



# FRATERNAL ORDER OF POLICE

## CHICAGO LODGE #7

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## P R E S S   R E L E A S E

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An incident that occurred in the early morning hours of October 9, 2005, has resulted in a Delaware County, Iowa Judge convicting an off duty Chicago Police Officer of an assault that caused serious injury and then sentencing this officer to five years imprisonment. In the "Findings of Fact and Order" issued by Judge Monica Ackley, she states that the Officer was "not the initial aggressor" and that, "it was reasonable under the circumstances to believe that harm might come to any one of the individuals standing outside on the street." The latter quote addressed the actions of the 6'3" 220 lb. alleged victim and his 6'8" 245 lb. friend who was later arrested for Public Intoxication.

The fact that the officer did retreat [as is required by Iowa law] a significant distance after a barrage of threatening statements were made toward him and his friends, is acknowledged and "credited" by the Judge in her finding. But this retreat wasn't enough for this Judge. She felt that the Officer should have done more even after, in her findings, the officer was "pushed at least two times, maybe three." After retreating and being pushed, the officer felt threatened enough to strike the alleged victim one time which partly caused the alleged victim to fall to the ground and strike his head. The other contributing factor was that the "Findings" showed the alleged victim had a .27 blood alcohol level. When assistance was rendered to the alleged victim, he was found lying on the ground "snoring".

The alleged victim suffered no serious injury and was back on the University of Iowa golf team shooting low scores in no time. As a matter of fact, the alleged victim showed little interest in pursuing this case after the incident occurred. He only appeared once during the subsequent almost two year ordeal in the courts. His only appearance was on the day of his testimony. The victim's father, a prominent Dubuque businessman, however, has not missed a court appearance and surprisingly was allowed to address the court with a self-serving statement on behalf of his son even though he lacked the appropriate standing to be heard.

The entire ruling by this county judge smells. The Fraternal Order of Police stands behind this officer and it is our hope that justice will prevail in the appeals process so that this young man is not forced to serve one day of this unjust sentence.

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**THE ELECTED REPRESENTATIVE OF CHICAGO'S PATROL OFFICERS**