes after she spoke with the 911 operator, Civilian 2 had counted Officer A drive by a total of six times. After the police arrived, Civilian 1 said that Officer A drove by two more times.

Civilian 1 said that she was worried about this incident because of what happened the last time Officer A did something like this. She said that the previous incident occurred on her birthday, April 27, 2014. It was around 9:00 p.m. when she left her XX-year-old son with her XX-year-old daughter who was babysitting and went to Sergeant A's house, which was a block away. Civilian 1 stated that she is not dating Sergeant A, but that she likes him. Civilian 1 said that Officer A knew that she was at Sergeant A's house that night because he had been following her. She said that he lives in the neighborhood and if he does not see her car, he will go driving around looking for her. She said that he must have seen her car in front of Sergeant A's house.

At around 1:00 a.m. on April 28th, Officer A arrived at Sergeant A's residence and "was pounding on Sergeant A's door."² Sergeant A had never met or seen Officer A before he showed up at his house that night. Sergeant A talked to Officer A while Civilian 1 was in another room. She overheard Officer A saying to Sergeant A that his wife was inside his house. Civilian 1 noted that she had been divorced from Officer A since November 11, 2013, and that she was separated from him for five years prior to their divorce. After about ten minutes of speaking with Sergeant A, Officer A left.

Fifteen minutes after Officer A left Sergeant A's house, Civilian 1 received a text from him stating that he had taken their son and her new puppy from her house. Civilian 1 then left Sergeant A's house and went home because she was worried. She said that she did not believe that Officer A went into her house because he was not supposed to be there and she had sole custody of their children. When she got home, she found her daughter asleep and her son and dog missing. Civilian 1 then called Officer A and demanded that he return their son. She said that she thought that he had been drinking and she did not want her son with him when he was like that. Civilian 1 also told Officer A that she was going to call the police. Officer A brought their son back to her before she could call the police. Civilian 1 said that her son described his dad as taking him out of the house "like a burglar."

At 8:15 a.m. on the next morning, April 28, 2014, Civilian 1 received a call from Sergeant A who asked her if she was okay because her ex-husband has her car. He told her that his neighbors saw her ex-husband in her car outside of his house. Sergeant A told her that he

² See Transcribed Statement of Civilian 1 (Att. 26), page 11, lines 15-16.

went out and asked Officer A why he had Civilian 1's car, to which he responded that he was getting it fixed for her as a birthday present. Civilian 1 said that he did not have permission to have her car. When she went to look to see if her car was there, which it was, she found it parked in the driveway, instead of in front of the house where she had parked it the night before.

Later that day, Civilian 1 demanded that Officer A give her the spare key to her car because he was not supposed to have it. She also went to the police station and filed a report about what had occurred the night before. Civilian 1 said that the officers at the station told her that because she did bring the custody papers with her, she could not prove that Officer A was not allowed to take their son. The next day she returned to the police station with the custody papers so they could include that information in their report. Subsequently, Civilian 1 filed for an Order of Protection on May 1, 2015. A couple of days after she obtained the Order, Civilian 1 found the spare key to her car in an envelope in her mailbox.

When asked if there had been any other incidents with her ex-husband in the past, Civilian 1 said that there had been, but she had not seen a pattern at that time. She said that she used to joke that he was a stalker but did not realize that it was true until January or February of 2014, when he showed up outside her girlfriend Civilian 3's house. She said that while she was at Civilian 3's house, she saw Officer A walking outside of the house and then hide in the bushes across the street. Civilian 1 said that her neighbors have also told her that they have seen Officer A drive by her house on numerous occasions.

Civilian 1 stated that she had received texts from Officer A before the Order of Protection that she thought were abusive. She said that, although he has not physically threatened her in the texts, she had felt physically threatened in the past. Earlier in their marriage there was a push or a slap and the police were called for that, but she said that nothing came from it. She also described a more serious incident from December 24, 2011. She said that Officer A put his fist up, and that he told her that he would punch her in the face and beat her senseless. Civilian 1 said that her daughter, Civilian 4, overheard him say that and that they had the police remove him from the house that night.

Civilian 1 said that she has known Officer A since she was 18 years old and was married to him for 18 years. She said that he has a major drinking problem and that when he drinks, he is a completely different person. She also said that in December of 2013, he hit two parked cars while driving drunk. Although he later completed a treatment program, she believes that he is still drinking. She said that she could tell that he had been drinking the night that he dropped her son off after he had taken him out of her home (on April 27-28, 2014). She said that he smelled like alcohol, could barely stand, and was leaning on her railing. (Att. 22 & 26)

A **Service Calls Search** for XXXX W. XXth St and XXXX S. St. Louis was performed on May 27, 2014 with negative results for the date range of May 1, 2013 to May 16, 2014. (Att. 27-28)

The relevant portions of a Parenting Judgment, which was in effect on April 27, 2014, are documented in a **COPA Report dated January 5, 2018**. The Parenting Judgment was entered by Judge 2 in the Circuit Court of Cook County on November 13, 2013. It details an agreement

signed by Civilian 1 and Officer A. The judgment granted Civilian 1 sole custody and established a visitation schedule where Officer A was to have the minor children every Tuesday and Thursday from 5 p.m. to 8 p.m. Additionally, Civilian 1 was to have the children on her birthday. Neither parent was to visit the minor children at unreasonable hours when the children were in the other parent's custody. (Att. 75)

On May 22, 2014, an **Agreed Restraining Order** was entered.³ The order was entered by Judge 2 and it prohibits Officer A from the following acts against Civilian 1: Physical Abuse; Harassment; Interference with personal property; and Stalking. The Order also granted Civilian 1 exclusive possession of the former marital residence at XXXX S. St. Louis Avenue. The order also modified Officer A's visitation with his children to include a supervision requirement. The order states that it is in effect until further order of the court. (Att. 46)

The **Cook County Mainframe Docket** and **Certified Disposition** show that Officer A's misdemeanor charge under criminal case #XXXXXXXXXXXX for Violation of Order of Protection, pursuant to 720 ILCS 5\12-3.4(A)(1) was dismissed with the disposition *Nolle Prosequi* on July 1, 2014.⁴ (Atts. 31 & 38)

In an **interview with IPRA**, on January 20, 2016, **Sergeant A** stated that on April 27, 2014, Civilian 1 was at his house watching a movie. Sergeant A said that on the date of this incident he was close friends with Civilian 1, but they were not dating. In the middle of the night, around 1:00 a.m. or 2:00 a.m., Sergeant A woke up because Officer A "was poundin' on the door," and his dogs were barking.⁵ Sergeant A had never met Officer A and so he asked Civilian 1 if the man pounding on the door was her ex-husband, to which she responded yes. Sergeant A told Civilian 1 to go back upstairs and then he opened the door. Officer A was upset and crying when Sergeant A first saw him. Sergeant A was standing a couple feet away from Officer A on the porch and he could smell alcohol on Officer A. He accused Sergeant A of sleeping with his wife. Sergeant A told Officer A that Civilian 1 is his ex-wife and that what she does is none of his business. He said that Officer A cannot be showing up to his house because he is a police sergeant. Officer A told Sergeant A "I was gonna come here to kick your ass."⁶ Sergeant A responded, "Let me know how that works out for you."⁷ Officer A then laughed and left Sergeant A's house after Sergeant A repeatedly told him to leave. Shortly after, Officer A began contacting Civilian 1 by phone. Civilian 1 told Sergeant A that she had to leave because Officer A had removed her son and her dog from her house.

The next morning, April 28, 2014, Sergeant A's neighbor, Civilian 5, knocked on Sergeant A's door. He told Sergeant A that he had been smoking a cigarette on his porch when Officer A pulled up in Civilian 1's truck. He got out of the car, retrieved something from the trunk, and then stood in front of Sergeant A's door before walking back to the truck. Civilian 5

³ The Court simultaneously entered an **Agreed Disposition Order** for **Order of Protection XXXXXXXX** on May 22, 2014, which vacated the Emergency Order of Protection *nunc pro tunc* as of May 1, 2014. (Att. 30 & Att. 47)

⁴ *Nolle Prosequi* is a legal term which means that the prosecutor chose to no longer prosecute the case.

⁵ See Transcribed Statement of Sergeant A (Att. 62), page 19, line 17.

⁶ *Id.* at page 20, lines 12-13.

⁷ *Id.* at page 25, lines 1-2.

had been trying to contact Sergeant A because he was concerned. Civilian 5's wife, Civilian 6, was also concerned -- she thought that Civilian 1 might be dead because Officer A had her car.

As Civilian 5 was relaying what he saw to Sergeant A, Officer A pulled up in the truck again. Sergeant A asked Officer A why he had Civilian 1's truck. Officer A told Sergeant A that he was getting it fixed up for her because it was her birthday. Sergeant A reminded Officer A that he told him yesterday not to come around his house. Officer A said that he was just driving around, but Sergeant A told Officer A that his neighbor saw him walk up on his porch. Sergeant A noted that Officer A smelled like he had been drinking all night. Sergeant A then called Civilian 1 and told her that Officer A had taken her truck.

On May 4, 2014, Sergeant A ran into Officer A at the St. Jude Police Memorial March. Officer A asked Sergeant A if he could speak with him. He apologized to Sergeant A for showing up to his house and behaving in that way. Sergeant A told him it was okay, but that he cannot show up to his house ever again. The two shook hands and Officer A promised Sergeant A that he would never show up at his house again.

On May 16, 2014, Sergeant A was at his house with his friend Civilian 2 and Civilian 1. Sergeant A's neighbor, Civilian 5, called him between 10:00 p.m. and 10:30 p.m. and informed him that Civilian 1's ex-husband was driving around the neighborhood again. Sergeant A looked through his front window and saw Officer A driving in front of his house. Sergeant A made eye contact with Officer A as he drove past. Sergeant A then told Civilian 1 that her ex-husband was driving around outside. Sergeant A saw Officer A drive by his house three times that night. Civilian 2 saw Officer A park his car around the corner from Sergeant A's house, get out of his vehicle and then get back in and drive away. Sergeant A was unable to see him get out of the vehicle because he was looking out a different window than Civilian 2. After Civilian 2 saw him get out of the car, Civilian 1 called the police because she had an Order of Protection against him. Sergeant A described Civilian 1 as acting nervous and upset.

Sergeant A added that there was another incident that happened sometime in 2014 before the incidents of April 27 and May 16. He could not remember the date, but he remembered that Civilian 1 was at his house watching TV. Sergeant A received a call from his neighbor who was alarmed because a man was standing in the neighbor's yard behind a tree looking into Sergeant A's home. Sergeant A grabbed his gun and looked out his window. He saw a short bald person running away. Sergeant A pointed him out to Civilian 1 and asked if that was her ex-husband. Civilian 1 confirmed that it was. (Att. 61-62)

IPRA made multiple **attempts to interview** witnesses Civilian 5 and Civilian 2, which were unsuccessful. (Atts. 57, 58, 59 & 70)

In an **interview with IPRA** on May 12, 2016, **Officer A** stated that Civilian 1 is his ex-wife. They were married for nineteen years until their divorce on November 7, 2013. Officer A and Civilian 1 have two children together, a XX-year-old daughter and a XX-year-old son who is autistic.

Officer A said that on April 27, 2014, sometime after 10 p.m., he was on medical leave and in the vicinity of XXXX West XXth Street. Officer A said that he received a phone call from Civilian 1's next-door neighbor named, "Civilian 7," who told Officer A that he had seen his son outside earlier in the day unsupervised and was concerned for his son's safety because he did not see Civilian 1's car in the driveway. During his interview, Officer A first said that Civilian 7 contacted him by phone, then said it was an email and then confirmed that it was actually a phone call. Officer A said that he does not know Civilian 7's phone number or last name and stated that Civilian 7 moved away and he does not know where Civilian 7 currently lives. After speaking with his attorney, Officer A went back on the record to clarify that he does not know if Civilian 7 still lives next-door to his ex-wife or not. He said that he did not have Civilian 7's number saved in his phone when he received the call and did not save it after he received his call that day.

Officer A said that a friend of a friend had previously told him which block Civilian 1's boyfriend, Sergeant A, lived on. Officer A said that on April 27, 2014, after 10 p.m., he drove around looking for Civilian 1 to find out who was supervising their son. He said that he did not know the exact house that Sergeant A lived in until he drove to the block that the friend of a friend had mentioned to him, and saw Civilian 1's vehicle parked outside of the house at XXXX W XXth St. Officer A said that he knocked on Sergeant A's door and rang the doorbell. Sergeant A answered the door and Officer A asked to speak with Civilian 1. Sergeant A told him that Civilian 1 did not want to speak with him. Officer A said that he then left Sergeant A's house and proceeded to his former residence at XXXX S. St. Louis Avenue to check on his children. He used his key to open the door to the house and then he tried to speak with his daughter. His daughter's door was locked and she did not answer. Officer A assumed that she had fallen asleep with her headphones on. Officer A then proceeded downstairs where he found his son sleeping on the floor next to dog feces. Officer A woke his son up and asked him what was going on. His son told him that his mom had been gone for a long time. Officer A told him that he could come sleep at his apartment for the night. His son wanted to take the dog, so Officer A took the dog to his apartment along with his son.

Officer A explained that he went uninvited to Sergeant A's residence at XXXX W XXth Street to speak with Civilian 1 so that he could find out about the safety of his children. He said that he did not go to the house that his children were at because he was not sure if there was a babysitter watching the children and he did not want to startle the babysitter if there was one. He described his interaction with Sergeant A on April 27, 2014, as "calm" and stated that it lasted less than 20 seconds. Officer A denied being in an argument with Sergeant A regarding Civilian 1's presence in his house. He admitted to taking the dog from Civilian 1's house and stated that he did so because his son is autistic and wanted the dog for security.

Officer A stated that he drove a gray Car Model 1 on April 27, 2014. Officer A denied banging on Sergeant A's door and causing a disturbance outside of Sergeant A's residence on April 27, 2014, at around 1:00 a.m. He also denied saying words to the effect of, "I was gonna come here to kick your ass" to Sergeant A. Officer A admitted removing his son from Civilian 1's residence without her permission. He said that he did not call anyone or report to anyone that his autistic son was left alone earlier in the day. Officer A said that he did not report his son being alone to DCFS or the police because it was between him and his ex-wife and he did not

know for sure that his son was left alone. Officer A said that he found out that his son was not alone and that his daughter was there babysitting, but Officer A said that when his daughter is babysitting she locks herself in her room and does not pay attention to her brother. Officer A also denied driving Civilian 1's vehicle the next morning and stated that he does not have keys to her vehicle.

Officer A stated that on May 16, 2014 to May 17, 2014, he was still on medical leave. He described his relationship with Civilian 1 as strained and said that they were not speaking. Officer A stated that on May 16-17, 2014, between 10:10 p.m. and 1:00 a.m., he was in the vicinity of XXXX W. XXth Street. He said that earlier in the day on May 16, 2014, he drove past Civilian 1's house and did not see her vehicle in the driveway. He was concerned for his children so he drove by Sergeant A's house where he observed her vehicle in the driveway.

Officer A said that he drove by Sergeant A's residence twice. He gave multiple reasons for why he drove by Sergeant A's house a second time. First, he said that he drove by a second time later in the day because he was worried for his children and wanted to see if Civilian 1 was still there. Then he described driving by a second time right after the first time because, even though he could see Civilian 1's car in the driveway, he did not know for certain if she was in the house. He drove by the second time because he wanted to get a better look and see if he could see his ex-wife inside by looking through the window. He also said that he did not intend to drive by again, but that he noticed police near Sergeant A's house and after remembering that he had seen his ex-wife's car parked there, he drove by a second time to make sure everything was okay. When he drove by the police in front of Sergeant A's house, he saw Sergeant A pointing at his car. That is when he realized that he was in trouble, so he drove away.

Officer A said that shortly after driving away, he was pulled over by a police vehicle. After being pulled over, he spoke with Sergeant B, who is a supervisor. He admitted to driving by Sergeant A's house twice while Sergeant B was present. He said that he drove by when the police were there and that he could not see what was going on, so he drove around again. Officer A denied parking near Sergeant A's house. He also denied slowing down while driving in front of Sergeant A's home multiple times, but said that he was going slower than the speed limit of 15 miles per hour.

Officer A said that he knew there was an active Order of Protection on May 16-17, 2014, which named him as the respondent and his ex-wife as the petitioner. Officer A admitted that he violated that Order of Protection on those dates. He also admitted that on May 17, 2014, at approximately 12:54 a.m., he was arrested and charged with Violation of an Order of Protection. Officer A was shown Attachment 45, which was the affidavit of service for Order of Protection XXXXXXXXXX. Officer A agreed with the date of service listed on the affidavit, which was May 7, 2014. He said that, on that date, he notified his supervisors verbally about the Order of Protection. He said that he failed to prepare a written report that he was the subject of an Order of Protection because he was told by Sergeant D, on May 8, 2014, that a written report was not necessary because he was on medical leave. He also stated that he did not know CPD rules required that he submit a written report.

In his statement, Officer A expressed the belief that Sergeant A set him up. Officer A said that his ex-wife is upset and trying to get revenge because she did not receive half of his pension in their divorce settlement. He believes that she was coached by Sergeant A on what to say and what not to say. He said that they knew what to allege to cause him to lose his police powers. Officer A said that she stated to a judge in open court that she wanted him fired and did not care about the benefits her children received through his job. Officer A described his divorce as difficult. When his ex-wife filed for divorce in 2012, he hoped that reconciliation would happen. Officer A became upset in February 2012, when he found out that Civilian 1 was dating Sergeant A, whom he said she had an affair with prior to the divorce. Officer A said that he is not proud of his actions, but that he is a good police officer and has not had any trouble with the public in many years. He also stated that he is doing much better now because he has a strong support system. (Att. 68-69)

Submitted by:

Approved:

COPA Investigator 1

COPA Supervising Investigator 1

ANALYSIS & CONCLUSION:**Allegations #1 & #2: Officer A went to Sergeant A's home uninvited and caused a disturbance.**

Based on the evidence, COPA determined that on April 27, 2014, at approximately 1:00 a.m., Officer A arrived outside of Sergeant A's residence, at XXXX W. XXth Street, uninvited and banged on his front door, causing a disturbance. Officer A admitted to IPRA that he arrived at Sergeant A's residence uninvited on April 27, 2014, at approximately 1:00 a.m. Although Officer A denied banging on the door and causing a disturbance, the evidence shows that Officer A did take such actions. Civilian 1 stated to IPRA that Officer A arrived at Sergeant A's residence at about 1:00 a.m. and "was pounding on [Sergeant A]'s door."⁸ Sergeant A also stated to IPRA that he was woken up in the middle of the night and his dogs were barking because Officer A "was poundin' on the door."⁹ Arriving at a sergeant's home uninvited at 1:00 a.m. and causing the household to wake up is a disturbance and constitutes disrespect towards a supervisory member, in violation of Rule 7. Therefore, COPA recommends a finding of **Sustained for Allegations 1 & 2.**

Allegation #3: Officer A went to Sergeant A's home and threatened him with physical violence.

COPA determined that there is insufficient evidence to determine whether or not Officer A stated to Sergeant A words to the effect of, "I was gonna come here to kick your ass." Sergeant A stated to IPRA that Officer A said such words and Officer A denied this allegation to IPRA. While Sergeant A's statement seems credible, it was given over 1.5 years after the alleged incident. There is no evidence that Sergeant A told anyone about this statement and Civilian 1 did not overhear Officer A say this to Sergeant A. Although it is believable that Officer A would have said disrespectful words to Sergeant A during this encounter where he arrived outside Sergeant A's home at 1:00 a.m., COPA is unable to confirm whether or not Officer A said words to the effect of "I was gonna come here to kick your ass." Therefore, COPA recommends a finding of **Not Sustained for Allegation #3.**

Allegation #4: Officer A went to the home of Civilian 1 and physically removed their son without her permission.

COPA determined that on April 27, 2014, at approximately 1:30 a.m. - 2:00 a.m., Officer A went to Civilian 1's residence at XXXX S. St. Louis Avenue and removed their son from the home without her permission. Previously, Officer A and Civilian 1 agreed to a set visitation schedule, which was included in a Parenting Judgment entered in the Circuit Court of Cook County on November 13, 2013.¹⁰ Officer A was to have visitation with his children every Tuesday and Thursday from 5 p.m. to 8 p.m. Additionally, Civilian 1 was to have visitation with the children on her birthday. The Parenting Judgment also stated: "Neither parent shall attempt to visit the children at unreasonable hours when the children are in the other parent's custody."

⁸ See Transcribed Statement of Civilian 1 (Att. 26), page 11, lines 15-16.

⁹ See Transcribed Statement of Sergeant A (Att. 62), page 19, line 17.

¹⁰ See report regarding Parenting Judgment (Att. 75).

Officer A violated all three of these conditions since he removed the child at an unreasonable hour on Sunday, April 27, 2014, which was Civilian 1's birthday.

Illinois Compiled Statutes Chapter 720, Section 10-5.5 prohibits unlawful visitation or parenting time interference. Further, Chicago Police Department Rule 1 prohibits violation of any law or ordinance. Officer A admitted to removing his son from Civilian 1's residence without Civilian 1's permission. He explained that he took such action because he was concerned for the safety of his autistic son. Under Sec. 10-5.5(g)(1), it is an affirmative defense to unlawful visitation interference if the person committed the act to protect the child from imminent physical harm, provided that the person's belief that physical harm was imminent was "reasonable" and that the person's conduct in withholding visitation was a reasonable response to that harm. Here, Officer A's belief that his child's safety was at risk lacks credibility. Officer A said that he received a phone call from a neighbor who said he was worried about his son due to his mother not being home. If this call took place and caused Officer A to fear for the safety of his son, then he would have acted right after the call. However, Officer A waited hours before going taking action. Further, none of the accounts of the face-to-face interaction between Officer A and Sergeant A on April 27, 2014, recount Officer A inquiring as to the welfare of his son. Additionally, Officer A removed his son from a house where he was not unattended, but asleep while his sister was also at home. Any welfare-driven concern presented by Officer A as a rationale for removing his son from Civilian 1's home on April 27, 2014, in violation of the Parenting Judgment, is unreasonable given these circumstances. Therefore, COPA recommends a finding of **Sustained for Allegation #4**.

Allegation #5: Officer A went to the home of Civilian 1 and physically removed her dog without her permission.

COPA determined that Officer A violated Rule 1 on April 27, 2014 at approximately 1:30 a.m. to 2:00 a.m. when he removed Civilian 1's dog from her residence without her permission. Rule 1 prohibits violation of any law or ordinance. Moreover, Illinois Compiled Statutes Chapter 720, Section 5/16-1 prohibits Theft. Pursuant to Section 16-1(a)(1), "A person commits theft when he or she knowingly obtains or exerts unauthorized control over property of the owner." Here, Officer A admitted to IPRA that he removed Civilian 1's dog from her residence without her permission between 1:30 and 2:00 a.m. on April 27, 2014. Officer A's reason for taking the dog was that his son is autistic and his son wanted the dog for security. For the reasons given above, Officer A was not justified in entering Civilian 1's residence to remove their son and therefore was certainly not justified in taking the dog. Therefore, COPA recommends a finding of **Sustained for Allegation #5**.

Allegation #6: Officer A drove Civilian 1's vehicle away from her residence without her permission.

COPA found that there is insufficient evidence to determine whether or not Officer A drove Civilian 1's vehicle away from her residence without her permission. Sergeant A stated that he saw Officer A driving Civilian 1's truck on April 27, 2014. However, Sergeant A could not describe the vehicle that Officer A was driving. Further, Civilian 1 did not see Officer A driving her car. She said that she received a call from Sergeant A stating that Officer A had taken

her car. However, when Civilian 1 looked outside her house, she saw her car parked in her driveway. She did not hear anyone take her car, but she believes that Officer A must have taken the car since she remembered parking the car in front of her house rather than in the driveway. When confronted with this allegation, Officer A denied taking Civilian 1's car. Since COPA was unable to speak with Civilian 5, who also allegedly witnessed Officer A driving Civilian 1's car, there is not enough evidence to meet the preponderance of the evidence standard. Therefore, COPA recommends a finding of **Not Sustained for Allegation #6.**

Allegations #7-10: Officer A parked in front of and drove past Sergeant A's residence multiple times, where Civilian 1 was a visitor, in violation of an Order of Protection.

COPA determined that Officer A violated Rule 1 for Allegations #7-#10. Rule 1 prohibits violation of any law or ordinance. On May 16-17, 2014, Civilian 1 had an active Emergency Order of Protection against Officer A, which Officer A had been previously served with. The Order of Protection prohibited Officer A from the harassment and stalking of Civilian 1 and ordered Officer A to stay away from her.

According to the Illinois Domestic Violence Act, "Harassment" means knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances; would cause a reasonable person emotional distress; and does cause emotional distress to the petitioner. One type of conduct prevented by the Act, which is presumed to cause emotional distress is "repeatedly keeping petitioner under surveillance by remaining present outside his or her home, school, place of employment, vehicle or other place occupied by petitioner or by peering in petitioner's windows."

Based on the evidence, COPA determined that on May 16, 2014, at approximately 10:10 p.m., until May 17, 2014, at approximately 12:56 a.m., in the vicinity of XXXX W. XXth Street, Officer A parked in front of XXXX W. XXth Street, where Civilian 1 was a visitor. Civilian 1 stated to IPRA that she saw Officer A park in front of XXXX W. XXth Street on the date of the incident. She also stated in her call to 311 that Officer A had parked in front of the residence where she was a guest. Sergeant A did not see Officer A park in front of the house, but said that his friend, Civilian 2, who was also at his house, told him that Officer A had parked near Sergeant A's house. Although COPA was unable to interview Civilian 2 during this investigation, Sergeant B stated in his initiation report that the complainant and witnesses told him that Officer A had parked in front of XXXX W. XXth Street. Officer A admitted to IPRA that he drove past XXXX W. XXth Street, but denied parking in front of the residence. Based on the evidence, Officer A more likely than not, parked in front of XXXX W. XXth Street. By parking in front of a residence occupied by Civilian 1, Officer A violated the Order of Protection. Therefore, COPA recommends a finding of **Sustained for Allegation #7.**

Based on the evidence, COPA determined that on May 16, 2014, at approximately 10:10 p.m., until May 17, 2014, at approximately 12:56 a.m., in the vicinity of XXXX W. XXth Street, Officer A slowed down as he drove several times past XXXX W. XXth Street, where Civilian 1 was a visitor. Although Officer A denied slowing down multiple times as he drove past XXXX W. XXth Street, he admitted that he did drive past the residence more than once and that he was going slower than the speed limit of 15 miles per hour. According to the Original Case Incident

Report for XXXXXX, Civilian 1 related to the arresting officers that Officer A had previously driven around XXXX W. XXth Street six times very slowly. Civilian 1 stated to IPRA that Officer A drove past the residence several times, which made her nervous. The evidence suggests that Officer A did slow down while driving past XXXX W. XXth Street. Officer A even explained that he drove by a second time to try and peer through the window to see if his ex-wife was present inside XXXX W. XXth Street. Based upon Officer A's own explanation and his statement that he was going less than 15 miles per hour, combined with Civilian 1's statement to the arresting officers, it is likely that Officer A slowed down when he drove past the residence multiple times. By driving past the residence and slowing down multiple times, Officer A violated the Order of Protection. Officer A violated the Illinois Domestic Violence Act by committing multiple acts of harassment by repeatedly surveilling Civilian 1 when he drove by the residence multiple times and tried to peer in through the windows. Accordingly, COPA recommends a finding of **Sustained for Allegation #8**.

Based on the evidence, COPA determined that on May 16, 2014, at approximately 10:10 p.m., until May 17, 2014, at approximately 12:56 a.m., in the vicinity of XXXX W. XXth Street, Officer A drove twice past XXXX W. XXth Street, where Civilian 1 was a visitor and while Sergeant B was present. The initiation report states that Sergeant B saw Officer A drive past XXXX W. XXth Street twice. Additionally, the arrest report indicates that the arresting officers observed Officer A drive past the residence twice before they curbed his vehicle. Civilian 1 also described seeing Officer A drive past twice after the police had arrived. Officer A admitted to driving past the residence twice while Sergeant B was present. By driving past the residence where Civilian 1 was present, Officer A violated the Order of Protection. Therefore, COPA recommends a finding of **Sustained for Allegation #9**.

Based on the evidence, COPA determined that on May 16, 2014, at approximately 10:10 p.m., until May 17, 2014, at approximately 12:56 a.m., in the vicinity of XXXX W. XXth Street, Officer A violated Order of Protection XXXXXXXX. COPA made this determination based upon the reasons stated for Allegations #7, #8, and #9, along with Officer A's own admission that he violated Order of Protection XXXXXXXX on the date of the incident after acknowledging prior receipt of service of the same. The Order was active and Officer A knowingly violated it by driving around and parking near XXXX W. XXth Street, where Civilian 1 was present. Therefore, COPA recommends a finding of **Sustained for Allegation #10**.

Allegation #11: Officer A was arrested and charged with Violation of an Order of Protection.

Based on the evidence, COPA determined that Officer A was arrested and charged with Violation of Order of Protection XXXXXXXX, on May 17, 2014, at approximately 12:54 a.m. The Arrest Report for RD# XXXXXXXX states that Officer A was arrested for violation of an Order of Protection and Officer A admitted in his statement to IPRA that this allegation is true.

Rule 2 prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department. This Rule prohibits any and all conduct which is contrary to the letter and spirit of Departmental policy or goals or which would reflect adversely upon the Department or its members. It includes not only all unlawful acts by

members but also all acts, which although not unlawful in themselves, would degrade or bring disrespect upon the member or the Department.

Although the criminal charge against Officer A was dismissed, the fact that Officer A was arrested and charged with a criminal offense brought discredit upon the Chicago Police Department. Notwithstanding the prosecutor's decision to decline prosecution of Officer A for violating the protective order, COPA notes that during his interview in this investigation, Officer A admitted to each element of that crime. Therefore, COPA recommends a finding of **Sustained for Allegation #11**.

Allegation #12: Officer A failed to properly notify the Department that he was a named Respondent in an Order of Protection.

Based on the evidence, COPA determined that Officer A failed to notify the Chicago Police Department that he was a named Respondent in Order of Protection #XXXXXX issued on May 1, 2014 and served with the Order on May 7, 2014.

Rule 6 prohibits disobedience of an order or directive, whether written or oral. Special Order S08-01-02 states in Section M that:

When a member is notified or made aware of an order of protection (regardless of the source) where the member is the "respondent" ... the member will:

- a. immediately prepare a To-From-Subject report indicating the date and time the member became aware of the existence of or modification to the order of protection. The report will also include the date and time of any future court appearance of which the member is aware. In addition, the member will list the Log Number and date of incident of any pending Log Number investigation, if known by the member.
- b. submit the report, with copies of all documents, to the member's station supervisor/unit commanding officer for review and forwarding.

Officer A stated that he did not prepare a written notification of the Order of Protection for submission to his supervisor because a sergeant told him that it was not necessary. Officer A also stated that he was unaware of his duty to make a written report. It is unlikely that Officer A was told that he did not need to make any official report regarding the Order of Protection. However, even if he was, there is a directive instructing members on the notification procedures they are to use if they are a named respondent in an Order of Protection. Officer A's professed ignorance of Special Order S08-01-02 does not serve as a defense or mitigate his noncompliance with this directive. Therefore, COPA recommends a finding of **Sustained for Allegation #12**.

FINDINGS:

- Allegation #1: **Sustained** – Violation of Rule 7, Insubordination or disrespect toward a supervisory member on or off duty, in that on 27 April 2014, at approximately 0100 hours, Officer A arrived outside of Sergeant A’s residence, XXXX W. XXth St., uninvited and banged on his front door.
- Allegation #2: **Sustained** - Violation of Rule 7, Insubordination or disrespect toward a supervisory member on or off duty, in that on 27 April 2014, at approximately, 0100 hours, Officer A arrived outside of Sergeant A’s residence, XXXX W. XXth St., and caused a disturbance by banging on Sergeant A’s front door.
- Allegation #3: **Not Sustained**
- Allegation #4: **Sustained** - Violation of Rule 1, Violation of any law or ordinance, in that on 27 April 2014, at approximately 0130/0200 hours, Officer A removed his son, who was XX years old at the time of the incident, from Civilian 1’s residence, XXXX S. St. Louis Ave., without her permission
- Allegation #5: **Sustained** - Violation of Rule 1, Violation of any law or ordinance, in that on 27 April 2014, at approximately 0130/0200 hours, Officer A removed Civilian 1’s dog from her residence, XXXX S. St. Louis Ave., without her permission.
- Allegation #6: **Not Sustained**
- Allegation #7: **Sustained** - Violation of Rule 1, Violation of any law or ordinance, in that on 16/17 May 2014, at approximately between 2210 and 0056 hours, Officer A parked in front of XXXX W. XXth St. where Civilian 1 was a visitor.
- Allegation #8: **Sustained** - Violation of Rule 1, Violation of any law or ordinance, in that on 16/17 May 2014, at approximately between 2210 and 0056 hours, Officer A slowed down as he drove several times past XXXX W. XXth St, where Civilian 1 was a visitor.
- Allegation #9: **Sustained** - Violation of Rule 1, Violation of any law or ordinance, in that on 16/17 May 2014, at approximately between 2210 and 0056 hours, Officer A drove, twice, past XXXX W. XXth St, where Civilian 1 was a visitor on 16/17 May 14 while Sergeant B was present.
- Allegation #10: **Sustained** - Violation of Rule 1, Violation of any law or ordinance, in that on 16/17 May 2014, at approximately between 2210 and 0056 hours, Officer A violated Order of Protection XXXXXXXX.

Allegation #11: **Sustained** - Violation of Rule 2, 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 May 2014, at approximately 0054 hours, Officer A was arrested and charged with violation of Order of Protection XXXXXXXX.

Allegation #12: **Sustained** – Violation of Rule 6, Disobedience of an order or directive, whether written or oral, in that Officer A failed to notify the Department that he was a named Respondent in Order of Protection # XXXXXXXX issued on 01 May 2014 and served with the Order on 07 May 2014.