

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	August 3, 2016 through December 3, 2016
Time of Incident:	Various
Location of Incident:	Via telephone
Date of COPA Notification:	October 16, 2017
Time of COPA Notification:	11:51 a.m.

██████████ and Officer Mihai Radelescu were in a dating relationship from approximately 2012 through June 2016. In late 2015, Ms. ██████████ discovered that Officer Radelescu had married ██████████ but continued their dating relationship. In June 2016, following a trip to Florida with Officer Radelescu and his mother, Ms. ██████████ ended her relationship with Officer Radelescu and asked him to cease all contact with her. Telephone records document that Ms. ██████████ called Officer Radelescu once on July 17, 2016 but did not call him at all from between August 3, 2016 and December 3, 2016. Telephone records document that Officer Radelescu harassed Ms. ██████████ via telephone from August 3, 2016, through December 3, 2016 by calling her over three hundred times on various dates from his blocked telephone number.

II. INVOLVED PARTIES

Involved Officer #1:	Mihai Radelescu; Star #9987, Employee # ██████████, DOA: January 3, 2005, Unit 018, DOB: ██████████ 1975, PO/FTO, Male, White.
Involved Individual #1:	██████████ DOB: ██████████, 1970, Female, White Hispanic

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Mihai Radelescu	1. It is alleged that between August 3, 2016 and December 3, 2016, the accused harassed ██████████ via telephone, in that he repeatedly called her in violation of Rule 2 and Rule 8.	Sustained / 10 days

IV. APPLICABLE RULES AND LAWS

Rules

Rule 2 – Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.

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

V. INVESTIGATION

a. Interviews

In an interview with COPA on May 23, 2017, ██████████ ██████████ stated that she had been dating Officer Mihai Radelescu for approximately three years in 2015, when she discovered that he married someone else while dating her. Ms. ██████████ continued her relationship with Officer Radelescu and traveled with him and his ██████████, ² to Florida in June 2016. On approximately June 27, 2016, after returning to Chicago, Ms. ██████████ ended her relationship with Officer Radelescu. Ms. ██████████ stated that she had no further contact with Officer Radelescu and requested that he not contact her. Ms. ██████████ stated that after the breakup, she did not contact Officer Radelescu via telephone, text, email or in person. Ms. ██████████ blocked Officer Radelescu’s telephone number, ██████████. However, she began to receive telephone calls regularly from an unknown caller. Ms. ██████████ initially answered two or three of these unknown telephone calls but hung up after recognizing Officer Radelescu’s voice. Ms. ██████████ stated that she then stopped answering all calls from unknown callers.

On October 14, 2016, Ms. ██████████ obtained a Case Report for Telephone Harassment, RD #HZ473702, in which she reported that she was being harassed by Officer Radelescu, who called her from blocked numbers. Ms. ██████████ explained that even though she received numerous blocked telephone calls prior to October 14, 2016, she did not think that she could report blocked calls as harassment until someone advised her that she should as a means of documentation and protection. Ms. ██████████ related that the officer who took the report misunderstood what she stated to him and did not accurately document that she had received many telephone calls prior to October 10, 2016. Ms. ██████████ stated that she received too many calls to keep count and attempted to get an order of protection but was told she could not obtain one because she had waited too long.

Ms. ██████████ stated that she received a text message from Officer Radelescu on September 25, 2016. The text message read, “Can you please answer? Just wanted to talk for one minute regarding my health. You always said that you would care.” On December 2, 2016, Ms. ██████████

¹ Att. 16, 34

² Ms. ██████████ obtained Case Report for Telephone Threats, Rd #HZ331030, against ██████████ Officer Radelescu’s ██████████ on July 1, 2016. This case report was ultimately classified as Suspended. (Att. 39 – 42).

³ Ms. ██████████ phone number is ██████████

stated that she received a voicemail message from Officer Radelescu in which he stated, "Hello."⁴ Ms. ██████ stated that the calls from an unknown caller continued until the end of December 2016.

In a statement to COPA on November 12, 2019, **Officer Radelescu**⁵ confirmed that his cell phone number is ██████. He further stated that the only other person who might have access to his phone was his wife if she needed to use it, but the phone was predominately on his person every day of the week. Officer Radelescu claimed that when the relationship ended, she did not ask him to stop contacting her, but rather he asked her not to contact him. Initially, he stated that he did not recall calling Ms. ██████ between August 3rd and December 3rd, 2016. However, after reviewing his telephone records, Officer Radelescu admitted calling Ms. ██████ multiple times from a blocked number, but denied harassing her. Officer Radelescu stated that he called her from a blocked number because she requested that he call her that way. However, he provided no reason as to why she asked him to call from a blocked number. Officer Radelescu related that their contact with each other was mutual and his intent was not to harass her. He further stated that she called him from other numbers but could not recall what those numbers were.

b. Documentary Evidence

The **Case Report**⁶ for Telephone Harassment, RD #HZ473702, documented that on October 14, 2016, Ms. ██████ reported that since her breakup with Officer Radelescu in June 2016, he harassed her by calling her multiple times from a "blocked" number. On the occasions that Ms. ██████ answered the calls, she discovered Officer Radelescu was on the line and immediately hung up. It was also documented that the calls were increasing in frequency and that she had an existing domestic case against him.⁷ The Supplemental Case Report documented that Officer Radelescu had not contacted Ms. ██████ in the week prior to November 2, 2016, but that he previously left her a voicemail on an unknown date stating that he was ill. Ms. ██████ also stated that she had received calls from an unknown number that she learned was that the phone number of a hospital. Ms. ██████ stated that both an attorney and someone from Domestic Violence Court at 555 W. Harrison and was advised that an order of protection would not be granted due to her delayed response.

Ms. ██████ submitted her **outgoing telephone records**⁸ for her telephone number, ██████, from June 13, 2016 through October 12, 2016. The records document that Ms. ██████ made multiple calls to Officer Radelescu at ██████ from June 13, 2016 through June 27, 2016. After June 27, 2016, Ms. ██████ made only one call to Officer Radelescu on July 17, 2016, at 1:48 a.m. The call lasted approximately thirty seconds. No other calls were made to Officer Radelescu.

⁴ Ms. ██████ was unable to provide this recording to COPA. (Att. 34 at 33, Ln 14).

⁵ Att. 37, 44

⁶ Att. 5, 12

⁷ Ms. ██████ obtained no other Chicago Police Department Reports with Officer Radelescu as the named offender. However, Ms. ██████ obtained Log #1081478 against Officer Radelescu on July 18, 2016.

⁸ Att. 17

The subpoenaed telephone records for Ms. ██████ document that she made one telephone call to Officer Radelescu from her cell phone to his cell phone on July 17, 2016. While calls from Officer Radelescu's cellphone do not appear between August 3, 2016, and December 6, 2016, there were numerous incoming calls from an Undetermined source.

The subpoenaed telephone records for Officer Radelescu¹⁰ document that he made approximately forty calls to Ms. ██████ between August 3, 2016 and August 31, 2016. The calls appeared on the record as ██████ indicating that Officer Radelescu dialed *67 before dialing her telephone number, causing his calls to register as Unknown on her caller ID. While the calls did not occur daily, there were clusters of many blocked calls within short periods of time. For instance, on August 15, 2016, Officer Radelescu called Ms. ██████ six times between 09:34:39 a.m. and 09:47:07 a.m.¹¹

The subpoenaed telephone records for Officer Radelescu document that he made approximately one hundred and sixty-one (161) calls to Ms. ██████ at between September 1, 2016, and September 30, 2016. The calls appeared on the records as ██████ indicating that Officer Radelescu dialed *67 before her telephone number, causing his calls to register as Unknown on her caller ID. As occurred in August, there were clusters of multiple, blocked calls occurring within a short period of time. For instance, on September 12, 2016, Officer Radelescu called Ms. ██████ twenty-two times (22) between 9:58 a.m. and 10:13 a.m.¹² On September 21, 2016, Officer Radelescu called Ms. ██████ thirty (30) times between 12:26 a.m. and 11:54 a.m.¹³ On September 25, 2016, Officer Radelescu called Ms. ██████ thirty-two (32) times between 6:10 p.m. and 6:53 p.m.¹⁴

The records also document that he made approximately ninety-eight (98) calls to Ms. ██████ between October 1 and October 31, 2016. The calls again appear on the records as ██████ indicating that Officer Radelescu dialed *67 before her telephone number, causing his calls to register as Unknown on her caller ID. Again, there were clusters of multiple, blocked calls occurring within a short period of time. For instance, on October 3, 2016, Officer Radelescu called Ms. ██████ fourteen (14) times between 9:35 p.m. and 9:40 p.m.¹⁵

The subpoenaed telephone records for Officer Radelescu document that he made no calls to Ms. ██████ between November 1, 2016, and December 2, 2016. On December 3, 2016, Officer Radelescu made six call to Ms. ██████. The calls appeared on the records as ██████ indicating that Officer Radelescu dialed *67 before her telephone number, causing his calls to register as Unknown on her caller ID. There were no other calls from Officer Radelescu to Ms. ██████ documented in the remaining telephone records of December 4, 2016, through February 28, 2017.

⁹ Att. 21-23

¹⁰ Att. 25 – 28

¹¹ Att. 25, Pg. 133 of 462, Lns. 7 – 12.

¹² Att. 25, Pg. 183 of 462, Lns. 17 – 39.

¹³ Att. 26, Pgs. 199 – 200 of 462, Lns. 15 – 10.

¹⁴ Att. 26, Pgs. 213 – 214 of 462, Lns. 18 – 8.

¹⁵ Att. 26, Pg. 228 of 462, Lns, 13 – 27.

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 reviewed complied with 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 conduct complied with Department policy than that it did not, 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

COPA finds **Allegation #1** against Officer Mihai Radelescu that he harassed ██████████ via telephone between August 3, 2016, and December 3, 2016, in that he repeatedly called her is **Sustained**. After their romantic relationship ended on June 27, 2016, Ms. ██████████ stated that she had no further contact with Officer Radelescu and asked that he not contact her. The telephone records for her cell phone document that she contacted him only once, on July 17, 2016, after the relationship ended. The telephone records for Officer Radelescu document that he called Ms. ██████████ approximately three hundred and five (305) times from his cell phone. These calls appeared on the records as blocked, meaning he purposefully hid his phone number by utilizing the *67 option so his number would not be displayed on Ms. ██████████ caller ID and would instead appear as Unknown. Ms. ██████████ called him only one time after their breakup and filed a police report for telephone harassment. She also attempted to obtain an order of protection against Officer Radelescu.

Officer Radelescu did not initially admit to this harassment. It was only after reviewing the telephone records that Officer Radelescu admitted to calling Ms. ██████████ While Officer

Radelescu stated that he called her from a blocked number at her request, COPA finds that the evidence does not support this claim, in that there is no evidence that the duration of the calls was long and almost all the calls were unanswered. In fact, on the occasions Ms. [REDACTED] did answer the phone, she ended the call after hearing Officer Radelescu’s voice. A preponderance of the evidence indicates that Officer Radelescu knew Ms. [REDACTED] wanted no contact with him and would not answer his calls, prompting him to call her repeatedly from his disguised, blocked telephone number.

The Illinois Domestic Violence Act defines harassment as “knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances; would cause a reasonable person emotional distress; and does cause emotional distress to the petitioner. [This includes] repeatedly telephoning the petitioner’s place of employment, home, or residence.” COPA finds that the repeated phone calls by Officer Radelescu meet this definition of harassment by a preponderance of the evidence, and the allegation is **Sustained**.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Mihai Radelescu, #9987, Employee # [REDACTED]

i. Complimentary and Disciplinary History

- 1. Complimentary History:** 1 Presidential Election Deployment Award, 1 Physical Fitness Award, 2 Attendance Awards, 22 Honorable Mentions, 4 Department Commendations, 3 Complimentary letters, 1 NATO Summit Service Award, 1 2009 Crime Reduction Award
- 2. Disciplinary History:**

ii. Recommended Penalty, by Allegation

1. Allegation No. 1 – 10 Days Suspension

Officer Radelescu called the complainant approximately 305 times from his cell phone. Officer Radelescu was not immediately forth-coming in accepting responsibility for his actions and only admitted to the calls after reviewing the telephone records. Although he admitted to the calls, he did not consider his conduct harassing. Therefore, COPA recommends that he receive a suspension for his conduct in this case.

IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Mihai Radelescu, #9987	1. It is alleged that between August 3, 2016 and December 3, 2016, the accused harassed	Sustained / 10 days

	<p>██████████ via telephone, in that he repeatedly called her in violation of Rule 2 and Rule 8.</p>	
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Approved:

██████████

December 9, 2019

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	9
Investigator:	Jeanne Alyse Goodwin
Supervising Investigator:	Sharday Jackson
Deputy Chief Administrator:	Andrea Kersten