

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	August 9, 2014
Time of Incident:	3:00 AM
Location of Incident:	██
Date of COPA Notification:	August 9, 2014
Time of COPA Notification:	4:56 AM

██████████ and Officer James Heneghan Jr. were divorced on November 7, 2013. On the early morning of August 9, 2014, Ms. ██████████ was in bed when she heard a noise outside. She went outside and saw Officer Heneghan tampering with her windows. She yelled at him and told him that she called the police. However, when the police arrived, Officer Heneghan was no longer on the scene. Ms. ██████████ reported that Officer Heneghan damaged the screens of her windows and cut the tires of her friend's vehicle. According to Ms. ██████████ Officer Heneghan violated the Restraining Order that the Cook County Circuit Court, Officer Heneghan, and ██████████ agreed to on May 22, 2014, and was in effect through August 20, 2014. After the incident, Ms. ██████████ petitioned the Court for, and was granted, an Emergency Order of Protection against Officer Heneghan.

II. INVOLVED PARTIES

Involved Officer #1:	James Heneghan, Jr., Star 5703, Empl. # ██████████, DOA May 5, 1997, Police Officer, Unit 007/376, DOB ██████████, 1967, Male, White
Subject #1:	██████████ DOB ██████████, 1969, Female, White

III. ALLEGATIONS

Officer	Allegation	Finding
Officer James Heneghan, Jr.	1. The complainant, Ms. ██████████ alleged that on August 9, 2014, at approximately 3:00am, at the location of ██████████, Officer James Heneghan was outside of her residence in violation of Rule 2.	Not Sustained

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. Therefore, 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.

2. The complainant, Ms. [REDACTED] alleged that on August 9, 2014, at approximately 3:00am, at the location of [REDACTED], Officer James Heneghan damaged several screens on several windows of her residence in violation of Rule 2.	Not Sustained
3. The complainant, Ms. [REDACTED] alleged that on August 9, 2014, at approximately 3:00am, at the location of [REDACTED], Officer James Heneghan violated the Cook County Circuit Court Restraining Order agreed to on May 22, 2014, that was in effect until August 20, 2014, in violation of Rule 2.	Not Sustained
4. It is alleged that Officer James Heneghan, Jr. failed to notify the Department that he was a named Respondent in Order of Protection # [REDACTED] issued on August 12, 2014 and served with the Order on August 12, 2014, in violation of Rule 6.	Sustained

IV. APPLICABLE RULES AND LAWS

Rules
1. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 6: Disobedience of an order or directive, whether written or oral.
Special Orders
1. S08-01-02, Special Situations Involving Allegations of Misconduct (Effective March 17, 2013)
State Law
1. (720 ILCS 5/12-3.4) Violation of an order of protection.

V. INVESTIGATION

a. Interviews

In her August 26, 2014 statement to IPRA, [REDACTED] ("Ms. [REDACTED]"² stated that on August 9, 2014, her friend, [REDACTED] had spent the night. Both women slept in Ms. [REDACTED] basement bedroom. At approximately 3:00am, Ms. [REDACTED] woke to noises that sounded like scratching on glass. Ms. [REDACTED] then heard sounds like someone was cutting the window screen. Ms. [REDACTED] remained asleep did not hear anything.³

Ms. [REDACTED] walked upstairs to investigate. Unable to see out the first-floor window, she walked outside through the front door and saw Officer Heneghan crouched down trying to cut the screen to the basement window. She yelled at him that she had called the police, after which she ran inside and called the police. As Ms. [REDACTED] went downstairs to wake Ms. [REDACTED] she heard the back gate open, leading her to assume that Officer Heneghan left through the back gate.

The police arrived, but were unable to find Officer Heneghan. Ms. [REDACTED] showed the responding Sergeant a copy of the restraining order then in effect. The event prompted Ms. [REDACTED] to file for and obtain an Order of Protection a few days later.

In his May 12, 2016 statement to IPRA, **Officer James Heneghan, Jr.**⁴ stated that he and his [REDACTED] Ms. [REDACTED] were [REDACTED] and their [REDACTED] was final on November 7, 2013. Officer Heneghan further stated that in May of 2014, he and Ms. [REDACTED] agreed to a Restraining Order in lieu of the Order of Protection she had filed on May 1, 2014. The Agreed Restraining Order was entered by the Court on May 22, 2014, and was given effect until August 20, 2014, when a court date was scheduled for a status hearing.⁵

As to the August 9, 2014 incident, Officer Heneghan stated that he was not outside of Ms. [REDACTED] residence on that date, and that he did not damage the windows or screens on the house. Officer Heneghan believed that Ms. [REDACTED] wanted to continue to keep his [REDACTED] away from him by making false accusations against him. He noted that on August 9, 2014, he had less than twelve days before the Restraining Order expired and thereafter he would have been able to see his [REDACTED] again. Officer Heneghan also stated that he had made enough mistakes and he did not want to make any more.⁶ In short, Officer Heneghan denied Ms. [REDACTED] allegations regarding the August 9, 2014 incident.

Officer Heneghan also stated that he and his attorney were present at the September 2, 2014 hearing for Ms. [REDACTED] Motion for Protective Order [arising from Ms. [REDACTED] August 12, 2014 Petition for Order of Protection].⁷ They heard Ms. [REDACTED] tell the judge that she really did not see Officer Heneghan outside of her residence that night but, somehow, she knew it was

² Att. #35

³ IPRA Inv. Fleming contacted Ms. [REDACTED] via U.S. Mail, and although Ms. [REDACTED] signed the Certified Letter Domestic Return Receipt, she failed to cooperate with the investigation.

⁴ Att. #53

⁵ See Att. 18.

⁶ Officer [REDACTED] was likely referring to the incident investigated under Log #1069221.

⁷ See Att. 39 (8/12/14 Petition for Order of Protection); Att. 21 (8/12/14 Emergency Order of Protection); and Att. 47 (9/2/14 Disposition Order terminating the Emergency Order of Protection).

him. Ms. [REDACTED] witness was not present at the hearing. According to Officer Heneghan the judge determined the incident did not occur as alleged after hearing Ms. [REDACTED] testimony.⁸

However, Officer Heneghan admitted that he failed to notify the Department that he was named as a respondent in an Order of Protection with the required To/From report to his supervisor.

a. Digital Evidence

According to the **OEMC Audio Transmissions and Event Query**, Ms. [REDACTED] called and requested police service to her residence on August 9, 2014, at approximately 3:16 am., reporting that her [REDACTED] was trying to break into her house. Ms. [REDACTED] further reported that she had a restraining order and she was unsure if her [REDACTED] was still a police officer. Police officers and a supervisor were dispatched.⁹

b. Physical Evidence

On April 3, 2015, Ms. [REDACTED] provided **two photographs** of her home to IPRA to substantiate her claims. Neither photograph presents discernible damage.¹⁰

c. Documentary Evidence

The **Agreed Restraining Order** entered on May 22, 2014,¹¹ enjoined Officer Heneghan from committing the following against Ms. [REDACTED] Physical abuse; Harassment; Interference with personal liberty; and stalking. The order granted Ms. [REDACTED] with exclusive possession of the marital residence and set conditions for child-related issues. The Order set August 20, 2014, as the next status hearing date.¹²

However, prior to the scheduled status hearing and after the subject incident, Ms. [REDACTED] filed the aforementioned **Petition for Order of Protection** on August 12, 2014, which generated the **Emergency Order of Protection** on that same date. The **Emergency Order of Protection** set a status hearing date for September 2, 2014.¹³

On the same date that she filed the Petition, Ms. [REDACTED] also presented the Court with an **Affidavit in Support of Warrant and Order** to have the court place a firearms restriction on Officer Heneghan. The Court entered a **Warrant for Firearms** on August 12, 2014, commanding law enforcement to seize all firearms, ammunition and Firearm Owner's Identification Card (FOID) from Officer Heneghan.¹⁴

⁸ COPA did not obtain the transcript for the September 2 hearing but concluded that the court record speaks for itself.

⁹ Atts. 12, 31

¹⁰ Att. 48

¹¹ COPA notes that this Agreed Restraining Order arose from events resulting in sustained findings against Officer Heneghan, which are described in the Summary Report for Log # 1069221.

¹² Att. 18

¹³ Atts. 21, 39

¹⁴ Atts. 22, 23

The Sheriff's Office of Cook County served the long form of the Order of Protection on Officer James Heneghan on August 13, 2014.¹⁵

On September 2, 2014, the Court entered a **Disposition Order** terminating the **Emergency Order of Protection**. The Disposition Order also stated there were "no weapon restrictions or FOID card restrictions."¹⁶

The **Original Case Incident Report** [REDACTED] indicates the officers arrived at [REDACTED] on August 9, 2014, at approximately 3:40am. Ms. [REDACTED] told them that Officer Heneghan had been outside of her residence thirty minutes earlier. Ms. [REDACTED] further reported that Officer Heneghan damaged a window when he attempted to get inside the residence and had subsequently fled the scene. Ms. [REDACTED] also informed the officers that, during the last incident when Officer Heneghan was arrested, he was told not to return to the residence. Officers toured the area with negative results. [REDACTED] is a named witness in the report.¹⁷

The **Case Supplementary Report** [REDACTED] submitted on August 14, 2014, indicates that Detective Donald Howard, Jr. telephoned Ms. [REDACTED] and was hung up on. Thereafter, Det. Howard called Ms. [REDACTED] telephone number again and left a voice message. He also mailed correspondence with the domestic violence help line information to her. Finally, Det. Howard classified this case as suspended pending contact with Ms. [REDACTED].¹⁸

Original Case Incident Report [REDACTED] (classified as a Criminal Damage to Vehicle) documents that on August 9, 2014, officers responded to Ms. [REDACTED] call. [REDACTED] reported that, while staying there, the tires on her 2014 Jeep Wrangler were cut and damaged. Officers toured the area for an offender but were met with negative results.¹⁹

d. Additional Evidence

IPRA investigators conducted a **Canvass** on August 21, 2014, in the vicinity of [REDACTED] and were unable to find witnesses to the incident.²⁰

VI. ANALYSIS

COPA recommends a finding of **Not Sustained** for **Allegation #1** that Officer James Heneghan was outside of Ms. [REDACTED] residence on August 9, 2014. Although Ms. [REDACTED] stated that she observed Officer Heneghan outside of her home attempting to cut the screen of the basement window, there was no additional evidence to support the allegation. While Ms. [REDACTED] friend and overnight guest, [REDACTED] is listed as a witness on the case report, Ms. [REDACTED] stated in her interview that Ms. [REDACTED] was asleep during the incident. Ms.

¹⁵ Att. 41

¹⁶ Att. 47.

¹⁷ Att. 5

¹⁸ Att. 6

¹⁹ Att. 7

²⁰ Att. 29

██████ did not cooperate with this investigation. There were no additional witnesses to the incident and no other available evidence. Officer Heneghan denied the allegation. Thus, this investigation revealed insufficient evidence to either prove or disprove the allegation.

COPA recommends a finding of **Not Sustained** for **Allegation #2** that Officer Heneghan damaged screens on the windows of Ms. ██████ residence. Ms. ██████ stated that she went outside and observed Officer Heneghan trying to cut the screen of the basement window. When the police arrived, he was no longer on the scene. She provided IPRA with photographs of her windows and no damage was visible. Officer Heneghan also denied this allegation. Without any additional witnesses or evidence, there is insufficient evidence to prove or disprove the allegation.

For the same reasons, COPA recommends a finding of **Not Sustained** for **Allegation #3** that Officer Heneghan violated the Agreed Restraining Order.

However, COPA recommends a finding of **Sustained** for **Allegation #4** that Officer Heneghan failed to notify his supervisor in writing that he was a named respondent in Order of Protection # ██████ issued on August 12, 2014 and served on August 13, 2014. Although Officer Heneghan related that he verbally informed several supervisors that he was the subject of an Order of Protection, he admitted that he failed to notify the Department in writing as required by Special Order S08-01-02(II)(M)(2)(a)(b). Therefore, Officer Heneghan violated Rule 6 - "Disobedience of an order or directive, whether written or oral."

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer James Heneghan	1. The complainant, Ms. ██████ alleged that on August 9, 2014, at approximately 3:00am, at the location of ██████, Officer James Heneghan was outside of her residence in violation of Rule 2.	Not Sustained
	2. The complainant, Ms. ██████ alleged that on August 9, 2014, at approximately 3:00am, at the location of ██████, Officer James Heneghan damaged several screens on several windows of her residence in violation of Rule 2.	Not Sustained
	3. The complainant, Ms. ██████ alleged that on August 9, 2014, at approximately 3:00am, at the location of ██████, Officer James Heneghan violated the Cook County Circuit Court Restraining Order agreed to on May 22, 2014, that was in effect until August 20, 2014, in violation of Rule 2.	Not Sustained
	4. It is alleged that Officer James Heneghan failed to notify the Department that he was a named Respondent in Order of	Sustained

Protection # [REDACTED] issued on August 12, 2014 and served
with the Order on August 13, 2014, in violation of Rule 6.

Approved:

[REDACTED]

Shannon Hayes V
*Acting Deputy Chief Administrator – Chief
Investigator*

5/25/18

Date

Appendix A

Assigned Investigative Staff

Squad 11:	Shykela Carter
Supervising Investigator:	Brian Dollar
Deputy Chief Administrator:	Acting Deputy Chief Shannon Hayes