

CHARGES AGAINST POLICE OFFICER LIVIUS TOMESCU

Police Officer Livius Tomescu ("Officer Tomescu"), Star No. 19503, is charged with violating the following rules contained in Article V of the Rules and Regulations of the Chicago Police Department, which were in full force and effect on the date of the alleged violations:

- Rule 1: Violation of any law or ordinance.
- 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 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 4: Any conduct or action taken to use the official position for personal gain or influence.
- Rule 6: Disobedience of an order or directive, whether written or oral.
- Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
- Rule 14: Making a false report, written or oral.
- Rule 41: Disseminating, releasing, altering, defacing or removing any Department record or information concerning police matters except as provided by Department orders.

SPECIFICATIONS

1. On one or more occasions, including on or about July 31, 2018, and/or August 7, 2018, and/or September 27, 2018, Officer Tomescu accessed one or more documents in Chicago Police Department ("CPD") Recruit Rafia Iqbal's ("Iqbal") CPD personnel and/or background investigation file, including Iqbal's Personal History Questionnaire and/or Kentech Consulting, Inc. Background Investigative Report, without an official police purpose and/or for personal purposes. Officer Tomescu thereby violated:
 - a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 - b. Rule 4, which prohibits any conduct or action taken to use the official position for personal gain or influence.
2. On one or more occasions, including on or about July 31, 2018, and/or August 7, 2018, Officer Tomescu disseminated one or more documents from CPD Recruit Iqbal's CPD per-

sonnel and/or background investigation file, including Iqbal's Personal History Questionnaire and/or Kentech Consulting, Inc. Background Investigative Report, by emailing said document(s) to Iqbal's personal email address without an official police purpose and/or for personal purposes. Officer Tomescu thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 - b. Rule 4, which prohibits any conduct or action taken to use the official position for personal gain or influence.
 - c. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, when he violated section sections IV(A)(1), V(B)(1)(f), and/or V(B)(2) of CPD General Order G09-01-03, "Use of the Internet" (eff. Jan. 12, 2010) and/or section II(B) of CPD Special Order S09-05, "Department Reports, Publications, Survey Responses and Official Statistics" (eff. Aug. 14, 2003).
 - d. Rule 41, which prohibits disseminating, releasing, altering, defacing or removing any Department record or information concerning police matters except as provided by Department orders.
3. On one or more occasions, including on or about July 31, 2018, and/or September 27, 2018, Officer Tomescu conducted one or more Law Enforcement Agencies Data System ("LEADS") inquiries of the name and/or personal information of Arqum Usmani ("Usmani") without an official police purpose and/or for personal purposes. Officer Tomescu thereby violated:
- a. Rule 1, which prohibits violation of any law or ordinance, when he violated section 1240.80(a) of the Illinois Administrative Code, (20 Ill. Adm. Code 1240.80(a) (1999)), entitled "Dissemination of Data Obtained Through LEADS."
 - b. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 - c. Rule 3, which prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals.
 - d. Rule 4, which prohibits any conduct or action taken to use the official position for personal gain or influence.
 - e. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, when he violated section VI(A)(2) of CPD General Order G09-

01-01, "Access to Computerized Data, Dissemination and Retention of Computer Data" (eff. Feb. 3, 2012) and/or sections IV(A)(1), V(B)(1)(e), V(B)(1)(f), and/or V(B)(2) of CPD Order G09-01-03, "Use of the Internet" (eff. Jan. 12, 2010).

4. On or about August 23, 2018, Officer Tomescu conducted one or more LEADS inquiries on the name and/or personal information of CPD Recruit Iqbal without an official police purpose and/or for personal purposes. Officer Tomescu thereby violated:
 - a. Rule 1, which prohibits violation of any law or ordinance, when he violated section 1240.80(a) of the Illinois Administrative Code, (20 Ill. Adm. Code 1240.80(a) (1999)), entitled "Dissemination of Data Obtained Through LEADS."
 - b. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 - c. Rule 3, which prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals.
 - d. Rule 4, which prohibits any conduct or action taken to use the official position for personal gain or influence.
 - e. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, when he violated section VI(A)(2) of CPD General Order G09-01-01, "Access to Computerized Data, Dissemination and Retention of Computer Data" (eff. Feb. 3, 2012) and/or sections IV(A)(1), V(B)(1)(e), V(B)(1)(f), and/or V(B)(2) of CPD General Order G09-01-03, "Use of the Internet" (eff. Jan. 12, 2010).
5. On or about September 27, 2018, Officer Tomescu contacted Usmani via telephone, identified himself to Usmani as a CPD police officer, and asked Usmani questions about CPD Recruit Iqbal, all without an official police purpose and/or for personal purposes. Officer Tomescu thereby violated:
 - a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 - b. Rule 3, which prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals.
 - c. Rule 4, which prohibits any conduct or action taken to use the official position for personal gain or influence.

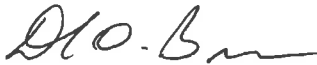
6. On or about October 1, 2018, Officer Tomescu left one or more voicemails for and/or made one or more telephone calls to CPD Recruit Burckel, during which Officer Tomescu identified himself as a police officer in CPD-HRD and threatened to have Burckel expelled and/or terminated from CPD's training academy and/or demanded that Burckel apologize to CPD Recruit Iqbal in front of other CPD recruits. Officer Tomescu thereby violated:
 - a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 - b. Rule 3, which prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals.
 - c. Rule 4, which prohibits any conduct or action taken to use the official position for personal gain or influence.
 - d. Rule 8, which prohibits disrespect to or maltreatment of any person, while on or off duty.

7. On or about October 1, 2018, and while speaking to CPD Recruit Colton Sodt ("Sodt") on the telephone, Officer Tomescu threatened to have Sodt expelled and/or terminated from CPD's training academy and/or demanded that Sodt apologize to CPD Recruit Iqbal in front of other CPD recruits. Officer Tomescu thereby violated:
 - a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 - b. Rule 3, which prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals.
 - c. Rule 8, which prohibits disrespect to or maltreatment of any person, while on or off duty.

8. On or about October 8, 2018, Officer Tomescu sent CPD Recruit Iqbal one or more text messages in which Officer Tomescu made one or more threatening, harassing, and/or derogatory comments, including, but not limited, to threatening to tell CPD's Internal Affairs Division that Iqbal lied about her age on her employment application to CPD; stating, "[y]ou thought you were going to throw me under the bus, I'm taking you with me!"; stating, "[i]mmigration office will be my next stop after the IAD interview. That interview will also involve your sister and your brother"; and/or threatening to introduce himself to Iqbal's family without Iqbal's permission. Officer Tomescu thereby violated:
 - a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

- b. Rule 3, which prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals.
 - c. Rule 8, which prohibits disrespect to or maltreatment of any person, while on or off duty.
- 9. On or about October 8, 2018, Officer Tomescu used information he obtained while conducting a background investigation of CPD Applicant Sohail Bhatti while Officer Tomescu was assigned to CPD-HRD, namely, personal telephone number(s) and/or email address(es), to contact Bhatti and/or his wife, Rabia Iqbal, via telephone and/or email for personal purposes. Officer Tomescu thereby violated:
 - a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 - b. Rule 3, which prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals.
 - c. Rule 4, which prohibits any conduct or action taken to use the official position for personal gain or influence.
- 10. On or about November 8, 2018, at or near 3510 South Michigan Avenue, Chicago, Illinois and during an interview with CPD's Bureau of Internal Affairs ("CPD-BIA"), Officer Tomescu falsely stated that he obtained CPD Recruit Burckel's phone number from CPD Recruit Iqbal's cellular phone, or used words to that effect. Officer Tomescu thereby violated:
 - a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 - b. Rule 14, which prohibits making a false report, written or oral.
- 11. On or about November 8, 2018, at or near 3510 South Michigan Avenue, Chicago, Illinois and during an interview with CPD-BIA, Officer Tomescu falsely denied accessing CPD Recruit Iqbal's CPD personnel and/or background investigation file, or used words to that effect. Officer Tomescu thereby violated:
 - a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 - b. Rule 14, which prohibits making a false report, written or oral.

Based on the foregoing charges and specifications, the Superintendent recommends that Police Officer Livius Tomescu, Star No. 19503, be discharged from the Chicago Police Department.



DAVID O. BROWN
Superintendant of Police

APPROVED AS TO FORM

/S/ Johanna Tran
Johanna Tran
Assistant Corporation Counsel
Labor Division

FILED: April 06, 2021 POLICE BOARD Case No. 21 PB 2989
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