

POLICE BOARD
CITY OF CHICAGO

NOTICE REGARDING CASE Nos. 16 PB 2918 & 17 PB 2936

Please be advised that:

- The following Findings and Decision contains profane statements that some may find offensive.
- The identities of individuals to whom threatening, profane, and abusive statements were directed have been redacted to protect these individuals' privacy; their initials are used in place of their names.

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTERS OF CHARGES FILED AGAINST)
POLICE OFFICER MAZYAR HARIRI,) **Nos. 16 PB 2918**
STAR No. 16607, DEPARTMENT OF POLICE,) **17 PB 2936**
CITY OF CHICAGO,)
) **(CR Nos. 1073749**
RESPONDENT.) **& 1074580)**

FINDINGS AND DECISION

On October 27, 2016, and on September 14, 2017, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Mazyar Hariri, Star No. 16607 (hereinafter sometimes referred to as “Respondent”), recommending the Respondent be discharged from the Chicago Police Department for violating the following Rules of Conduct:

- 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.
- Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 14: Making a false report, whether written or oral.
- Rule 15: Intoxication on or off duty.
- Rule 38: Unlawful or unnecessary use or display of a weapon.

On October 12, 2017, Hearing Officer Thomas E. Johnson granted the Superintendent’s motion to consolidate the cases against the Respondent for hearing. A hearing on these charges against the Respondent took place before Hearing Officer Johnson on December 20 and 21, 2017.

Following the hearing, the members of the Police Board read and reviewed the record of the proceedings and viewed the video-recording of the testimony of the witnesses. Hearing Officer Johnson made an oral report to and conferred with the Police Board before it rendered its

findings and decision.

POLICE BOARD FINDINGS

The Police Board of the City of Chicago, as a result of its hearing on the charges, finds and determines that:

1. The Respondent was at all times mentioned herein employed as a police officer by the Department of Police of the City of Chicago.

2. A copy of the charges filed, and a notice stating the date, place, and time the initial status hearing would be held, were personally served upon the Respondent not fewer than five (5) days before the date of the initial status hearing for these cases.

3. Throughout the hearing on the charges the Respondent appeared in person and was represented by legal counsel.

Introduction

4. Over the course of an extended period of time, from December of 2013 to March 20, 2015, Officer Hariri is alleged to have made threats to kill himself in front of his family and to have made specific threats against his now ex-wife (D.S.) and her daughter (R.M.), as well as other members of her family. Some of these threats were recorded by Ms. S.; other threats and the behavior that accompanied them were witnessed by Ms. S. and Ms. M. The Board has carefully reviewed the testimony of the witnesses and the exhibits in this case, including the audio recordings made of Officer Hariri. Given the narrow manner in which some of the charges were drawn, the Board has found that Officer Hariri is not guilty of the charges related to his placing his gun in his mouth on February 11, 2015. However, he is guilty of making many threats and abusive

statements. In addition, Officer Hariri is accused of intoxication while off-duty. He has pleaded guilty to this charge and the Board finds him guilty. The Board further notes that Officer Hariri's lack of sobriety, which continues to be a problem for him despite his participation in outpatient alcohol counseling programs on at least two separate occasions, contributed to a dangerous encounter on February 11, 2015, and to the threatening and abusive manner in which he repeatedly treated his family. His conduct warrants his discharge from the Chicago Police Department.

Charges Against the Respondent

5. The Respondent, Police Officer Mazyar Hariri, Star No. 16607, charged herein, is **not guilty** of violating Rule 2 and Rule 38 in that the Superintendent did not prove by a preponderance of the evidence the following charges:

On or about February 11, 2015, at about 0100 hours, at or around the 6200 West block of Berteau Avenue, in Chicago, while off duty, Officer Hariri placed a semi-automatic Glock Model 17 9mm pistol, serial number LYH245, into his mouth in the presence of one or more members of his family, thereby violating Rule 2 and Rule 38.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference. D.S. testified convincingly about an altercation that occurred with Officer Hariri in their home on Berteau Avenue in Chicago, on February 11, 2015. Her testimony was corroborated by Ms. S.'s daughter, R.M., who was fifteen years of age at the time. The Board fully credits their testimony that on this date, Officer Hariri told his ex-wife that he was going upstairs to kill himself, and later (in her presence) told his own mother that he would kill himself and kill Ms. S. Ms. M. credibly testified that Officer Hariri indicated that night, in her presence, that either her mother or he would be killed. The Board does not credit the testimony of Officer Hariri, as he was unquestionably intoxicated on the evening of February 11, 2015, and his testimony about his behavior on February 11, 2015, is not consistent with the similar threats that were recorded not

long after this date. Nor does the Board credit the testimony of his mother, Ghda Kendi, offered by way of stipulation, as she indicates she does not recall if she spoke to her son on the night in question, but then inconsistently states that Officer Hariri did not tell her that night that he was going to kill himself. She also was in London, and not present in Chicago on February 11, 2015, thereby limiting her credibility as to what transpired in the house that evening.

The Board believes that Ms. S. seized Officer Hariri's weapon from him after he made his threats, but that after a further altercation, Officer Hariri recovered his weapon from his then-wife and took it up to his bedroom. There is no dispute that Officer Hariri's gun was later found by responding Officer Torres on a nightstand, unsecured and loaded.

Officer Hariri was intoxicated as this entire incident unfolded. This is established by the blood alcohol testing done that night, which showed a value of .103, and by his guilty plea to the charge of intoxication.

The Board has no doubt that this incident was terrifying to Ms. S. and to Ms. M. based on their testimony, their decision to call for police help to intervene with Officer Hariri, and responding Officer Parochelli's testimony as to their fear upon his arrival at the scene. The recording of Ms. M.'s 911 call strikingly confirms the fear that Officer Hariri instilled in his family. The responding officers took Officer Hariri to the hospital on February 11, 2015. While respondent points out that the doctors at the hospital did not find him suicidal or in need of commitment, the Board finds this only underscores the seriousness of Officer Hariri's misconduct, as he was using the threat of suicide as a way to bully his then-wife and stepdaughter.

The charge here, however, is very specific and turns on the allegation that Officer Hariri placed his semi-automatic weapon into his mouth in the presence of his family. He is not charged here with generally threatening himself or his family on February 11, 2015. Neither Ms. S., nor

Ms. M., nor any other witness, however, testified that they saw Officer Hariri place his weapon in his mouth.¹ As a result, the Board finds that it must conclude that Officer Hariri is not guilty of this specific charge, while nonetheless fully crediting the testimony of Ms. S. and Ms. M., and concluding that Officer Hariri's conduct on February 11, 2015 was dangerous and threatening.

6. The Respondent, Police Officer Mazyar Hariri, Star No. 16607, charged herein, is **not guilty** of violating Rule 2 and Rule 14, in that the Superintendent did not prove by a preponderance of the evidence the following charges:

On or about August 19, 2015, at about 0900 hours, at or around 3510 South Michigan Avenue, in Chicago, when asked by Sergeant Andrew Stewart of the Bureau of Internal Affairs whether he had put his gun in his mouth and/or whether he said that maybe he will kill himself and then put his gun in his mouth, or words to that effect, Officer Hariri stated “No, I did not,” or words to that effect, thereby violating Rule 2 and Rule 14.

See the findings set forth in paragraph nos. 4 and 5 above, which are incorporated here by reference. The Board must find Officer Hariri not guilty of this charge as well. There was insufficient evidence presented that Officer Hariri put his gun in his mouth, and therefore insufficient evidence that he falsely denied doing so. The charge is narrow and specific, claiming that Officer Hariri lied when he denied that “he had put his gun in his mouth” and/or denied that “he said that maybe he will kill himself and then put his gun in his mouth.” While the Board is convinced that Officer Hariri threatened suicide and to kill his wife on February 11, 2015, as explained in paragraph no. 5 above, there is insufficient evidence to support that he was untruthful in the particular manner the Superintendent has charged.

¹There are three brief references to Officer Hariri putting his gun in his mouth, two in Ms. S.'s testimony and one in the stipulated testimony of a responding officer who arrived after the incident (see pp. 53, 80, and 161 of the hearing transcript). However, Ms. S. did not mention this important point in her detailed description of the events of February 11, 2015, and the Board finds that these three indirect references to the gun are insufficient to prove this charge.

7. The Respondent, Police Officer Mazyar Hariri, Star No. 16607, charged herein, is **guilty** of violating Rule 2 and Rule 15, in that the Superintendent proved by a preponderance of the evidence the following charges:

On or about February 11, 2015, at or around the 6200 West block of Bertreau Avenue and/or Resurrection Medical Center, in Chicago, while off duty, Officer Hariri was intoxicated and/or registered a .103 BAC on a breath alcohol test, thereby violating Rule 2 and Rule 15.

See the findings set forth in paragraph nos. 4 and 5 above, which are incorporated here by reference. The Respondent pled guilty to violating Rule 15. The Board finds that the Respondent also violated Rule 2 in that his being intoxicated brought discredit upon the Department. The Board finds that Officer Hariri was not merely intoxicated while off duty, but that while intoxicated, he threatened to commit suicide and threatened to kill his wife, while her daughter was present, all in an effort to bully and intimidate his family. Further, while intoxicated, Officer Hariri wrestled his gun away from his wife and left it unsecured and loaded in the home. This conduct was so unsettling that the police were called to Officer Hariri's home on February 11, 2015, to assist and protect his family. All of this conduct, while intoxicated, brings discredit upon the Department and is entirely inconsistent with the Department's policy and goals.

8. The Respondent, Police Officer Mazyar Hariri, Star No. 16607, charged herein, is **guilty** of violating Rule 2, Rule 8, and Rule 9, in that the Superintendent proved by a preponderance of the evidence the following charges:

On or one or more occasions between approximately December 2013 and the present, or for some period of time therein, including (but not limited to) approximately December 3, 2013, and/or approximately March 20, 2015, you threatened to kill your ex-wife ("D.S.") and/or D.S.'s juvenile daughter and/or yourself, thereby violating Rule 2, Rule 8, and Rule 9.

See the findings set forth in paragraph no. 4 and 5 above, which are incorporated here by reference. The Board finds that on approximately December 3, 2013, Officer Hariri placed three

bullets in front of Ms. S. in their home, and threatened her and her daughter, Ms. M., by saying that one bullet was for Ms. S., one for her daughter, and one for himself. The Board credits Ms. S.'s testimony over the denial of Officer Hariri, as Ms. S.'s testimony is corroborated by her daughter, Ms. M., who testified that she was in the adjacent room that night and heard Officer Hariri place three metal objects on a glass table, and say one is for himself, one is for Ms. S., and one is for Ms. M. Ms. M.'s testimony was very credible, and this threat scared her to the point where she called her grandmother about it. Ms. S.'s testimony is further corroborated by the tapes of Officer Hariri's suicide threats and other threats, and by his suicidal threats on February 11, 2015.

The Superintendent offered statements of Officer Hariri that were recorded by Ms. S. on her phone. They are Superintendent's Exh. 1, and competing translations of these recordings are Superintendent's Exh. 4. Ms. S. indicated the longer recording was recorded in 2013. On this recording, Officer Hariri makes numerous threats to kill himself in front of Ms. S. Officer Hariri admitted it is his voice on the recording. Ms. S. testified that a shorter recording was made on her phone on March 20, 2015. On this recording, Officer Hariri makes threats against Ms. S., saying he will jail her or kick her out of the country, and make her mother sad. He says that Ms. S. and her daughter (called "your little bitch") will lose 100%. He goes on to threaten Ms. S.'s father, mother and sister. Officer Hariri concedes it is his voice on this recording as well. Officer Hariri objected to the admissibility of the 2013 and 2015 recorded statements, but the hearing officer overruled this objection at pp. 154-160 of the transcript. The Board has considered and agrees with the hearing officer's ruling, and adopts it as its own.²

²There is some dispute in the record as to whether Officer Hariri knew he was being recorded on March 20, 2015. In her testimony, Ms. S. suggested he did not know, but when asked by the Independent Police Review Authority (IPRA) much closer to the event, Ms. S. testified that her then-husband gave her consent to record his statements. This is clearly corroborated by the tape itself, where Officer Hariri states: "I don't give a fuck, man, I don't give a fuck if you record or don't. Record this and I'll say on record I am gonna fuck your dad up, I'm gonna fuck him up like---" (quoting the IPRA translation). The competing translations are not materially different on what was said at this point of the

By their terms, these charges only pertain to threats Officer Hariri made to kill his ex-wife, her daughter and himself. The threats to himself were clearly aimed at terrorizing Ms. S. The Board finds that Officer Hariri is guilty of these charges based on the testimony of Ms. S., her daughter, and the many threats Officer Hariri made on the 2013 and 2015 recorded statements.

9. The Respondent, Police Officer Mazyar Hariri, Star No. 16607, charged herein, is **guilty** of violating Rule 2, Rule 8, and Rule 9, in that the Superintendent proved by a preponderance of the evidence the following charge:

On or one or more occasions between approximately December 2013 and the present, or for some period of time therein, including (but not limited to) approximately December 3, 2013, and/or approximately March 20, 2015, you made threatening and/or profane and/or abusive statements to your ex-wife (“D.S.”), including threats of physical harm related to D.S. and/or her family and/or D.S.’s juvenile daughter, including, but not limited to, the following statements, or statements to this effect:

- “I will fucking show you what time it is and I’ll kick you out of the country. I will, I will fucking kick you out of the country, I’ll kick you out like a piece of shit. Wait, that is if I didn’t put you in jail.”; and/or
- “I will fuck your father, your mother, and Batoul.”; and/or
- You stated that you would squash D.S.’s father “like a fly.”; and/or
- You stated that you would go to Syria, take [D.S.’s] father and put him in jail.”; and/or
- You stated that if D.S. “stands up against [you]” in court, that you would “go after” D.S.’s family and that you would “fuck up” D.S.’s father, mother, and/or sister; thereby violating Rule 2, Rule 8, and Rule 9.

See the findings set forth in paragraph nos. 4, 5, and 8 above, which are incorporated here by reference. These charges relate not only to threats but also profane and abusive statements he made. The charges are not limited to statements Officer Hariri directed at Ms. S. and her daughter, but cover abusive and threatening statements aimed at other members of Ms. S.’s family. The 2015 recorded statements, which Officer Hariri concedes he made, clearly establish that Officer Hariri

recording. The Board finds that Officer Hariri consented to the recording of the March 20, 2015, conversation, and therefore sustains the hearing officer on this point, as well as on the other bases of his rulings pertaining to the admissibility of the 2013 and 2015 recorded statements.

made abusive, profane and threatening statements aimed at Ms. S., her daughter, her father, mother and sister. As such, he is guilty of these charges.

Penalty

10. The Police Board has considered the facts and circumstances of the conduct of which it has found the Respondent guilty, and the evidence presented in mitigation, including the Respondent's complimentary and disciplinary histories.

The Board has considered thoroughly the evidence the Respondent offered in mitigation, which includes the following. A sergeant testified that, while working as a police officer with the Respondent for approximately four years, the Respondent was very professional and treated members of the public well, and that he never observed the Respondent mistreat anyone or be intoxicated. The Respondent's landlord testified that he never saw the Respondent involved in a domestic dispute or be violent, that he never received any complaints about the Respondent, and that the Respondent helped around the building in a variety of ways. The Board also considered the written statements of Respondent's AA sponsor and a long-time fellow officer. In addition, the Respondent submitted letters documenting his participation in outpatient alcohol counseling programs, each of which lasted 4-6 weeks (however, despite his participation in these programs in 2015 and in 2016, his drinking continues, as he admitted in his testimony). The Respondent, who joined the Police Department in 2004, has a complimentary history of 27 total awards, including 1 Department commendation, 9 honorable mentions, 4 emblems of recognition for physical fitness, and 2 attendance recognition awards; he has no sustained complaints on his disciplinary history.

Nevertheless, the Respondent's accomplishments as a police officer, the above letters and witnesses' testimony as to his work and character, and the lack of prior disciplinary history do not

mitigate the seriousness of his misconduct.

The Respondent's lack of self-control and the threatening and abusive behavior that he exhibited relate directly to his public duties as a police officer, and render him unfit to hold that office. He responded to stressful situations with repeated threats of physical harm—to himself and to others—and with profanity-filled abuse. As a Chicago police officer, the Respondent has and would in the future doubtless encounter difficult and stressful situations in which he must act with little or no time for reflection. He has demonstrated, through his conduct on numerous occasions, that he does not possess the good judgment and self-control required of Chicago police officers to fairly and impartially deal with the many potentially explosive situations which they encounter on a daily basis. Moreover, Respondent's action in subjecting his ex-wife to the disrespectful, threatening, and abusive statements described above has brought discredit upon the Chicago Police Department and undermined its mission. Chicago police officers are expected to treat all individuals with respect, not threats and abuse.

The Respondent's conduct and the lack of control and lack of judgment he demonstrated are incompatible with continued service as a police officer with the Chicago Police Department. The Board finds that returning him to duty as a sworn officer, armed and authorized to use deadly force, would pose an unacceptable risk to the safety of the public.³

The Board finds that the Respondent's conduct is sufficiently serious to constitute a substantial shortcoming that renders his continuance in his office detrimental to the discipline and efficiency of the service of the Chicago Police Department, and is something that the law recognizes as good cause for him to no longer occupy his office.

³The Board considered the Respondent's evidence and arguments, and finds that returning him to duty upon the completion of further treatment for alcohol abuse or dependency is not justified on the facts of these cases.

POLICE BOARD DECISION

The Police Board of the City of Chicago, having read and reviewed the record of proceedings in these cases, having viewed the video-recording of the testimony of the witnesses, having received the oral report of the Hearing Officer, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts the findings set forth herein by the following votes:

By votes of 8 in favor (Lori E. Lightfoot, Eva-Dina Delgado, Michael Eaddy, Steve Flores, John P. O'Malley Jr., John H. Simpson, Rhoda D. Sweeney, and Andrea L. Zopp) to 1 opposed (Ghian Foreman), the Board finds the Respondent Police **not guilty** of violating Rule 2, Rule 14, and Rule 38, as set forth in paragraph nos. 5 and 6 above; and

By votes of 9 in favor (Lightfoot, Foreman, Delgado, Eaddy, Flores, O'Malley, Simpson, Sweeney, and Zopp) to 0 opposed, the Board finds the Respondent Police **guilty** of violating Rule 2, Rule 8, Rule 9, and Rule 38, as set forth in paragraph nos. 7-9 above.

As a result of the foregoing, the Board, by a vote of 9 in favor (Lightfoot, Foreman, Delgado, Eaddy, Flores, O'Malley, Simpson, Sweeney, and Zopp) to 0 opposed, hereby determines that cause exists for discharging the Respondent from his position as a police officer with the Department of Police, and from the services of the City of Chicago.

NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Police Officer Mazyar Hariri, Star No. 16607, as a result of having been found **guilty** of certain charges in Police Board Case Nos. 16 PB 2918 & 17 PB 2936, be and hereby is **discharged** from his position as a police officer with the Department of Police, and from the services of the City of Chicago.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Lori E. Lightfoot, Ghian Foreman, Eva-Dina Delgado, Michael Eaddy, Steve Flores, John P. O'Malley Jr., John H. Simpson, Rhoda D. Sweeney, and Andrea L. Zopp

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 28th DAY OF FEBRUARY, 2018.

Police Board Case Nos. 16 PB 2918 & 17 PB 2936
Police Officer Mazyar Hariri

Attested by:

/s/ LORI E. LIGHTFOOT
President

/s/ MAX A. CAPRONI
Executive Director

**DISSENT FROM CERTAIN FINDINGS AND
CONCURRENCE WITH DECISION**

I dissent from the majority's findings that Officer Hariri is not guilty of the charges related to his placing his gun in his mouth on February 11, 2015. I find that, based on the totality of the circumstances as described in the testimony of D.S. and her daughter and in the 911 call, Officer Hariri placed his gun in his mouth, and made a false statement when he denied doing so, and I therefore find him guilty of these charges.

I concur with the decision to discharge Officer Hariri from the Chicago Police Department.

/s/ GHIAN FOREMAN
Vice President

RECEIVED A COPY OF

THESE FINDINGS AND DECISION

THIS ____ DAY OF _____, 2018.

EDDIE T. JOHNSON
Superintendent of Police