

INTRODUCTION

This is the third time since 2013 that Officer A has engaged in domestic violence against his ex-wife Civilian 1. IPRA¹ investigated the other two cases, Log #s 1062191 and 1066643. Log #1069191 involved sustained findings against Officer A for verbally abusing Civilian 1. The case resulted in Officer A serving a three-day suspension. In Log #1066643, Officer A participated in mediation, wherein he agreed not to contest IPRA's sustained finding that he kicked Civilian 1 in the hand and called her a "fat fuck." On September 23, 2015, Civilian 1 initiated the current complaint against Officer A. Civilian 1 alleged that Officer A harassed her, threatened her and verbally abused her. Additionally, Civilian 1 submitted a Village 1 Police Report in which Civilian 2 reported that Officer A threatened to slit his throat.

ALLEGATIONS

It is alleged that between September 21, 2015, at approximately 0336 hours, and September 23, 2015, at approximately 0730 hours, via text message; the **accused Officer A:**

1. Harassed Civilian 1, in violation of Rules 8, 9;
2. Threatened to use his position as a Chicago Police Officer to call the employer of Civilian 2 and obtain information about his employment, in violation of Rules 1,2, 4; and
3. Verbally abused Civilian 1 in that he used profane language in text messages such as "fuck, cunt, asshole, pussy, fucking piece of shit, lard ass, ass," in violation of Rules 2,3,8,9.

It is also alleged that on February 23, 2015, at approximately 05:00 pm, outside Residence 1, the **accused Officer A:**

4. Threatened Civilian 2 by stating, "If you ever call my kids assholes again, I am going to slit your throat," in violation of Rules 2,3,8,9; and
5. Threatened Civilian 2 by stating words to the effect of, "If you ever touch my kids again, I will kick your ass," in violation of Rules 2,3,8,9,

APPLICABLE RULES AND LAW

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy

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.

and goals or brings discredit upon the Department.²

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

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

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

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.⁴

Rules and Regulations of the Chicago Police Department, Article I, Section B(3)(b):
Standards of Conduct—

The Law Enforcement Code of Ethics is adopted as a general standard of conduct for all sworn members of the Department. It states:

b. "I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life. I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty."

INVESTIGATION

² This Rule applies to both the professional and private conduct of all members. It 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, including public and open association with persons of known bad or criminal reputation in the community unless such association is in the performance of police duties. It also includes any action contrary to the stated policy, goals, rules, regulations, orders or directives of the Department.

³ This Rule prohibits any omission or failure to act by any member of the Department, whether on or off duty, which act would be required by the stated policy, goals, rules, regulations, orders and directives of the Department. It applies to supervisory and other members who, through carelessness, inefficiency or design fail to implement all policy goals, rules, regulations, orders and directives of the Department or fail to report to the Department any and all known violations of same, or who through carelessness, inefficiency or design fail to become aware of any such violation, when their assigned duty or supervisory responsibility would require them to become so aware.

⁴ Rules 8 and 9 prohibit the use of any excessive force by any member. These rules prohibit all brutality, and physical or verbal maltreatment of any citizen while on or off duty, including any unjustified altercation of any kind.

Relevant physical and documentary evidence associated with these allegations was gathered, including the statements of the complainant and the accused. A summary of the evidence follows.

Interview of Complainant Civilian 1

On September 25, 2015, IPRA interviewed Civilian 1. Civilian 1 stated that Officer A began harassing her via text on September 21, 2015. Civilian 1 stated that the harassment began after the kids informed Officer A that Civilian 1 called Officer A an “asshole” and that Civilian 2 would “kick his ass” if Officer A was not a police officer. Civilian 1 stated that Officer A threatened to call DCFS on her and Civilian 2 if he found out that it was true, as the kids allegedly reported to Officer A, that Civilian 2 was physically aggressive toward them. Civilian 1 also stated that Officer A threatened her via text that he would harass Civilian 2 at his job. Civilian 1 stated that a case report was obtained approximately six months earlier when Officer A threatened to slit Civilian 2’s throat if he continued to verbally abuse the children. Civilian 1 stated that Officer A sent her multiple text messages over a three-day period in which he called her various profane names. (Attachments 5, 9, & 10)

Text Messages

Civilian 1 submitted twenty pages of text messages from Officer A. The messages were initiated by Officer A and laced with profanity and derogatory language directed toward Civilian 1, who provided minimal response to Officer A’s texts. (Attachments 7 & 8)

Village 1 Police Report

Civilian 2 called the Village 1 Police on February 23, 2015 to report that Officer A, the ex-husband of his new wife, had threatened him at approximately 5:00 pm. Civilian 2 reported that Officer A was still angry about the divorce and while driving by after picking up his daughter from her grandparents’ home down the street, drove past the Civilian 2 residence. As Civilian 2 exited his home, Officer A rolled down his window and yelled, “If you ever call my kid’s assholes again I’m going to slash your throat.” Civilian 2 then asked Officer A if he was threatening him. Officer A put his car in park while beckoning Civilian 2 to come to the car and talk. Civilian 2 was uncomfortable and refused. Officer A told him that he was a bitch and drove away. Civilian 2 declined to sign complaints but wanted the incident documented as a matter of record. (Attachment 12)

Interview of Civilian 2

In a statement to COPA on November 13, 2017, Civilian 2 recalled the incident documented in the above-referenced Village 1 Police Report. His statement conformed with the narrative in the Report.

Interview of Accused Officer A

In a statement to IPRA on February 22, 2017, Accused Officer A stated that his anger over the divorce and his perception of Civilian 1's treatment of their children caused him to harass and verbally abuse Civilian 1 via text between September 21 and 23, 2015. Officer A also admitted threatening to use his position as a Chicago Police Officer to call Civilian 2's employer and obtain information about his employment. Officer A denied threatening Civilian 2 on February 23, 2015, by stating, "If you ever call my kids assholes again, I am going to slit your throat." Officer A admitted that he did threaten Civilian 2 by stating, "If you ever touch my kids again, I will kick your ass." Officer A stated that he was upset after being told by his children that Civilian 2 had been physical with them and called him derogatory names in front of them. Officer A stated that he did not exit his car, but he admitted that he yelled at Civilian 2 as he drove to pick up his daughter from the home of her grandparents down the street from his residence. (Attachments 27-28 & 35-36).

ANALYSIS AND CONCLUSION

COPA recommends that allegation #1, that Officer A harassed Civilian 1 via text. between September 21, 2017 and September 23, 2017, be **Sustained**. Officer A admitted to sending the twenty texts submitted to COPA by Civilian 1.

COPA recommends that allegation #2, that Officer A threatened via text to use his position as a Chicago Police Officer to call the employer of Civilian 2 and obtain information about his employment be **Sustained**. Civilian 1 submitted the text containing this threat. Officer A admitted doing this.

COPA recommends that allegation #3, that Officer A verbally abused Civilian 1 via text in that he used profane language such as "fuck, cunt, asshole, pussy, fucking piece of shit, lard ass, ass," be **Sustained**. Officer A admitted sending the profane texts submitted to COPA by Civilian 1.

COPA recommends that allegation #4, that Officer A threatened Civilian 2 by stating, "If you ever call my kids assholes again, I'm going to slit your throat," be **Sustained**. Although Officer A denied making this threat, instead reporting to COPA that he made a different threat, the immediate documentation of this threat to the Village 1 Police Department by Civilian 2, along with his statement to COPA that Officer A made this threat, indicates that it is more likely than not that this allegation occurred as alleged.

COPA recommends a finding of **Sustained** for allegation #5, that Officer A threatened Civilian 2 by stating words to the effect of, "If you ever touch my kids again, I will kick your ass." Although Civilian 2 did not report this threat to the Village 1 Police Department or COPA, Officer A reported to IPRA that he made this statement to Civilian 2 as he drove by Civilian 2's residence on February 23, 2015. COPA finds, based on Officer A's admitted struggles with anger during this time period, that it is more likely than not that Officer A made both statements to Civilian 2.