

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Dates of Incidents:	September 13, 2015; September 21, 2017 to January 4, 2018
Time of Incident:	Various
Location of Incident:	Via email
Date of COPA Notification:	September 21, 2017
Time of COPA Notification:	6:02pm

Since 2015, Officer John Nader and [REDACTED] have been involved in contentious divorce proceedings. [REDACTED] alleged that Officer Nader committed misconduct during this time. In 2015, Officer Nader was alleged to have falsely represented to [REDACTED] that their children were in protective custody related to a Chicago Police Department and Illinois Department of Children and Family Services investigation. This allegation is Not Sustained. In 2017 and 2018, Officer Nader was alleged to have intimidated [REDACTED] by email, threatening to involve the Chicago Police Department in their child visitation disputes. This allegation is Unfounded.

II. INVOLVED PARTIES

Involved Officer #1:	John Nader, Star #8516, Employee [REDACTED] Police Officer, Unit 019, Appointment Date January 3, 1995, Birth Date [REDACTED] 1963, Male, White.
Subject #1:	[REDACTED] Birth Date [REDACTED] 1966, Female, White.

III. ALLEGATIONS

Officer	Allegation	Finding
Officer John Nader	1. On September 13, 2015, via email he knowingly misrepresented to [REDACTED] that their children were in protective custody, in violation of Rule 8.	Not Sustained
	2. Between September 21, 2017, and January 4, 2018 via email he intimidated [REDACTED] by threatening to involve the Chicago Police Department in their child visitation disputes, in violation of Rule 8.	Unfounded

#### IV. APPLICABLE RULES AND LAWS

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##### Rules

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1. Rule 8: Prohibits disrespect to or maltreatment of any person, while on or off duty.

#### V. INVESTIGATION<sup>1</sup>

##### a. Interviews

In an October 4, 2017, interview with COPA,<sup>2</sup> ██████████ stated that on September 21, 2017, her ex-husband, Officer Nader, was upset that she denied him parenting time with their children and sent her intimidating emails threatening to call the police and file a police report. ██████████ characterized the emails as “personally” intimidating. ██████████ stated she initially interpreted Officer Nader’s emails to mean she would be arrested; however, when she called the 19th District to file a complaint, an officer explained that she could not be arrested if Officer Nader made a report. ██████████ stated she denied Officer Nader visitation because there is a Joint Parenting Agreement (JPA) that states the children do not have to attend parenting time with Officer Nader if the children have prior plans and choose to keep those plans.

██████████ also reported a 2015 incident where two of her daughters got physical with her and then told staff at their high school that ██████████ physically abused them. School staff called the Illinois Department of Children and Family Services (DCFS), an investigation commenced, and the girls chose not to return home. They instead stayed at their paternal aunt’s home. ██████████ stated Officer Nader falsely informed her by email that the girls were in protective custody with an order of protection and no contact order from the Chicago Police Department (CPD) and DCFS. ██████████ stated that Officer Nader’s lie kept the girls away from her until her attorney filed an emergency motion in the divorce proceedings, where a child advocate was appointed to represent the children’s interests, and the girls were returned home.

In a January 9, 2018 interview with COPA,<sup>3</sup> ██████████ stated that Officer Nader requested parenting time with the children for January 4, 2018, a day that was not his regular day off (RDO). ██████████ denied Officer Nader’s request, and he responded that he would bring the police to her house to enforce the JPA. ██████████ stated she believed she was following the JPA, and that Officer Nader made her feel intimidated. ██████████ stated she lives in the 16th District where many of ██████████ and Officer Nader’s friends who are police officers live. ██████████ stated that if friends of Officer Nader responded to her home the police report could be biased against her. ██████████ stated that she is employed as a ██████████ and having her name in a police report would affect her

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<sup>1</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>2</sup> Att. 10.

<sup>3</sup> Att. 24.

employment. ██████ reiterated that the JPA provides that the children can choose whether they attend parenting time with Officer Nader, if they have previously made plans.

In a February 13, 2018, interview with COPA,<sup>4</sup> **Officer John Nader** denied the allegations. Officer Nader stated that at the time of the 2015 incident, he was separated from ██████ and had moved out of the marital home. Officer Nader stated he was contacted by a 16th District CPD officer who stated he was at Resurrection High School responding to a staff member's report of visible scratches on one of his daughters. The officer told Officer Nader his daughters were going to be taken into protective custody until DCFS arrived and were not to be returned to ██████ home. Officer Nader stated he was then contacted by a DCFS agent who informed him that there was going to be an investigation and asked him to come pick up his daughters. The DCFS agent also told Officer Nader his daughters were not to be returned home during the investigation. Since Officer Nader was working at the time, he arranged for his sister to pick up the girls from school and take them to her home. Officer Nader stated his daughters stayed with his sister because he was temporarily staying with a friend and did not want to impose. Officer Nader also stated the children were adamant about not returning to ██████ home.

Officer Nader stated he had many conversations over the weekend with the DCFS agent, and was eventually given permission to return the children home, although he did not recall exactly when this occurred. Officer Nader stated he did not attend the court proceedings relating to ██████ emergency motion, and had no objection to the children going home. Officer Nader stated he was never trying to withhold the children from ██████ and he had nothing to gain by having them stay with his sister.

Regarding the child visitation disputes in 2017 and 2018, Officer Nader stated the JPA allows him parenting time on his RDOs and requires him to notify ██████ 24 hours prior. Officer Nader stated he often works overtime on one of his RDOs and sees his children on the other. Officer Nader stated he has a good relationship with his children and that they want to see him. Officer Nader stated that many times ██████ decides to not allow him to see the children, saying they have plans already, among other excuses. Officer Nader stated it should not matter if the children have plans as he is able and willing to transport them to and from their activities, and that ██████ is violating the JPA by preventing him from seeing his children.

Officer Nader admitted sending emails to ██████ threatening to involve the police, as well as filing a police report in January 2018. Officer Nader stated he went to the 16th District with copies of emails and the JPA, which were reviewed by a desk officer who made a non-criminal report. Officer Nader explained that he did so because he went to pick up his children at ██████ home and no one was there. Officer Nader stated he had been advised by his attorney to document incidents where ██████ interfered with his child visitation.

Officer Nader stated that his work schedule changed as of January 1, 2018, and he can now spend more time with the children in the evenings. Officer Nader stated he believes ██████ is upset by this and has made the allegations in retaliation.

### **b. Documentary Evidence**

**Emails**<sup>5</sup> provided by ██████ show that Officer Nader made the following verbatim comments via email:

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<sup>4</sup> Att. 28.

<sup>5</sup> Atts. 11, 12, and 19.

**September 13, 2015**

- “In regards to the kids coming home tonight. There in protective custody with a on going dcfs investigation. They are to remain where they are until that investigation is complete. If you have some information that says otherwise please share it with me. I believe protective custody means no contact, so please respect that.”
- “You need to contact dcfs this is your mess I will do nothing to aide or hinder as far as no contact have your atty contact me I would like hear why he believes you can contact them does he have some knowledge that allows that. There in protective custody that means no contact. If it's the case where you've been contacting then and your shouldn't I will use that against you. Be smart about this don't let your pride get in the way. This is a big deal not sure your realize how big. Hope you got some good advice last night”

**September 14, 2015**

- “Which is what dcfs whom I've spoken to, is conducting an investigation let them do it. if the outcome dictates they can return home so be it. Until then they start put. Don't make me take this further there's police report regarding this incident. me being the uninvolved parent can take action regarding a restraining order.”
- “Until I hear from dcfs they will be going to my sister's attempt to go there I will instruct my sister to contact the police I need written verification from dcfs. Please understand just looking out for the girls”

**September 15, 2015**

- “Everything was related to me by the police officers on seen at Res. As to the protective custody so take it up with them.”
- “Spoke to dcfs they have no knowledge of a court date. And I know the job hasn't been assigned to detective on the police side. Do what court date are we speaking of?”
- “Well that's mighty bold of you. Without informing me. You did read the email about a restraining order didn't you. Don't make me change my mind”
- “Well that was some read, a lot of facts are wrong the fact there was a case report filed with a rd# generated naming you as the offender does [your attorney] know this? I was informed by the police officers that generated that case report the kids were to go into protective custody. Feeling that dcfs had instructed. At no time did I misinform you I did as instructed. I don't know what police officers you spoke to or what dcfs person you spoke to. But there's still an ongoing investigation do you really think when I show up tomorrow any judge will grant you this order. Was all set to send kids home till this pack of lies”

**September 21, 2017**

- “Have him ready or explain to the judge why you interfered with visitation”
- “Police will be involved interference with scheduled visitation”
- “There or not I will complete a police report. Do you really need another”
- “[he] will be required to come with me Sunday. If not I will involve the police.”

**January 3, 2018**

- “Is my RDO tomorrow I've given you more than 24 hours notice I'll be by at 4 to pick kids up.. if necessary I'll have police with me”

**January 4, 2018**

- “As I had today is my RDO I requested to see the children.i was to pick them up at 4pm you nor the children were there. I'm filing a police report to reflect this”
- “You can explain it to the judge”

An **Original Case Incident Report**<sup>6</sup> indicates that on September 11, 2015, at 2:45pm CPD responded to [REDACTED] to investigate an allegation of domestic violence perpetrated by [REDACTED] against one of her daughters. The report states that the school notified DCFS.

A **Detective Supplementary Report**<sup>7</sup> states that one of [REDACTED] daughters advised school personnel about a domestic altercation on September 11, 2015; school personnel contacted DCFS, who initiated an investigation. DCFS recommended the family engage in services and counseling. No criminal charges were pursued and CPD closed the case.

An **Emergency Motion**<sup>8</sup> filed on September 15, 2015, in [REDACTED] and Officer Nader’s divorce proceedings, alleges that Officer Nader “orchestrated a false scenario where the girls were to leave [REDACTED] home under the guise of a DCFS protective order and move in with his sister.”

A **Court Order**<sup>9</sup> entered on September 16, 2015, in the divorce proceedings, states that [REDACTED] is “free to contact the minor children without restriction.” [REDACTED] Emergency Motion was entered and continued without findings or disposition. A child representative was appointed for the children.

A **Letter from DCFS**<sup>10</sup> dated November 20, 2015, was provided by [REDACTED] relating to the incident with her daughters on September 11, 2015. The letter states that DCFS determined the allegations of abuse to be unfounded, meaning their investigation found no credible evidence of child abuse.

A **Letter from DCFS**<sup>11</sup> dated November 15, 2017, in response to COPA’s request for information states there are no records involving [REDACTED] or [REDACTED]. The letter explains this may mean the report was unfounded and destroyed in accordance with Illinois law.

An **Initiation Report**,<sup>12</sup> indicates [REDACTED] called the 19th District on September 21, 2017, to report that Officer Nader sent her emails stating he would involve the police in their child visitation dispute; [REDACTED] stated she felt intimidated as a result.

A **Joint Parenting Agreement**<sup>13</sup> entered August 4, 2017 in the divorce proceedings, provides that Officer Nader “shall have parenting time with the minor children during the week and on weekends pursuant to his operations calendar and his days off and his VRI/Overtime

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<sup>6</sup> Att. 15.

<sup>7</sup> Att. 17.

<sup>8</sup> Att. 12.

<sup>9</sup> Att. 37.

<sup>10</sup> Att. 12.

<sup>11</sup> Att. 14.

<sup>12</sup> Att. 5.

<sup>13</sup> Att. 26

schedule.” The JPA states that Officer Nader will notify ██████ at least 24 hours in advance when he intends to exercise his right to parenting time during the week. The JPA states further that “parenting time is governed by standards of reasonableness and common sense and is intended to promote a healthy relationship between the children and the parents.” The JPA does not make any exception allowing the children to decline parenting time with Officer Nader.

An **Original Case Incident Report**<sup>14</sup> shows that Officer Nader filed a police report in the 16th District on January 4, 2018. The narrative portion of the report reads: “In summary: complainant relates that his ex-wife has refused him custody of his children as per court order.” The report states the incident was “Closed Non-Criminal.” ██████ name does not appear anywhere on the report.

## VI. ANALYSIS

COPA recommends a finding of **NOT SUSTAINED** for Allegation #1, that Officer John Nader knowingly misrepresented to ██████ that their children were in protective custody (PC), in violation of Rule 8. There is no dispute that Officer Nader sent emails to ██████ stating their daughters were in PC. If the children were in PC, the allegation is easily unfounded; if they were not, and Officer Nader had reason to know they were not, the allegation is easily sustained. DCFS records would provide definitive proof of whether PC ever occurred. Unfortunately, these records are no longer available. The existing evidence is merely circumstantial, and insufficient to make any other finding than **NOT SUSTAINED**.

COPA gives no weight to either ██████ or Officer Nader’s statements regarding this allegation. The alleged misconduct occurred more than two years prior to the initiation of the investigation, during a less than amicable separation. Their continued contempt for one another is clear. Therefore, their competing accounts of the events in September 2015 have no evidentiary value.

COPA recommends a finding of **UNFOUNDED** for Allegation #2, that Officer John Nader intimidated ██████ by threatening to involve the Chicago Police Department in their child visitation disputes, in violation of Rule 8. COPA expressly rejects ██████ contention that she was intimidated by Officer Nader’s emails. ██████ stated that when she called the 19th District on September 21, 2017, she was informed she could not be arrested if Officer Nader made a police report. Therefore, any fear of Officer Nader having her arrested should have been instantly put to rest. Further, ██████ alleged fear of being named in a police report is farfetched. ██████ stated her employment would be affected if Officer Nader filed a police report. However, the only time Officer Nader actually filed a police report, ██████ name did not appear on it. Additionally, the report was classified as non-criminal and there was no police action. Officer Nader stated that he was advised by his attorney to document ██████ interference in his parenting time –reasonable advice given the circumstances.

██████ credibility suffers significantly, as she repeatedly represented to COPA that the JPA allows the children to choose whether they attend parenting time with Officer Nader. The JPA makes no such provision. The JPA states that “parenting time is governed by standards of

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<sup>14</sup> Att. 20.

reasonableness and common sense and is intended to promote a healthy relationship between the children and the parents.” All involved parties would benefit from adherence to these principles. On their face, Officer Nader’s emails indeed appear hostile, however considering the circumstances and the context, he has not committed misconduct. The allegation is **UNFOUNDED**.

COPA acknowledges [redacted] additional allegations of misconduct made after this investigation. However, these allegations are substantially similar to Allegation #2 and therefore do not need to be readdressed. Further conflicts of this nature are squarely within the purview of a domestic relations court. COPA notes that both parties are ably represented by counsel and encourages subsequent disputes to be resolved within a judicial forum.

**VII. CONCLUSION**

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

Officer	Allegation	Finding
Officer John Nader	1. On September 13, 2015, via email he knowingly misrepresented to [redacted] that their children were in protective custody, in violation of Rule 8.	Not Sustained
	2. Between September 21, 2017, and January 4, 2018 via email he intimidated [redacted] by threatening to involve the Chicago Police Department in their child visitation disputes, in violation of Rule 8.	Unfounded

Approved:

[Redacted Signature]

Mark Javier  
Acting Deputy Chief Administrator – Chief Investigator

6-25-18  
Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	9
<b>Investigator:</b>	Nicholas Betts
<b>Supervising Investigator:</b>	Shannon Hayes
<b>Acting Deputy Chief Administrator:</b>	Mark Javier