

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	Between March 2, 2015 to September 26, 2015
Time of Incident:	Various Times
Location of Incident:	Various Locations – to include electronic means
Date of IPRA Notification:	September 26, 2015
Time of IPRA Notification:	3:48 am

Between March and September of 2015, Field Training Officer (FTO) ██████████ and Sergeant (Sgt.) Edward Nicol were involved in a romantic relationship and resided with each other. During their relationship, FTO ██████████ developed a friendship with Sergeant (Sgt.) ██████████. Once learning of the friendship between Sgt. ██████████ and FTO ██████████ Sgt. Nicol suspected it was in fact romantic, despite Sgt. ██████████ and FTO ██████████ informing Sgt. Nicol it was not. To confirm his suspicions Sgt. Nicol, over the course of 121 working days, used Department GPS to monitor Sgt. ██████████ on-duty location 941 times and FTO ██████████ on-duty location 123 times. Additionally, Sgt. Nicol communicated to FTO ██████████ on several occasions, that he was aware of both her on and off-duty locations and activities.

Once FTO ██████████ ended the relationship with Sgt. Nicol, he continued to monitor the on-duty locations of Sgt. ██████████ and FTO ██████████. Additionally, Sgt. Nicol sent text messages to FTO ██████████ threatening and demeaning her and Sgt. ██████████. Further, in an email to FTO ██████████ Sgt. Nicol admitted to using GPS to monitor her location.

During statements to IPRA, Sgt. ██████████ and FTO ██████████ expressed their belief that Sgt. Nicol was monitoring their locations, both on and off-duty. FTO ██████████ also disclosed that Sgt. Nicol had sent her a detailed email and numerous text messages which intimated that he was monitoring their whereabouts. During our investigation, COPA confirmed the pervasiveness of Sgt. Nicol’s self-admitted misconduct and determined all the alleged misconduct is **sustained**.

II. INVOLVED PARTIES

Witness Sergeant:	Sergeant ██████████ / Star # ██████████ / Employee ID # ██████████ / DOA: July 1, 1985 / Unit: 022 / DOB: ██████████, 1960 / Male / White. ²
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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 On June 16, 2018, Sgt. ██████████ retired from the Department. Att. 40.

Accused Sergeant: Sergeant Edward Nicol / Star #2376 / Employee ID # [REDACTED] / [REDACTED] / DOA: October 3, 1994 / Unit: 022 / DOB: [REDACTED], 1960 / Male / White.

Witness Field Training Officer: Field Training Officer [REDACTED] / Star # [REDACTED] / Employee ID # [REDACTED] / [REDACTED] / DOA: April 28, 2008 / Unit: 022 / DOB: [REDACTED], 1974 / Female / Hispanic.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Between March 2, 2015 and September 26, 2015		
Sergeant Edward Nicol	1. Utilized Department computerized information systems to search in excess of 100 times for Officer [REDACTED] on-duty location, while not for the purpose of official police business, in violation of G09-01-01 and Rules 2, 4, 6 and 41.	Sustained/Separation.
	2. Utilized Department computerized information systems to search in excess of 500 times for Sergeant [REDACTED] on-duty location, while not for the purpose of official police business, in violation of G09-01-01 and Rules 2, 4, 6 and 41.	Sustained/Separation.
	3. While in separate districts, utilized Department computerized information systems to search for Officer [REDACTED] on-duty location, while not for the purpose of official police business, in violation of G09-01-01 and Rules 2, 4, 6 and 41.	Sustained/Separation.
	4. While in separate districts, utilized Department computerized information systems to search for Sergeant [REDACTED] on-duty location, while not for the purpose of official police business, in violation of G09-01-01 and Rules 2, 4, 6 and 41.	Sustained/Separation.
	5. Communicated in writing and / or orally that he was tracking Officer [REDACTED] whereabouts, while she was off-duty, in violation of Rule 8.	Sustained/Separation.
	6. Communicated in writing and / or orally that he was tracking Sergeant [REDACTED]	Sustained/Separation.

	whereabouts, while Sergeant [REDACTED] was off-duty, in violation of Rule 8.	
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On March 16, 2015

	7. Utilized Department computerized information systems to search for Officer [REDACTED] on-duty location, while not for the purpose of official police business, in violation of G09-01-01 and Rules 2, 4, 6 and 41.	Sustained/Separation.
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On July 3, 2015

	8. Utilized Department computerized information systems to search for Officer [REDACTED] on-duty location, while not for the purpose of official police business, in violation of G09-01-01 and Rules 2, 4, 6 and 41.	Sustained/Separation.
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On September 24, 2015

	9. Utilized Department computerized information systems to search for Officer [REDACTED] on-duty location, while not for the purpose of official police business, in violation of G09-01-01 and Rules 2, 4, 6 and 41.	Sustained/Separation.
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On March 15, 2015

	10. Utilized Department computerized information systems to search for Sergeant [REDACTED] on-duty location, while not for the purpose of official police business, in violation of G09-01-01 and Rules 2, 4, 6 and 41.	Sustained/Separation.
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On March 16, 2015

	11. Utilized Department computerized information systems to search for Sergeant [REDACTED] on-duty location, while not for the purpose of official police business, in violation of G09-01-01 and Rules 2, 4, 6 and 41.	Sustained/Separation.
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On June 1, 2015

	12. Utilized Department computerized information systems to search for Sergeant [REDACTED] on-duty location, while not for the purpose of official police business, in violation of G09-01-01 and Rules 2, 4, 6 and 41.	Sustained/Separation.
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On June 13, 2015

	13. Utilized Department computerized information systems to search for Sergeant [REDACTED]	Sustained/Separation.
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	<p>██████████ on-duty location, while not for the purpose of official police business, in violation of G09-01-01 and Rules 2, 4, 6 and 41.</p>	
<p>Between March 2, 2015 and September 26, 2015</p>		
	<p>14. Harassed Officer ██████████ via electronic messages due to the nature and / or volume of the messages, in violation of Rule 8.</p>	<p>Sustained/Separation.</p>
<p>On September 22, 2015</p>		
	<p>15. At approximately 4:16 am, threatened Officer ██████████ via text message by stating, "I don't get mad, I get even," or words of similar effect, in violation of Rule 8.</p>	<p>Sustained/Separation.</p>
	<p>16. At approximately 4:46 am, referred to Officer ██████████ and Sgt. ██████████ as "two fucking liars" or words of similar effect, via text message to Officer ██████████ in violation of Rule 8.</p>	<p>Sustained/Separation.</p>
	<p>17. At approximately 8:13 am, used words to the effect of, "He will curse the day he ever met you," when referring to Sgt. ██████████ via text message to Officer ██████████ in violation of Rule 8.</p>	<p>Sustained/Separation.</p>
<p>On September 25, 2015</p>		
	<p>18. At approximately 11:17 pm, used words to the effect of, "The Scottish in me says that somebody has to pay," in a text messaged to Officer ██████████ ██████████ in violation of Rule 8.</p>	<p>Sustained/Separation.</p>
<p>On September 26, 2015</p>		
	<p>19. At approximately 12:55 am, used words to the effect of, "I'm going to fuck him," when referring to Sgt. ██████████ via text message to Officer ██████████ in violation of Rule 8.</p>	<p>Sustained/Separation.</p>
	<p>20. At approximately 2:13 am, used words to the effect of, "It will cost him plenty," when referring to Sgt. ██████████ via text message to Officer ██████████ in violation of Rule 8.</p>	<p>Sustained/Separation.</p>

IV. APPLICABLE RULES AND LAWS

Rules:

1. 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.
 2. Rule 4: Prohibits any conduct or action taken to use the official position for personal gain or influence.
 3. Rule 6: Prohibits disobedience of an order or directive, whether written or oral.
 4. Rule 8: Prohibits disrespect or maltreatment of any person, whether on or off duty.
 5. Rule 41: Prohibits disseminating, releasing, altering, defacing or removing a Department record or information concerning police matters except as provided by Department orders.
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General Orders

1. G9-01-01 – Access to Computerized Data, Dissemination and Retention of Computer Data – effective February 3, 2012 to current.

V. INVESTIGATION³⁴

a. Interviews⁵

In a **statement to IPRA**⁶ on October 14, 2015, **FTO** ██████████ stated in March 2013 she began a romantic relationship with Sgt. Edward Nicol and that she ended the relationship on September 10, 2015.⁷ **FTO** ██████████ explained that during the relationship, she was aware Sgt. Nicol was tracking her location because he would question her about why she was at specific locations at specific times.⁸ **FTO** ██████████ explained that even after their relationship ended, Sgt. Nicol continued to track her location via GPS⁹ and sent her an email¹⁰ detailing where **FTO** ██████████ was on specific dates and times and that she was with Sgt. ██████████¹¹ **FTO** ██████████ explained that based on the email she determined that Sgt. Nicol had monitored her off-duty location in some manner and that he was also monitoring Sgt. ██████████ on-duty location.¹²

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁴ This case was initiated under IPRA and COPA acknowledges that this investigation may have endured periods of delayed and/or no investigate activity prior to COPA. While there may be legitimate cause for the delay, no justification was noted in the file. Since launch, COPA has undertaken a concerted effort to facilitate the expeditious review of all cases initiated under IPRA while ensuring that each complaint has been subject to a full and thorough investigation prior to its closure.

⁵ COPA obtained a statement from Technical Witness ██████████, who confirmed COPA's interpretation of the Caboodle Mobile Data was accurate and supported the information detailed in this report. Atts. 52 and 63.

⁶ Atts. 6 and 13.

⁷ *Id.* at 5.

⁸ *Id.* at 6 and 7.

⁹ *Id.* at 6 and 7.

¹⁰ **FTO** ██████████ explained that while the email is addressed to ██████████ Sgt. Nicol sent it to **FTO** ██████████ and told her he was going to send the email to Sgt. ██████████ *Id.* at 26.

¹¹ **FTO** ██████████ explained that Sgt. Nicol believed she was having an affair with Sgt. ██████████ *Id.* at 7.

¹² *Id.* at 11.

FTO ██████ also recounted that Sgt. Nicol attempted to recap, via text messages, a private conversation she had with Sgt. ██████ and even sent her an audio recording of the conversation.¹³

FTO ██████ stated that her relationship with Sgt. ██████ was not romantic but merely friendly. Additionally, FTO ██████ explained that Sgt. ██████ would occasionally work on her vehicle and around her house.¹⁴ FTO ██████ provided IPRA with the email and a series of text messages, both of which are detailed below. Finally, FTO ██████ explained that she found some of the text messages sent by Sgt. Nicol to be threatening to her and Sgt. ██████

In a **statement to IPRA**¹⁵ on May 5, 2016, **Sgt. ██████ ██████** stated he met FTO ██████ while working at the 022nd District and that they have become close friends.¹⁷ Sgt. ██████ explained he learned of FTO ██████ and Sgt. Nicol's relationship in December of 2014 and that Sgt. Nicol believed that he and FTO ██████ were involved in a romantic relationship.¹⁸ Sgt. ██████ explained that over time he learned that Sgt. Nicol was monitoring his on-duty location using the Department GPS system.¹⁹

In a **statement to COPA**²⁰ on November 20, 2019, **Sgt. Edward Nicol**²¹ stated that he was previously in a romantic relationship with FTO ██████ and that between March and August of 2015, they jointly resided at her home. Sgt. Nicol admitted to sending FTO ██████ the text messages,²² detailed below, but asserted that the contents could not be determined by a plain reading of the text messages.²³ Further, Sgt. Nicol admitted that the email, detailed below, was sent from his personal email address²⁴ but did not recall authoring the email.²⁵ Sgt. Nicol also

¹³ FTO ██████ explained this recording was very poor but she could clearly hear Sgt. ██████ and radio transmissions, and that Sgt. Nicol attempted to justify the recording by claiming that Sgt. ██████ was under an unspecified investigation. COPA was unable to obtain a copy of the recording. *Id.* at 13 to 15.

¹⁴ *Id.* at 18 to 20.

¹⁵ Atts. 20 and 23.

¹⁶ During his statement, Sgt. ██████ confirmed all the meetings with FTO ██████ detailed in the email, below, most of which occurred while he was on-duty.

¹⁷ Sgt. ██████ explained that FTO ██████ and he would discuss her romantic relationship with Sgt. Nicol. Att. 23, pgs. 4,5, and 9.

¹⁸ *Id.* at 12 to 15.

¹⁹ For example, Sgt. ██████ recounted an instance where, while on-duty, he met with FTO ██████ who was off-duty, in Graver Park and Sgt. Nicol called FTO ██████ to accuse her of having an affair with Sgt. ██████ because Sgt. Nicol knew they were at the location together. *Id.* at 19 to 20.

²⁰ Atts. 61 and 62.

²¹ Sgt. Nicol waived his right to counsel. Att. 60.

²² COPA notes, Sgt. Nicol was offered the opportunity to review the text messages in their entirety prior to being questioned but he declined by stating "I really don't feel like going through them" Att. 62 at 39 and 57.

²³ For example, Sgt. Nicol asserted that since a message with the word "he" did not clearly reference Sgt. ██████ there was no way to know to whom Sgt. Nicol was referring, despite Sgt. Nicol's agreement that the text messages, in their entirety, were an ongoing conversation in which he was discussing Sgt. ██████ with FTO ██████ *Id.* at 42 to 46 and 92

²⁴ Sgt. Nicol asserted that he would access his personal email address from Department work stations and would possibly leave the work station unsecured. Sgt. Nicol was clear that he is not in the habit of providing his passwords to others. *Id.* at 93.

²⁵ When COPA asked Sgt. Nicol if the writing style and structure of the email were consistent with his personal writing style – which he admitted everyone possesses – he claimed to have no knowledge of his personal writing style. *Id.* at 35 to 37.

admitted to each inquiry on Sgt. [REDACTED] and FTO [REDACTED] locations,²⁶ while seemingly boasting that he is permitted to inquire upon any Department members' location because as a sergeant he is responsible for all "12,000 police officers" employed by the Department.²⁷ Additionally, Sgt. Nicol was clear that he likely inquires upon Department members' locations with a greater frequency than other sergeants²⁸ and that he will routinely inquire upon Department member's locations to determine what types of activity are occurring in districts that he is not currently working in despite having access to other Department resources, such as a listing of Events numbers, to determine what is actively occurring elsewhere in the City. Sgt. Nicol also admitted that while he was detailed to the 006th District, he would monitor radio traffic in the 022nd District by switching radio channels/zones on the only radio he was equipped with. When asked if he was concerned about missing important radio traffic for the 006th District while monitoring the radio traffic for the 022nd District, he expressed no concerns. Further, Sgt. Nicol explained that since he was assigned to the 022nd District and only detailed to the 006th District he had a desire to know what types of activities were occurring in the 022nd District.²⁹ Sgt. Nicol asserted that his level of inquiry on Sgt. [REDACTED] and FTO [REDACTED] location was no greater than his inquiry on any other Department members' location.³⁰

In attempts to explain his inquiry activity, Sgt. Nicol explained that he would inquire upon other sergeants' locations when they were unresponsive to radio transmissions and to determine if they were closer to an assigned call for service.³¹ Sgt. Nicol also explained that he would inquire upon officers' locations to ensure they took the most direct route to a call for service, confirm a location an officer reported to be, and when they were unresponsive to radio calls. Sgt. Nicol could not provide any explanation as to why he would need to inquire upon the historical location of a Department member.³² Despite his explanation of inquiry on Department member locations, Sgt. Nicol was unable to identify a single instance in which Sgt. [REDACTED] or FTO [REDACTED] locations were inquired upon for the explained reasons.

b. Documentary Evidence³³

An **Initiation Report**³⁴ states that FTO [REDACTED] reported she and Sgt. Nicol had been in a relationship and residing together until September 10, 2015. Once the relationship ended Sgt. Nicol began to text and email FTO [REDACTED] numerous times, despite her request that he stop contacting her. FTO [REDACTED] relayed that Sgt. Nicol's actions made her feel threatened, specifically referencing a message which Sgt. Nicol stated, "I don't get mad, I get even."

²⁶ When COPA attempted to show Sgt. Nicol the Caboodle Mobile Data, he would only momentarily glance at the monitor and declined requests / suggestions to turn his chair to observe the displayed data. *Id.* at 85, 92 and 95 to 98.

²⁷ Sgt. Nicol eventually admitted that a sergeant is responsible for subordinates who are assigned to similar work schedules and locations. *Id.* at 69.

²⁸ *Id.* at 67.

²⁹ *Id.* at 80 to 82.

³⁰ A review of the Caboodle Mobile GPS Data directly refutes this claim. Atts. 15 and 46.

³¹ Sgt. Nicol agreed that these reasons, outside of extreme circumstances such as an Officer Involved shooting, would apply only to Department member currently working in the same district as him. Att. 62, at 70.

³² *Id.*, at 77 to 80.

³³ IPRA attempted to obtain a copy of the recorded conversation referenced in footnote 12; however, was unsuccessful. Additionally, Investigator Webb noted that the quality of the recording was so poor that she could not understand any of the conversation.

³⁴ Att. 4.

Additionally, FTO ██████ relayed that she believes Sgt. Nicol had monitored her location, possibly via GPS. Further, FTO ██████ relayed that Sgt. Nicol used Department GPS resources to monitor her location while she was on-duty and that he was possibly monitoring Sgt. ██████ on-duty location as well.³⁵

Attendance and Assignment Records³⁶ detail that between March 2, 2015 and September 25, 2015, Sgt. Nicol worked 121 days³⁷ and that Sgt. Nicol was detailed to the 006th District from March 29, 2015 to May 15, 2015.³⁸

Caboodle Mobile GPS Records³⁹ show that between March 2, 2015 and September 25, 2015, Sgt. Nicol inquired upon Sgt. ██████ on-duty location 941 times.⁴⁰ Additionally, Sgt. Nicol inquired upon FTO ██████ on-duty location 123 times.⁴¹ Of these inquiries, , while Sgt. Nicol was working in the 006th District, Sgt. Nicol inquired upon Sgt. ██████ 022nd District on-duty location 180 times, and FTO ██████ 022nd District on-duty location 10 times.⁴²

Text Messages⁴³ from ██████⁴⁴ detail that during text exchanges with FTO ██████ Sgt. Nicol texted FTO ██████ “I don’t get mad, I get even,”⁴⁵ and “the Scottish in me says that somebody has to pay.”⁴⁶ Additionally, Sgt. Nicol texted Sgt. ██████ “I’m going to fuck him,”⁴⁷ “it will cost him plenty,”⁴⁸ and “he will curse the day he ever met you.”⁴⁹ Further, Sgt. Nicol referred to both Sgt. ██████ and FTO ██████ as “two fucking liars.”⁵⁰

An **email**⁵¹ from ██████⁵² to FTO ██████ email account, ██████,⁵³ addressed to ██████⁵⁴ detailed that Sgt. Nicol was aware that FTO ██████ and Sgt. ██████ were meeting in various locations both on and off-duty. This email contains specific instances in which Sgt. Nicol observed Sgt. ██████ and FTO ██████ in the same

³⁵ FTO ██████ relayed that Sgt. Nicol believes that she was in a romantic relationship with Sgt. ██████

³⁶ Atts. 31 and 46.

³⁷ Att. 46, pg. 1.

³⁸ Att. 31, pgs. 30 to 36.

³⁹ Atts. 15 and 46.

⁴⁰ Att. 46, pg. 1.

⁴¹ Att. 46, pg 1.

⁴² Att. 46, pgs. 2 to 4 and 38 to 87.

⁴³ These text messages were received at all hours of the day, including late night and early morning. Atts. 9 and 10.

⁴⁴ Sgt. Nicol confirmed to COPA this was his cellular telephone number. Att. 62, pg. 11.

⁴⁵ Att. 10, pg. 21.

⁴⁶ *Id.* at 38.

⁴⁷ *Id.* at 39.

⁴⁸ *Id.* at 40.

⁴⁹ *Id.* at 30.

⁵⁰ *Id.* at 26.

⁵¹ Att. 7.

⁵² Sgt. Nicol confirmed to COPA this was his email address. Att. 62, pg. 30.

⁵³ FTO ██████ confirmed to IPRA this was her email address. Att. 13, pg. 12.

⁵⁴ FTO ██████ explained she received this email from Sgt. Nicol and understood it to be a draft of an email Sgt. Nicol was threatening to send to Sgt. ██████

locations at the same times.⁵⁵ The email even provides specific amounts of time Sgt. [REDACTED] and FTO [REDACTED] were together.⁵⁶ The email is clear that GPS is being used to monitor the movements of at least FTO [REDACTED] even when she is off-duty.⁵⁷ The email is clear that Sgt. Nicol suspects Sgt. [REDACTED] and FTO [REDACTED] are involved in a romantic relationship, despite FTO [REDACTED] numerous assertions to the contrary.⁵⁸

VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. *See e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

VII. ANALYSIS

a. Computerized Information Allegations

⁵⁵ For example, Sgt. Nicol details that he observed Sgt. [REDACTED] and his vehicle (a Jeep) at FTO [REDACTED] residence on several occasions.

⁵⁶ For example, in detailing one encounter Sgt. Nicol states that Sgt. [REDACTED] was in a parking lot at 11938 S. Western when FTO [REDACTED] "arrived at 8[:]:13 and left at 8[:]:54 and headed to work." Att. 7.

⁵⁷ For example, Sgt. Nicol details that on September 21, 2015 at about 7:20 pm, FTO [REDACTED] drove to Sgt. [REDACTED] location in Posen where they spent 20-minutes together prior to driving to Orland Park for dinner, after which they sat in a parking lot for 60-minutes.

⁵⁸ After recounting each instance, Sgt. Nicol details that he "confronted" FTO [REDACTED] about her actions and that she explained there was no romantic relationship with Sgt. [REDACTED]

COPA finds that Allegations #1 to 4 and 7 to 13 are **sustained**. Department members are permitted to access Department records only for “official police business.”⁵⁹ Further, Department members are prohibited from taking any action using their official position for personal gain.⁶⁰ Finally, access to Department records is limited to persons with Department issued login credentials and access to the Department controlled network.

Here, it is undisputed that Sgt. Nicol is a Department member with access to the Department controlled network. Additionally, it is undisputed that the Caboodle Mobile GPS records detail that in 121 working days Sgt. Nicol inquired upon the location on-duty of Sgt. █████ 941 times and FTO █████ 123 times.⁶¹ Further, these records reveal that while Sgt. Nicol was detailed to the 006th District, he inquired upon Sgt. Nicol’s on-duty 022nd District location 180 times and FTO █████ on-duty 022nd District location 10 times. While Sgt. Nicol claimed that he was permitted to search any Department members’ location by virtue of his rank and that he used the system to monitor calls for service in other districts, and the actions of any police officer, COPA finds that the evidence does not support his assertion. Specifically, the Caboodle Mobile GPS records reveal that while he monitored other Department members, it was nowhere near the extent and frequency with which he monitored Sgt. █████ or FTO █████ location.⁶² Further, COPA finds there is no reasonably conceivable explanation, even when accounting for officer safety and accountability, that would justify the volume of inquiries on Sgt. █████ and FTO █████⁶³ Given that Sgt. Nicol does not dispute his actions and was unable to provide any legitimate “official police business” reason for the inquiries of Sgt. █████ and FTO █████ COPA finds that Sgt. Nicol’s actions served no “police business” but rather were designed, from inception, to personally benefit him, likely to confirm his belief that Sgt. █████ and FTO █████ were romantically involved.⁶⁴

b. Harassment Allegations

COPA finds that Allegations #5, 6, and 14 to 20 are **sustained**. Here, it is undisputed that Sgt. Nicol sent the text messages and email. Despite Sgt. Nicol’s claim that intent and exact meaning of the text messages and email is unclear, COPA finds the text messages, when read in their totality, confirm that Sgt. Nicol and FTO █████ were discussing their relationship and the status of the relationship between Sgt. █████ and FTO █████ Further, Sgt. Nicol was attempting to exact vengeance upon FTO █████ for what he perceived to be her infidelity during their relationship. This vengeance presented itself in the form of veiled threats to the personal

⁵⁹ G09-01-01 VI(A)(2).

⁶⁰ Section V, Rule 4 of Rules and Regulations of the Chicago Police Department.

⁶¹ In fact, Sgt. Nicol flippantly expressed that this volume of inquiry was reasonable and seemed “about right.” Att. 62, pg. 74.

⁶² A review of the Caboodle Mobile GPS Data reflects a disproportionately high rate of inquiries into both Sgt. █████ and FTO █████ Att. 46.

⁶³ Moreover, of the 121 working days during which Sgt. Nicol ran Caboodle Mobile GPS Data searches, Sgt. █████ and FTO █████ were only working the same days as Sgt. Nicol 79 days and 68 days, respectively. Accordingly, there Sgt. Nicol ran multiple data searches to determine Sgt. █████ and FTO █████ whereabouts on days that he was not even working with them. Att. 22,21,31, and 46.

⁶⁴ While Sgt. Nicol asserted that he had no recollection of ever having any suspicion of Sgt. █████ and FTO █████ being involved in a romantic relationship. His text messages and contradict his assertion in its entirety.

safety of Sgt. [REDACTED] and FTO [REDACTED] the marital status of Sgt. [REDACTED] and insults to the character of Sgt. [REDACTED] and FTO [REDACTED]

VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Between March 2, 2015 and September 26, 2015		
Sergeant Edward Nicol	1. Utilized Department computerized information systems to search in excess of 100 times for Officer [REDACTED] on-duty location, while not for the purpose of official police business, in violation of G09-01-01 and Rules 2, 4, 6 and 41.	Sustained/Separation.
	2. Utilized Department computerized information systems to search in excess of 500 times for Sergeant [REDACTED] on-duty location, while not for the purpose of official police business, in violation of G09-01-01 and Rules 2, 4, 6 and 41.	Sustained/Separation.
	3. While in separate districts, utilized Department computerized information systems to search for Officer [REDACTED] on-duty location, while not for the purpose of official police business, in violation of G09-01-01 and Rules 2, 4, 6 and 41.	Sustained/Separation.
	4. While separate districts, utilized Department computerized information systems to search for Sergeant [REDACTED] on-duty location, while not for the purpose of official police business, in violation of G09-01-01 and Rules 2, 4, 6 and 41.	Sustained/Separation.
	5. Communicated in writing and / or orally that he was tracking Officer [REDACTED] whereabouts, while she was off-duty, in violation of Rule 8.	Sustained/Separation.
	6. Communicated in writing and / or orally that he was tracking Sergeant [REDACTED] whereabouts, while Sergeant [REDACTED] was off-duty, in violation of Rule 8.	Sustained/Separation.

On March 16, 2015

	7. Utilized Department computerized information systems to search for Officer ██████████ on-duty location, while not for the purpose of official police business, in violation of G09-01-01 and Rules 2, 4, 6 and 41.	Sustained/Separation.
On July 3, 2015		
	8. Utilized Department computerized information systems to search for Officer ██████████ on-duty location, while not for the purpose of official police business, in violation of G09-01-01 and Rules 2, 4, 6 and 41.	Sustained/Separation.
On September 4, 2015		
	9. Utilized Department computerized information systems to search for Officer ██████████ on-duty location, while not for the purpose of official police business, in violation of G09-01-01 and Rules 2, 4, 6 and 41.	Sustained/Separation.
On March 15, 2015		
	10. Utilized Department computerized information systems to search for Sergeant ██████████ on-duty location, while not for the purpose of official police business, in violation of G09-01-01 and Rules 2, 4, 6 and 41.	Sustained/Separation.
On March 16, 2015		
	11. Utilized Department computerized information systems to search for Sergeant ██████████ on-duty location, while not for the purpose of official police business, in violation of G09-01-01 and Rules 2, 4, 6 and 41.	Sustained/Separation.
On June 1, 2015		
	12. Utilized Department computerized information systems to search for Sergeant ██████████ on-duty location, while not for the purpose of official police business, in violation of G09-01-01 and Rules 2, 4, 6 and 41.	Sustained/Separation.
On June 13, 2015		
	13. Utilized Department computerized information systems to search for Sergeant ██████████ on-duty location, while not for the purpose of official police business, in violation of G09-01-01 and Rules 2, 4, 6 and 41.	Sustained/Separation.

Between March 2, 2015 and September 26, 2015		
	14. Harassed Officer [REDACTED] via electronic messages due to the nature and / or volume of the messages, in violation of Rule 8.	Sustained/Separation.
On September 22, 2015		
	15. At approximately 4:16 am, threatened Officer [REDACTED] via text message by stating, "I don't get mad, I get even," or words of similar effect, in violation of Rule 8.	Sustained/Separation.
	16. At approximately 4:46 am, referred to Officer [REDACTED] and Sgt. [REDACTED] as "two fucking liars" or words of similar effect, via text message to Officer [REDACTED] in violation of Rule 8.	Sustained/Separation.
	17. At approximately 8:13 am, used words to the effect of, "He will curse the day he ever met you," when referring to Sgt. [REDACTED] via text message to Officer [REDACTED] in violation of Rule 8.	Sustained/Separation.
On September 25, 2015		
	18. At approximately 11:17 pm, used words to the effect of, "The Scottish in me says that somebody has to pay," in a text messaged to Officer [REDACTED] in violation of Rule 8.	Sustained/Separation.
On September 26, 2015		
	19. At approximately 12:55 am, used words to the effect of, "I'm going to fuck him," when referring to Sgt. [REDACTED] via text message to Officer [REDACTED] in violation of Rule 8.	Sustained/Separation.
	20. At approximately 2:13 am, used words to the effect of, "It will cost him plenty," when referring to Sgt. [REDACTED] via text message to Officer [REDACTED] in violation of Rule 8.	Sustained/Separation.

IX. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Sergeant Edward Nicol

i. Complimentary and Disciplinary History

1. **Complimentary:** 4 Department Commendations, 61 Honorable Mentions, 5 Complimentary Letters, 1 Problem Solving Award.
2. **Disciplinary:** No prior disciplinary history.

ii. Recommended Penalty, by Allegation

1. **Allegation No. 1** – Separation
2. **Allegation No. 2** – Separation
3. **Allegation No. 3** – Separation
4. **Allegation No. 4** – Separation
5. **Allegation No. 5** – Separation
6. **Allegation No. 6** – Separation
7. **Allegation No. 7** – Separation
8. **Allegation No. 8** – Separation
9. **Allegation No. 9** – Separation
10. **Allegation No. 10** – Separation
11. **Allegation No. 11** – Separation
12. **Allegation No. 12** – Separation
13. **Allegation No. 13** – Separation
14. **Allegation No. 14** – Separation
15. **Allegation No. 15** – Separation
16. **Allegation No. 16** – Separation
17. **Allegation No. 17** – Separation
18. **Allegation No. 18** – Separation
19. **Allegation No. 19** – Separation
20. **Allegation No. 20** – Separation

The evidence of Sgt. Nicol's misconduct is staggering. The volume at which he inquired upon Sgt. [REDACTED] and FTO [REDACTED] locations is by any measure excessive and, despite Sgt.

Nicol’s claim to the contrary, is explainable only by a desire to monitor non-work-related activities for personal gain. Further, COPA can think of no legitimate reason why any Department member would need to monitor the location of another to the extent which Sgt. Nicol monitored both Sgt. [REDACTED] and FTO [REDACTED]. Additionally, Sgt. Nicol did not deny his monitoring activities nor the text messages and email he sent to FTO [REDACTED] rather he admitted to the conduct while asserting there was nothing improper with his actions. COPA has serious concerns with Sgt. Nicol’s decision-making process. Sgt. Nicol readily admitted his misconduct was carried out using Department resources that he knew, or should have known, were monitored. Yet, despite this, he seemingly had no concerns about being discovered. Given Sgt. Nicol’s staggering misconduct, his brazenness in defending it, and the sheer abuse of his position as a supervisory Department member, COPA is gravely concerned with Sgt. Nicol’s continued employment with the Department. COPA believes that Sgt. Nicol is incapable of upholding the values of the Department and is unfit to continue serving the public of the City of Chicago and therefore must be separated from the Department.

Approved:

[REDACTED]

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date: December 26, 2019

[REDACTED]

Sydney Roberts
Chief Administrator

Date: December 26, 2019

Appendix A

Assigned Investigative Staff

Squad#:	5
Investigator:	Maira Webb/Garrett Schaaf
Supervising Investigator:	Loren Seidner
Deputy Chief Administrator:	Andrea Kersten