

INTRODUCTION¹

On 13 October 2015, the Complainant, Subject 1 obtained an Emergency Order of Protection against her ex-husband, Officer A, regarding allegations that occurred on 08 October 2015 and various other dates.² She accused Officer A of calling her a “stupid, fucking trouble making cunt,” of threatening her with physical harm and with jail, of directing profanities and derogatory names at her, and that he mentally and physically abused her. On 18 October 2015, Subject 1 called the police to complain that Officer A, violated the Order of Protection. Sergeant A responded and initiated this Log number. The Order of Protection was vacated on 03 November 2015.

ALLEGATIONS

It is alleged that on 08 October 2015, at XXXX N. Caldwell, **Officer A, #XXXXX, Unit 020:**

1. Engaged in an unjustified verbal altercation, in violation of Rule 9;
2. Called Subject 1 a “Stupid fucking trouble making cunt,” in violation of Rule 9;
3. Threatened Subject 1 with physical harm, in violation of Rule 9;
4. Threatened Subject 1 with jail, a violation of Rule 9;
5. Directed profanities and derogatory names at Subject 1, in violation of Rule 9; and
6. Mentally and physically abused Subject 1, in violation of Rule 8.

It is further alleged that on 18 October 2015, at approximately 1200 hours, at XXXX N. Caldwell, **Officer A:**

7. Violated an Order of Protection, in that he dropped their son, Minor Child 1, off without a police escort, in violation of Rule 1.

APPLICABLE RULES AND LAWS

Rule 1 – Violation of any law or ordinance.

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 a person, while on or off duty.

INVESTIGATION

In her **statement** to IPRA on 18 May 2016, **Subject 1** stated that she was married to Officer A for over 18 years and that their divorce was finalized on 06 October 2015. They have two children together: Minor Child 1 and Minor Child 2. Officer A continued to live at the marital home until approximately 15 October 2015, when he moved out because Subject 1 obtained an Order of Protection. According to Subject 1, on 08 October 2015, Officer A arrived home drunk from a golf outing, and engaged in an argument with Minor Child 2. When Subject 1 intervened, Officer A called

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 recommendations set forth herein are the recommendations of COPA.

² Many of the allegations mentioned in the Order of Protection were for other dates that were previously investigated by IPRA under Log #'s 1074886, 1076089, 1076889, 1077794, and 1078015. This report only addresses the incidents that Subject 1 alleged occurred on 08 October 2015 and 18 October 2015.

her a “fucking trouble maker,” and a “fucking cunt.” When Subject 1 walked away from Officer A, Officer A followed her into the living room, pointed his finger at her, and directed profanities at her (including calling her a “fucking bitch” and a “fucking cunt”) and told her that she was going to jail. Minor Child 2 stood between her parents and told Officer A to stop. When Subject 1 got up from the loveseat, Officer A pushed her back down onto the loveseat. Subject 1 described Officer A as highly intoxicated and said that his face was red, he was aggressive toward her, and his body smelled of alcohol.

Subject 1 stated that she called 911³ and Officer A called the 016th District station directly. According to Subject 1, “Sergeant B” and several uniformed officers arrived and refused to file any reports on Subject 1’s behalf.⁴ According to Subject 1, Sergeant B filed a report against her for kicking Officer A, which she denied doing.⁵

Subject 1 filed a petition for an Emergency Order of Protection against Officer A on 13 October 2015. After the Order was granted, Officer A left the home. He returned on 18 October 2015 with a police escort (“Officer B”) to remove his personal belongings. According to Subject 1, Officer B informed her that Officer A was not to return to the house without a police escort. Later that afternoon, Subject 1 noticed that Officer A was parked outside at the curb while their son was at home to retrieve his football equipment. Subject 1 immediately called the police because her understanding was that Officer A was not allowed to come near the house without a police escort.⁶ Subject 1 stated Officer A did not have any communication with her, did not exit his vehicle and did not come into the residence. (Att. 40)

Witness **Minor Child 2** declined to cooperate with this investigation. (Att. 44, 53, 54)

The **Petition for Order of Protection** that Subject 1 filed on 13 October 2015, which was granted on the same date, contains the allegations listed in the Allegation section above, as well as allegations related to other incidents that were previously investigated by IPRA. (Att. 11-14, 28)

The **OEMC Event Query** and **911 transmissions** documented a call on 18 October 2015 from Subject 1 where she accused her police officer husband of violating an order of protection by being in front of the house with their son without a police escort. There is no record of any call for service or for a supervisor to the Subject 1/Officer A residence on 08 October 2015. (Att. 6, 57)

In his **statement** to IPRA on 04 May 2016, **Officer A** stated that he was still residing at the marital home on 08 October 2015. He moved out in mid-October 2015 after Subject 1 obtained an Order of Protection against him. Officer A admitted that he and Subject 1 argued daily about finances and the children, with name calling and profanities directed back and forth between them. Officer A denied threatening Subject 1 with physical harm and denied physically abusing her. However, he stated that due to their constant arguments they mentally abused each other.

³ There were no calls for service to XXXX N. Caldwell Avenue on 08 October 2015. There were calls to service about a similar incident on 26 August 2015 (Atts. 11, 45-46, 52, 57-58).

⁴ There is no indication that any police were at the Subject 1/Officer A house on this date. Sgt. B responded to an incident on 26 August 2015 and initiated Log #1076889. As there is no record that Sgt. B was involved in the alleged incident on 08 October 2015, he did not receive allegations for this investigation. (Att. 52)

⁵ Subject 1 may be referring to RD #HY398731, which was filed on 26 August 2015, while Sgt. B initiated Log #1076889.

⁶ The Order of Protection obtained on 13 October 2015, did not have any provisions relative to a police escort being at the scene during pick up or drop offs. The Order forbade Officer A from entering the home. (Att. 11-14)

Officer A stated that although he did not physically abuse Subject 1, in the past 10 years they had physical contact during some of their verbal altercations. He described the physical contact as pushing and shoving each other, and said that Subject 1 was the one who caused the physical contact. Officer A stated that it was possible that he called Subject 1 a “stupid fucking trouble making cunt” and other derogatory names in response to the profanities and names she directed at him. Officer A stated that he threatened to have Subject 1 arrested after she physically mistreated their son, causing injuries. Officer A alleged that Subject 1 drinks a lot, is a “ticking bomb,” and has engaged in physical altercations with their son, who now lives with Officer A as a result. Officer A stated that Subject 1 is still upset about their divorce and bitter that their son resides with him. She continues to file complaints against him for no reason. (Att. 55)

CONCLUSION

Based on the statements of both Subject 1 and Officer A, along with their history of calling police and obtaining case reports against each other, their relationship is acrimonious. The evidence clearly established that before, during, and after their divorce, Subject 1 and Officer A engaged in verbal altercations with each other. Each described the other party as the aggressor during their numerous arguments, but there were no witnesses who cooperated to support or refute either narrative.

COPA recommends a finding of **NOT SUSTAINED** for **Allegation #1** against **Officer A**, that he engaged in an unjustified verbal altercation. Subject 1 identified her children as being witnesses to the incident, but they failed to cooperate with the investigation. As described above, there is insufficient evidence, witnesses, or facts to determine whether Officer A’s actions occurred as alleged, or rose to the level of misconduct based on the totality of the circumstances.

COPA recommends a finding of **NOT SUSTAINED** for **Allegation #2** against **Officer A**, that he called Subject 1 a “Stupid fucking trouble making cunt,” and many other profanities and names including “a fucking bitch,” and a “fucking cunt.” Officer A admitted that he and Subject 1 equally called each other names during arguments and used profanities towards each other, and he may have used the alleged language towards her. As described above, there is insufficient evidence, witnesses, or facts to determine whether Officer A’s actions occurred as alleged, or constituted misconduct based on the totality of the circumstances.

COPA recommends a finding of **NOT SUSTAINED** for **Allegation #3** against **Officer A**, that he threatened Subject 1 with physical harm. The only named witness, Minor Child 2, failed to cooperate. Officer A denied the allegation. As described above, there is insufficient evidence, witnesses, or facts to determine whether Officer A’s actions occurred as alleged.

COPA recommends a finding of **NOT SUSTAINED** for **Allegation #4** against **Officer A**, that he threatened Subject 1 with jail. Officer A admitted that he threatened to have Subject 1 arrested due to her overall verbal and physical behavior and actions toward Minor Child 1. Officer A stated that Minor Child 1 was physically mistreated and sustained physical injuries from Subject 1’s actions toward him. A police report was filed against Subject 1 and the court provided Officer A with residential custody because of her treatment of Minor Child 1. The evidence established that in the context of Subject 1 mistreating and injuring their son, it was not a violation of policy for Officer A to threaten Subject 1 with arrest if he felt that she placed Minor Child 1’s safety at risk. Subject 1 further stated that Officer A continued to threaten her with arrest whenever they engaged in an argument. However, there is insufficient evidence to support or refute the allegation. Therefore, this allegation should be Not Sustained.

COPA recommends a finding of **NOT SUSTAINED** for **Allegation #5** against **Officer A**, that he directed profanities and derogatory names at Subject 1. According to Subject 1, Officer A constantly directed derogatory names such as calling her a “cunt,” a “bitch” and using profanities. As described above, there is insufficient evidence, witnesses, or facts to determine whether Officer A’s actions occurred as alleged, or constituted misconduct based on the totality of the circumstances.

COPA recommends a finding of **NOT SUSTAINED** for **Allegation #6** against **Officer A**, that he mentally and physically abused Subject 1. Officer A denied physically abusing Subject 1 but acknowledged that the arguments that lasted during the last ten years of their marriage could be construed as mutual mental abuse. As described above, there is insufficient evidence, witnesses, or facts to determine whether Officer A’s actions occurred as alleged, or constituted misconduct based on the totality of the circumstances.

COPA recommends a finding of **UNFOUNDED** for **Allegation #7** against **Officer A**, that he violated an Order of Protection when he dropped off his 15-year-old son, Minor Child A, outside at the curb of the residence without a police escort. According to Subject 1, Officer A dropped off Minor Child 1 at the curb and did not make contact with her or enter her property. The Order of Protection did not require a police escort when he was picking up or dropping off their children; the Order merely prohibited Officer A from entering or remaining at the residence. The evidence was consistent that Officer A did not violate the terms of the Order of Protection.