

**SUMMARY REPORT OF INVESTIGATION<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

|                            |   |
|----------------------------|---|
| Date of Incident:          | June 20, 2017 <sup>2</sup>                                    |
| Time of Incident:          | 6:00 a.m.   |
| Location of Incident:      | ██, and other locations |
| Date of COPA Notification: | June 20, 2017   |
| Time of COPA Notification: | 12:40 p.m.  |

██████████ the ██████ of CPD Sgt. Richard Bednarek, alleged that her ██████ verbally and physically abused her on various dates in May and June of 2017. COPA’s investigation did not sustain the allegations of physical abuse, but did sustain allegations of verbal abuse. COPA’s investigation also revealed that two CPD members, Sgt. Aaron Carranza and Police Officer John Lehman, did not follow CPD directives that required them to request a higher-ranking supervisor when responding to a domestic incident involving a CPD member.

**II. INVOLVED PARTIES**

|                      |   |
|----------------------|---|
| Involved Officer #1: | <b>Sergeant of Police Richard Bednarek</b> ; Star# 1174; Employee ID# ██████ Date of Appointment October 13, 1986; Seniority Date March 1, 1997; Assigned Unit 006; <sup>3</sup> Date of Birth ██████ 1964; Male; White |
| Involved Officer #2: | <b>Sergeant of Police Aaron Carranza</b> ; Star# 1140; Employee ID# ██████; Date of Appointment November 29, 2004; Seniority Date February 1, 2016; Assigned Unit 008; Date of Birth ██████, 1980; Male; Hispanic       |
| Involved Officer #3: | <b>Police Officer John Lehman</b> ; Star# 19662; Employee ID# ██████; Date of Appointment March 27, 2006; Assigned Unit 008; Date of Birth June 10, 1979; Male; White   |
| Subject #1:          | ██████████ Date of Birth ██████, 1958; Female; White  |

<sup>1</sup> 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 recommendations set forth herein are the recommendations of COPA.

<sup>2</sup> Additional allegations of misconduct that occurred on unknown dates in May and June of 2017 were also included in this investigation.

<sup>3</sup> Sgt. Bednarek was assigned to Unit 006 at the time of the incidents under investigation. Sgt. Bednarek was later detailed to Unit 376.

III. ALLEGATIONS

| Officer               | Allegation   | Finding       |
|-----------------------|--|---------------|
| Sgt. Richard Bednarek | <p>1. It is alleged that on June 20, 2017, at approximately 6:00 a.m., that Sgt. Bednarek spoke with [REDACTED] by telephone and harassed [REDACTED] by telling her that he had destroyed dining room furniture that [REDACTED] had inherited from her grandparents, in violation of Rules 8 and 9, and;</p>   | Sustained     |
|                       | <p>2. It is alleged that on June 20, 2017, some time after 6:00 a.m., that Sgt. Bednarek spoke with [REDACTED] by telephone and harassed [REDACTED] by threatening to destroy dining room furniture that [REDACTED] had inherited from her grandparents after [REDACTED] learned that Sgt. Bednarek had not actually destroyed the furniture earlier on that date, in violation of Rules 8 and 9, and;</p> | Not Sustained |
|                       | <p>3. It is alleged that on multiple occasions in May and June of 2017 that Sgt. Bednarek engaged in unjustified verbal altercations with [REDACTED] when Sgt. Bednarek called [REDACTED] "street shit" or words to that effect, in violation of Rules 8 and 9, and;</p>   | Not Sustained |
|                       | <p>4. It is alleged that on multiple occasions in May and June of 2017 that Sgt. Bednarek engaged in unjustified verbal altercations with [REDACTED] when Sgt. Bednarek called [REDACTED] a "paranoid bitch" or words to that effect, in violation of Rules 8 and 9, and;</p>  | Not Sustained |
|                       | <p>5. It is alleged that on multiple occasions in May and June of 2017 that Sgt. Bednarek engaged in unjustified verbal altercations with [REDACTED] when Sgt. Bednarek called [REDACTED] a "stupid fucking bitch that's out of reality and does not know what she's talking about" or words to that effect, in violation of Rules 8 and 9, and;</p>   | Not Sustained |

|                            |  |   |
|----------------------------|--|---|
|                            | <p>6. It is alleged that on either May 5, 2017, or May 9, 2017, at [REDACTED] that Sgt. Bednarek engaged in an unjustified physical altercation with [REDACTED] by battering [REDACTED] and causing bruises to [REDACTED] back and soreness to [REDACTED] hip, in violation of Rules 1, 8, and 9, and;</p> <p>7. It is alleged that on June 29, 2017, that Sgt. Bednarek harassed [REDACTED] by threatening to send false information about [REDACTED] to the federal Drug Enforcement Administration for the purpose of adversely affecting [REDACTED] federal registration to prescribe controlled substances as a [REDACTED] in violation of Rules 8 and 9.</p>   | <p>Not Sustained</p> <p>Not Sustained</p> |
| <p>Sgt. Aaron Carranza</p> | <p>It is alleged that on May 9, 2017, at approximately 7:40 p.m., near [REDACTED] that Sgt. Carranza:</p> <p>1. Did not conduct a thorough preliminary investigation as the investigating supervisor after becoming aware that a CPD member, Sgt. Richard Bednarek #1174, was involved in a domestic incident when Sgt. Carranza did not attempt to interview Sgt. Bednarek or his [REDACTED] in violation of Rules 2, 3, 5, 10, and 11, and;</p> <p>2. Did not request that a member who is of higher rank than the Department member involved in a domestic incident be assigned as the investigating supervisor after becoming aware that a CPD member, Sgt. Richard Bednarek #1174, was involved in a domestic incident, in violation of Rules 2, 3, and 10.</p> | <p>Sustained</p> <p>Sustained</p>         |
| <p>Officer John Lehman</p> | <p>It is alleged that on June 18, 2017, at approximately 1:45 a.m., at [REDACTED] that Police Officer John Lehman did not request that a member who is of higher rank than the Department member involved in a domestic incident be assigned as the investigating supervisor after becoming aware that a CPD member, Sergeant Richard Bednarek #1174, was involved in a domestic incident, in violation of Rules 2, 3, and 10.</p>   | <p>Sustained</p>                          |

#### IV. APPLICABLE RULES AND LAWS

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##### Rules

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**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 5:** Failure to perform any duty.

**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 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

**Rule 10:** Inattention to duty.

**Rule 11:** Incompetency or inefficiency in the performance of duty.

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##### General Orders

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#### 1. General Order G04-04, Domestic Incidents<sup>4</sup>

III.B. If a Chicago Police Department member is involved in the domestic incident, the responding member will request that a member who is of higher rank than the Department member involved in the domestic incident be assigned from the district of occurrence as the investigating supervisor. If an exempt member is involved in the domestic incident, the field supervisor of the district of occurrence will be assigned to the scene. If circumstances warrant, the field supervisor may request that the appropriate ranking exempt member also be assigned to the scene.

#### IV. PRELIMINARY INVESTIGATION

A. The Bureau of Patrol is responsible for conducting the preliminary investigation. Officers will conduct a thorough investigation, including:

1. identifying and interviewing all involved parties separately. Officers should maintain visual contact with each other.

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<sup>4</sup> This order was issued on December 28, 2012, and was in effect at the time of the incidents under investigation.

...

2. determining whether or not a valid order of protection exists. . . .

3. identifying the crime scene and determining whether there is any evidence present. . . .

B. The Illinois Domestic Violence Act (750 ILCS 60/301 et al.) and Department policy place specific responsibilities upon officers. Department members will:

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6. when using a miscellaneous incident code from the Miscellaneous Incident Reporting Table (CPD-11.484) to clear from a domestic disturbance (domestic incident not involving domestic violence or other criminal acts, or not otherwise requiring the completion of a case report), use "1" as the incident number. **Under no circumstances**<sup>5</sup> will officers clear from a domestic disturbance using "19" as the incident number.

## 2. General Order G04-04-02, Domestic Incident Notice<sup>6</sup>

### IV. PROCEDURES

A. Officers assigned to domestic incidents will determine whether it is a disturbance or criminal incident.

B. For criminal incidents, in addition to the other required procedures as outlined in this directive, officers will:

1. enter the associated police report RD number in the upper right-hand corner of the DIN in the space marked "Police Report RD#."

2. print their names and star numbers on the bottom of the DIN.

3. give the victim a completed Domestic Incident Notice and explain its contents.

C. For domestic incidents in which no case report is required, members will:

1. enter "N/A" (Not Applicable) in the upper right-hand corner of the DIN in the space marked "Police Report RD#."

2. print their names and star numbers on the bottom of the DIN.

3. explain to the complainant that although criminal charges do not apply, other sources of assistance are available to the complainant, including the City of Chicago's toll-free confidential 24-hour Domestic Violence Help Line.

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<sup>5</sup> Emphasis in the original.

<sup>6</sup> This order was issued on December 28, 2012, and was in effect at the time of the incidents under investigation.

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**Special Orders**

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**Special Order S04-04, Domestic Incidents<sup>7</sup>**

## III.B. Bureau of Patrol field supervisors will:

1. respond to domestic violence assignments given to members under their supervision, when practical, to ensure compliance with the IDVA and Department policy.
2. respond to the scene of any domestic incident assigned by the OEMC to ensure that all appropriate procedures are followed.
3. review case reports to ensure that the IDVA reporting requirements have been met.
4. obtain a CR number and follow the procedures outlined in the Department directive entitled "Complaint and Disciplinary Procedures" if a Department member is involved in the domestic incident and a crime/ misconduct by the Department member is alleged.

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**State Laws**

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**1. 720 ILCS 5/12-3.2 Domestic Battery****2. 750 ILCS 60/103 Illinois Domestic Violence Act – Definitions**

"Abuse" means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis.

"Harassment" means 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. . .

**IV. INVESTIGATION<sup>8</sup>****a. Interviews****1. Statement of Complainant** [REDACTED]

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<sup>7</sup> This order was issued on December 28, 2012, and was in effect at the time of the incidents under investigation.

<sup>8</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

██████████ was interviewed by IPRA on June 30, 2017.<sup>9</sup> ██████████ said that on June 20, 2017, at approximately 6:00 a.m., she was in a hotel room in Mt. Vernon, Illinois, where she stopped for the night while traveling to Nashville, Tennessee, where she and her ██████████ have an apartment. She spoke with her ██████████ Sgt. Richard Bednarek, by telephone, and Sgt. Bednarek told her that he destroyed an heirloom dining room set that belonged to ██████████ grandparents, along with china that was stored in a china cabinet. The dining room set was kept in the house where ██████████ and Sgt. Bednarek lived together at ██████████ in Chicago. ██████████ said that she began crying, and she asked her ██████████ why he destroyed these items. Sgt. Bednarek then referred to incidents that occurred over the weekend and called ██████████ a “stupid fucking bitch that’s out of reality and does not know what she’s talking about.” Sgt. Bednarek also called ██████████ “street shit” and “paranoid bitch.”

██████████ said that she was unable to return to Chicago to check on the status of her property, so she called Sgt. Bednarek’s district and asked to speak to a lieutenant. She also sent a text message to her ██████████ telling ██████████ that Sgt. Bednarek destroyed the dining room set. ██████████ believes that ██████████ then contacted Sgt. Bednarek, and ██████████ texted ██████████ telling her that Sgt. Bednarek had not, in fact, destroyed the property. Sometime later, ██████████ spoke to her ██████████ again, and he told her to be careful, or else next time he would “really do it.”

By the time that her ██████████ returned her text message, ██████████ had already spoken by telephone to Lt. Howard at the 6th District. The lieutenant told her that CPD could not send someone to her house to see if Sgt. Bednarek destroyed her property. The lieutenant did, however, question ██████████ about what happened, and the lieutenant told her that he would initiate a complaint register investigation.

██████████ said that the other incident over the weekend involved her getting upset and breaking items in the house, including items on the kitchen counter, a light, and a picture. ██████████ said that she was drinking wine prior to the incident, and that wine made her less tolerant of engaging in an argument. ██████████ said that she became upset because the couple moved from one apartment to another in Nashville due to safety concerns, and Sgt. Bednarek berated her after returning from Nashville, blaming her for causing the move because she was the only person who felt unsafe in the old apartment. Following the argument over the move, Sgt. Bednarek went to watch a movie with their ██████████ When Sgt. Bednarek returned, he found the items that ██████████ broke, and he called the police. After that incident, which occurred on a Saturday, ██████████ went to sleep. She stayed in bed most of the day on Sunday, which she remembered was Father’s Day. The next day, Monday, she left for Nashville.

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<sup>9</sup> Prior to the in-person interview, ██████████ returned a telephone call from IPRA on June 23, 2017. ██████████ said that she did not want to discuss the allegations against her ██████████ and that her ██████████ had not actually destroyed her furniture. (Attachment 5)

██████████ also said that Sgt. Bednarek called the police after two different incidents in May of 2017, and that Sgt. Bednarek falsely alleged that he was assaulted by ██████████. ██████████ said that her ██████████ assaulted her, resulting in bruising to her back and soreness to her hip. ██████████ said that she could not recall all the details of the assault because it happened so quickly. ██████████ said that her hip was still sore at the time of her statement, but she had not sought medical attention. She also said that her massage therapist saw the bruises on her back.

The police responded after being called by Sgt. Bednarek, but no one was arrested. ██████████ said that the officers who responded held the rank of “police officer,” that no supervisor responded, and that no detectives contacted her to follow up regarding the incidents. ██████████ said that she has not been to court regarding these incidents, and that she believes Sgt. Bednarek decided not to prosecute her for the alleged assault. ██████████ said that she believed the first incident in May occurred around May 5, and the second incident occurred around May 9. ██████████ said that arguments occurred between her and Sgt. Bednarek on both days, but she could not recall if the physical assault occurred on the 5th or on the 9th. ██████████ also said that similar verbal and physical abuse incidents have been occurring for the past ten years.

██████████ said that on June 29, 2017, Sgt. Bednarek verbally threatened to contact the federal Drug Enforcement Administration (“DEA”) regarding ██████████ license to prescribe drugs. ██████████ said that she is licensed to prescribe drugs as a Nurse Practitioner,<sup>10</sup> and that Sgt. Bednarek was threatening to damage her career prospects by sending police reports that he filed against ██████████ to the DEA.

██████████ said that during some previous arguments with her ██████████ Sgt. Bednarek has gotten “in her face,” and she has responded by pushing him away or by grabbing his shirt. This has led to Sgt. Bednarek becoming more aggressive and using more force against ██████████.

## **2. Statement of Witness Officer James Sankovich<sup>11</sup>**

Officer James Sankovich was interviewed by COPA on September 28, 2017. Officer Sankovich said that on May 9, 2017, he was working in the 8th District, assigned to Beat 843 with his partner, Officer Gregory Strelczyk. At about 7:40 p.m., they responded to a report of a domestic battery at ██████████ where they met with Richard Bednarek, who identified himself as an off-duty CPD sergeant, and his ██████████. Officer Sankovich said that he did not know Sgt. Bednarek and had never worked with Sgt. Bednarek. Sgt. Bednarek told Officer Sankovich that ██████████ grabbed him by the shirt collar and shook him after a verbal argument. Sgt. Bednarek said that ██████████ had been drinking all day, and Officer Sankovich

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<sup>10</sup> A search on the Illinois Department of Financial and Professional Regulation online licensing verification website (Attachment 85) showed that ██████████ is licensed in Illinois as an Advanced Practice Nurse with authorization to prescribe controlled substances.

<sup>11</sup> Attachments 41, 70.



observed that [REDACTED] appeared to be intoxicated. Officer Sankovich remembered that the argument between Sgt. Bednarek and [REDACTED] regarded their adult [REDACTED] who was downstairs in the basement watching television.

Officer Sankovich said that [REDACTED] speech was slurred, and she was very irate, repeatedly shouting at the officers that she was a nurse practitioner. Officer Sankovich smelled the odor of alcohol coming from [REDACTED] body, and he described her as talking in gibberish and going off on tangents. Officer Sankovich did not see any injuries to [REDACTED] and [REDACTED] did not complain of any injuries. Officer Sankovich did not observe anything that led him to believe that Sgt. Bednarek had been drinking. Sgt. Bednarek told Officer Sankovich that there were ongoing problems in his marriage and that he did not want to sign complaints against [REDACTED]— he only wanted the incident documented in a police report.

Because this domestic incident involved a CPD member, Officer Sankovich called for a police supervisor. Officer Sankovich recalled that he requested a supervisor quickly, after determining that no one present needed immediate medical attention. Officer Sankovich's supervisor, Sgt. Carranza, came to the scene. Officer Sankovich recalled that Sgt. Carranza went inside the home to speak with the Bednareks while Officers Sankovich and Strelczyk waited outside. Officer Sankovich surmised that Sgt. Carranza spoke with both Richard and [REDACTED] while inside the home, where he remained for about ten minutes. When Sgt. Carranza came back outside, he told the officers that the incident must be documented in a report, and he specifically instructed them to note that he, Sgt. Carranza, was there.

### **3. Statement of Witness Officer Gregory Strelczyk<sup>12</sup>**

Officer Gregory Strelczyk was interviewed by COPA on October 17, 2017. Officer Strelczyk said that on May 9, 2017, he was working in the 8th District, assigned to Beat 843 with his partner, Officer James Sankovich. At about 7:40 p.m., they were dispatched to a domestic battery at [REDACTED]. Officer Strelczyk had never been to that address before, and he was not previously acquainted with the residents. A man who identified himself as off-duty CPD Sgt. Richard Bednarek met the responding officers at the door, and the officers immediately called for a supervisor because this was a domestic incident involving a CPD member. Officer Strelczyk did not believe that Sgt. Bednarek had been drinking.

Sgt. Bednarek told Officer Strelczyk that [REDACTED] his [REDACTED] came home intoxicated and that she had started a verbal argument. [REDACTED] then grabbed Sgt. Bednarek's shirt collar and ripped his shirt from the collar down. Sgt. Bednarek told Officer Strelczyk that this was an ongoing situation and that he wanted to document the incident. Sgt. Bednarek did not want to sign complaints against [REDACTED]. Officer Strelczyk saw that Sgt. Bednarek's shirt was

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<sup>12</sup> Attachments 43, 72.

ripped, but he did not observe any injury to Sgt. Bednarek, and Sgt. Bednarek did not complain of any injury.

Officer Strelczyk described [REDACTED] as extremely intoxicated, and he remembered that she was covered in liquid that he assumed was vomit or urine. She mumbled and rambled, and she did not want to speak with the police officers. After yelling obscenities at the officers, she retreated to an upstairs bedroom. Officer Strelczyk recalled asking [REDACTED] if she wanted to go to the hospital based on her level of intoxication, but she declined. Officer Strelczyk did not observe any injuries to [REDACTED] and she did not complain of any injuries or any physical abuse by Sgt. Bednarek. She did yell repeatedly that she was a nurse practitioner. While inside the residence, Officer Strelczyk observed piles of mail in the dining room and “stuff thrown everywhere.”

Officer Strelczyk recalled that Sgt. Carranza responded to the scene, but Sgt. Carranza did not go inside the residence and did not speak with [REDACTED]. When Officer Strelczyk briefed Sgt. Carranza on what had happened, Sgt. Carranza instructed Officer Strelczyk to give Sgt. Bednarek a police report.

Officer Strelczyk also recalled going to the [REDACTED] residence on one occasion after the incident on May 9, 2017. Sometime in August of 2017, Officer Strelczyk was dispatched to the home on a “check well-being” call. Officer Strelczyk remembered that a friend of [REDACTED] called police and reported that she was concerned for [REDACTED] welfare after [REDACTED] suddenly went silent during a telephone conversation. Officer Strelczyk knocked on the home’s door and was met by [REDACTED] who told Officer Strelczyk that she was fine. Officer Strelczyk recalled that [REDACTED] appeared to be intoxicated, and that her clothing was again wet from what he assumed to be vomit or urine.

### 3. Statements of Sergeant Aaron Carranza<sup>13</sup>

#### i. Witness Statement: October 10, 2017<sup>14</sup>

Sergeant Aaron Carranza was interviewed by COPA on October 10, 2017. Sgt. Carranza said that on May 9, 2017, he was working in the 8th District, assigned to Beat 820 as the sector sergeant. At about 7:40 p.m., Sgt. Carranza responded to [REDACTED] as the supervisor assigned for a reported domestic incident involving an off-duty CPD member. Sgt. Carranza remembered responding from “quite a distance away,” and the officers assigned to the call were already back in their squad car when he arrived. Sgt. Carranza spoke with Officers Sankovich and Strelczyk, and they told him that peace had been restored in the household. Sgt. Carranza never spoke with Sgt. Bednarek, [REDACTED] or any other member of their

<sup>13</sup> Sergeant Carranza was first interviewed as a witness on October 10, 2017. Sergeant Carranza was later served with allegations and interviewed as an accused on January 11, 2018.

<sup>14</sup> Attachments 42, 71.

household. Sgt. Carranza noted that his officers are trained to deal with domestic situations, and he trusted them to make the correct assessment. Sgt. Carranza also noted that if the officers had told him that allegations had been made against Sgt. Bednarek, he would have personally interviewed the involved parties and witnesses, and he would have investigated further.

Sgt. Carranza said that he has never worked with Sgt. Bednarek, and to the best of his knowledge he has never met Sgt. Bednarek. Sgt. Carranza also said that he had never responded to the residence on South Newcastle before May 9, 2017 and had never responded to that address again after May 9, 2017.

**ii. Accused Statement: January 11, 2018<sup>15</sup>**

Sgt. Carranza was interviewed by COPA on January 11, 2018, after being served with the allegations listed above. Sgt. Carranza recalled his response to [REDACTED] for the domestic incident between Sgt. Bednarek and [REDACTED]. Sgt. Carranza learned from the OEMC dispatcher that a CPD member was involved in the domestic incident, but Sgt. Carranza did not recall if he ever learned the rank of the involved CPD member on that day. Sgt. Carranza remembered meeting with Officers Sankovich and Strelczyk, who had already exited the Bednarek residence and returned to their patrol vehicle. Sgt. Carranza asked the officers what had happened:

They stated that there was a domestic-related incident involving a Department member; that they were going to generate a case report in that the caller, Richard Bednarek, stated that his [REDACTED] had come home intoxicated, and that he had become involved in a verbal disagreement, or verbal argument, which quickly became physical.

. . . The officers related to me that there were no allegations made against the Department member . . . and that peace had been restored.

After hearing this from the officers, Sgt. Carranza confirmed, by speaking with Officer Sankovich and Officer Strelczyk, that none of the parties to the incident had been injured and that no medical assistance was needed. After a short time on scene, Sgt. Carranza was satisfied that a sufficient preliminary investigation had been conducted, and he left. Sgt. Carranza confirmed that he never saw or spoke with Sgt. Bednarek or [REDACTED]. Sgt. Carranza also said that he would have taken additional steps if his officers informed him of any allegations of misconduct against Sgt. Bednarek. If any misconduct on Sgt. Bednarek's part had been alleged, Sgt. Carranza would have exited his vehicle and taken statements from all of the involved parties. Under those circumstances, Sgt. Carranza would also have initiated a Complaint Register investigation and notified a lieutenant. Sgt. Carranza noted that there was no field lieutenant available in the 8th District on May 9, 2017, but a watch operations lieutenant was working inside the district station.<sup>16</sup>

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<sup>15</sup> Attachments 80, 111.

<sup>16</sup> Attendance and Assignment records from the 8th District confirm that no field lieutenant was working at the time of this incident. (Attachment 81)

When confronted with the allegation that he did not conduct a thorough preliminary investigation, Sgt. Carranza reiterated that he believed his actions were sufficient based on the nature of the incident and the actions that had already been taken by the officers under his supervision. When confronted with the allegation that he did not request a higher-ranking supervisor, Sgt. Carranza reiterated that no field lieutenant was available, but that he would have contacted the watch operations lieutenant if any allegation of misconduct had been made against Sgt. Bednarek.

#### 4. Statements of Officer John Lehman<sup>17</sup>

##### i. Witness Statement: September 28, 2017<sup>18</sup>

Officer John Lehman was interviewed by COPA on September 28, 2017. Officer Lehman said that on June 18, 2017, he was working in the 8th District, assigned to Beat 811R with his partner, Officer Anthony Wilson.<sup>19</sup> At about 1:45 a.m., Officers Lehman and Wilson were dispatched to a single-family residence at [REDACTED] for a reported burglary. When they arrived, they found subjects later identified as Sgt. Richard Bednarek and his [REDACTED] Bednarek standing outside. Officer Lehman spoke with Sgt. Bednarek and quickly determined that there had not been a burglary. Sgt. Bednarek, who was off duty and dressed in civilian clothing, identified himself as a member of the CPD. Sgt. Bednarek told Officer Lehman that his [REDACTED] was inside the home and that she had broken some items. Sgt. Bednarek explained that he went to the movies with his [REDACTED] and they came home to find the house wrecked, with windows broken and dishes on the floor. Sgt. Bednarek did not want to confront [REDACTED] and worsen the situation, so he called for police. Officer Lehman remembered that Sgt. Bednarek was very insistent about having a police report filed. Sgt. Bednarek told Officer Lehman that he was concerned [REDACTED] might make up a story about Sgt. Bednarek destroying the house or “in case this turns into something else.” Officer Lehman also spoke with [REDACTED], who said that [REDACTED] was screaming and breaking things before Sgt. Bednarek and [REDACTED] went to the movies. Both Sgt. Bednarek and [REDACTED] told Officer Lehman that [REDACTED] was on medication and that sometimes she “acts out” and “isn’t right.” Sgt. Bednarek said that he has been dealing with [REDACTED] behavior for “a while” and that [REDACTED] sometimes screams and breaks things.

Officer Lehman said that he went inside the home with Officer Wilson to speak with [REDACTED] while Sgt. Bednarek and [REDACTED] remained outside. When they went inside, [REDACTED] began screaming at them. Officer Lehman described [REDACTED] as unkempt and somewhat intoxicated. Officer Lehman saw broken dishes on the floor, a broken window in the side entrance door, a broken light fixture in the dining room, and the contents of drawers and cabinets apparently removed from their proper place and strewn about the floor. [REDACTED] did not want to speak with the

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<sup>17</sup> Officer Lehman was first interviewed as a witness on September 28, 2017. Officer Lehman was later served with allegations and interviewed as an accused on January 10, 2018.

<sup>18</sup> Attachments 40, 65.

<sup>19</sup> Officer Wilson was suspended from the CPD pending separation proceedings before the Chicago Police Board during this investigation due to unrelated allegations of misconduct. Thus, Officer Wilson was not available for a witness interview. Chicago Police Board Case No. 17 PB 2937 (Sept. 19, 2017).

officers, so the officers went back outside to get Sgt. Bednarek and [REDACTED] identifying information for the police report. Officer Lehman remembered that at some point, [REDACTED] went outside and was pacing in the rear yard, where she continued to shout profanities at the officers. Officer Lehman also remembered that Sgt. Bednarek appeared to be embarrassed by [REDACTED] behavior.

Officer Lehman said that he did not observe any injuries to [REDACTED] and [REDACTED] did not complain of any injuries. [REDACTED] did not mention any history of domestic violence on the part of Sgt. Bednarek, but Officer Lehman did not ask [REDACTED] about domestic violence.

#### ii. Accused Statement: January 10, 2018<sup>20</sup>

Officer Lehman was interviewed by COPA on January 10, 2018, after being served with the allegation listed above. Officer Lehman recalled responding to the Bednarek residence with his partner, Officer Anthony Wilson, on June 18, 2017. Officer Lehman also recalled that Sgt. Bednarek identified himself as an off-duty CPD member and requested a police report to document damage that was caused by [REDACTED]. Officer Lehman said that he did not believe a crime had been committed, as [REDACTED] had the right to damage her own property, and that he did not believe this was a domestic incident. But Officer Lehman also acknowledged that the report prepared by Officer Wilson included notations that procedures required for domestic incidents had been followed, such as providing the victim with a Domestic Incident Notice form.

Officer Lehman acknowledged that CPD directives require members who respond to a CPD-member-involved domestic incident request the assignment of a higher-ranking member. Officer Lehman said that he did not request a higher-ranking member for the incident at the Bednarek residence because he did not see it as a domestic incident:

[T]here was no violence. A father and [REDACTED] came home, and realized their house was destroyed, and I didn't see it as a crime. I just saw it as an incident. . . . I was attaching "domestic" with arrestable offenses, crimes. Domesticities that I was dealing with for 11 years before this, not someone breaking some dishes and screaming, when nobody was home.

When confronted directly with the allegation that he did not call for a higher-ranking supervisor, Officer Lehman reiterated that he did not believe this was a domestic incident, and therefore the directive requiring a higher-ranking supervisor did not apply.

#### 5. Statement of Witness [REDACTED] Bednarek<sup>21</sup>

[REDACTED], the twenty-two-year-old adult [REDACTED] of Sgt. Richard Bednarek and [REDACTED] was interviewed by COPA on December 18, 2017. [REDACTED] said that she resides with her [REDACTED] at [REDACTED] in [REDACTED] although she maintains a temporary

<sup>20</sup> Attachments 77, 83.

<sup>21</sup> Attachments 58, 84. COPA also questioned [REDACTED] Bednarek about an incident that occurred between Sgt. Bednarek and [REDACTED] in Nashville, TN, on November 13, 2017. That incident is the subject of a separate investigation under log no. 1087478 and is not discussed in this report.

residence in Nashville, Tennessee, where she attends [REDACTED]. [REDACTED] said that there has been a long-running series of episodes, beginning during her childhood, where her [REDACTED] would drink wine and become verbally and physically abusive towards her, [REDACTED], and her [REDACTED]. [REDACTED] believes that her [REDACTED] may be an alcoholic, and she believes that her [REDACTED] has been calling the police to document the domestic incidents involving her [REDACTED] to protect himself from false allegations of domestic violence and to protect his job with the CPD.

#### **i. Domestic Battery Incident – May 9, 2017**

On May 9, 2017, at about 7:40 p.m., [REDACTED] recalled being in the Newcastle residence with her [REDACTED] when their [REDACTED] had an argument. [REDACTED] did not recall all the details of the May 9 incident, but said that it followed a “general pattern” where [REDACTED] would “drink wine and become argumentative.” [REDACTED] saw her [REDACTED] drinking wine on that day, and she described her [REDACTED] as intoxicated. [REDACTED] said that Sgt. Bednarek had not been drinking that day, and that he does not drink. The argument involved “money things” and [REDACTED] desire to move the family to Nashville. [REDACTED] did not remember if she saw the physical confrontation between [REDACTED] and Sgt. Bednarek on May 9, but she said that she has seen similar physical confrontations between them on many occasions. During the incidents that she has witnessed, [REDACTED] said that [REDACTED] left “marks and bruises” on Sgt. Bednarek by scratching his face with her fingernails, and that she has seen [REDACTED] slap Sgt. Bednarek and throw coffee at him in a car while he was driving. [REDACTED] added that her [REDACTED] never strikes back when he is assaulted by [REDACTED] and she has never seen her [REDACTED] assault her [REDACTED]. But [REDACTED] said that she has seen Sgt. Bednarek grab and restrain [REDACTED] to prevent [REDACTED] from continuing her assaultive behavior. On the night of May 9, [REDACTED] did not observe any injuries to either her [REDACTED] or [REDACTED], although she believes that her [REDACTED] pulled on her [REDACTED] shirt collar, causing the collar to be stretched down to “a few inches” below his collar bone.

[REDACTED] said that on the night of May 9, 2017, her [REDACTED] called the police. Two officers responded to the call, and the officers interviewed [REDACTED] and Sgt. Bednarek. [REDACTED] did not recall if the responding officers interviewed [REDACTED] and she did not recall seeing or speaking with a police supervisor. [REDACTED] also did not recall if her [REDACTED] spoke to the police. [REDACTED] did not recall if Sgt. Bednarek directed any profanity at [REDACTED] that evening. But [REDACTED] said that there have been occasions where Sgt. Bednarek directed profanity at [REDACTED] after [REDACTED] called [REDACTED] and [REDACTED] “bitches” or after [REDACTED] made insulting statements about Sgt. Bednarek’s family.

#### **ii. Damage to Property Incident – June 18, 2017**

[REDACTED] recalled that on June 17, 2017, she had recently started her summer job at a residential children’s camp. Saturday, June 17, was the beginning of her first weekend returning home to stay with her [REDACTED] at the Newcastle residence. Both Sgt. Bednarek and [REDACTED] were working on that Saturday, so [REDACTED] and [REDACTED] went to the grocery store to buy provisions for dinner. [REDACTED] bought wine at the grocery store. When they got back home, [REDACTED] began to prepare a meal while [REDACTED] drank wine. [REDACTED] became angry when [REDACTED] mentioned that they should bring [REDACTED] food to [REDACTED] workplace, but [REDACTED] begrudgingly allowed [REDACTED] to take

██████████ car to make the delivery. When ██████████ returned home, she was again alone with ██████████ while they waited for Sgt. Bednarek to return. ██████████ was still angry and she was yelling at ██████████. When Sgt. Bednarek got home from work, he and ██████████ drove to see a movie together as a celebration of Father's Day weekend. ██████████ met Sgt. Bednarek and ██████████ at the movie theater.

Sometime after midnight, Sgt. Bednarek, ██████████ and ██████████ finished watching the movie and drove home. When they arrived, they found the house was "destroyed": the glass window in the back-entrance door was broken, various items were strewn about the kitchen and dining room, the vanity mirror in the upstairs bathroom was broken, and the dining room chandelier was ripped partially out of the ceiling. ██████████ was apparently sleeping in her bedroom, and Sgt. Bednarek called the police to report the damage. When officers arrived, ██████████ came out of her bedroom, but she told the officers that she did not want to speak with them. ██████████ did, however, yell and interrupt while ██████████ was giving her statement. ██████████ took the family dogs into the back yard to keep the dogs away from the officers, and ██████████ believed that ██████████ never gave a statement to the police. ██████████ noted that the two officers who responded held the rank of "police officer" and that no supervisors were present. ██████████ said that there was no physical contact between her ██████████ on the night of June 18, and she did not hear her ██████████ direct any abusive language towards her ██████████.

### iii. Dining Room Furniture Incident – June 20, 2017

██████████ did not have any direct knowledge about Sgt. Bednarek's alleged telephone call to ██████████ about the dining room furniture. ██████████ had, however, spoken to both ██████████ and Sgt. Bednarek about this incident. ██████████ said that Sgt. Bednarek admitted to saying that he broke the dining room furniture, but he had not really broken anything. ██████████ believed that her ██████████ made this statement to her ██████████ out of "spite or anger" because ██████████ frequently made similar threats to destroy their property. ██████████ speculated that her ██████████ had been trying to give her ██████████ "a taste of her own medicine."

## 6. Statement of Witness ██████████

██████████ of ██████████ Bednarek and adult ██████████ of Sgt. Richard Bednarek and ██████████ was interviewed by COPA on May 14, 2018. ██████████ said that she resides with her ██████████ at ██████████ in ██████████, although she maintains a temporary residence in Nashville, Tennessee, where she attends ██████████. ██████████ said that she has never witnessed her ██████████ being abusive towards her ██████████ but she has witnessed Sgt. Bednarek push ██████████ away after she has hit or scratched him.

### i. Domestic Battery Incident – May 9, 2017

On May 9, 2017, at about 7:40 p.m., ██████████ was working in Countryside, Illinois, at her summer job. ██████████ did not remember when she arrived at her ██████████ home after work that evening, but she typically got home around midnight. On that evening, she recalled seeing the

<sup>22</sup> Attachments 112, 115. COPA also questioned ██████████ about an incident that occurred between Sgt. Bednarek and ██████████ in Nashville, TN, on November 13, 2017. That incident is the subject of a separate investigation under log no. 1087478 and is not discussed in this report.

house in disarray when she got home, but she did not recall witnessing any altercation between her [REDACTED]

### **ii. Damage to Property Incident – June 18, 2017**

[REDACTED] recalled that on June 17, 2017, at about 10:00 p.m., she went with her [REDACTED] and her [REDACTED] to see a movie. When they arrived home after the movie, [REDACTED] saw that the dining-room chandelier was broken, an upstairs mirror was broken, and the kitchen was in disarray. [REDACTED] was upstairs in bed. Sgt. Bednarek decided that he was going to make a police report to document the damage. [REDACTED] recalled that [REDACTED] came downstairs to speak to the police, but [REDACTED] did not witness the conversation because she had taken the family dogs into the back yard to keep the dogs away from broken glass that was inside the house. [REDACTED] could hear her [REDACTED] screaming at the police officers, and [REDACTED] believed that her [REDACTED] sounded very intoxicated.

### **iii. Dining Room Furniture Incident – June 20, 2017**

[REDACTED] remembered her [REDACTED] calling on June 20, 2017, distraught, believing that her dining-room table had been destroyed. [REDACTED] then texted her [REDACTED] and he confirmed that nothing had happened to the table. [REDACTED] then told her [REDACTED] that the table was fine. Sgt. Bednarek later told [REDACTED] that “he had told [REDACTED] that he was gonna break her dining room table,” but he did not actually do so. [REDACTED] believed that her [REDACTED] had said this “out of anger to spite [REDACTED] because [REDACTED] frequently damaged Sgt. Bednarek’s property and because Sgt. Bednarek was sick of cleaning up after [REDACTED] repeatedly “trashed” their home.

## **7. Statement of Accused Sergeant Richard Bednarek<sup>23</sup>**

Sgt. Bednarek was interviewed by COPA on January 18, 2018. Sgt. Bednarek told investigators that he wanted to preface his statement by saying that his [REDACTED] is an alcoholic who frequently becomes intoxicated and damages their marital property, and she also fabricates events when she is intoxicated.

### **i. Domestic Battery Incident – May 9, 2017**

Sgt. Bednarek said that on May 9, 2017, while he was off duty, he called for the police to respond to his residence at [REDACTED]. Sgt. Bednarek said that he arrived home to find his [REDACTED] intoxicated. An argument occurred between Sgt. Bednarek and his [REDACTED] and [REDACTED] grabbed his shirt collar. On this day, Sgt. Bednarek recalled that his [REDACTED] and [REDACTED] were also home. Sgt. Bednarek said that he did not respond when [REDACTED] grabbed his shirt, other than by possibly walking away from her. Sgt. Bednarek explained that many similar incidents had happened over a period of years, and he began to document the incidents by calling for a police response.

When asked if he ever used the words “street shit” during the argument with his [REDACTED] Sgt. Bednarek said that he did not recall, and he explained:

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<sup>23</sup> Attachments 107, 108, 109, 110.



You know, I don't recall. My [REDACTED] has called my mother a cunt, she has . . . called my dad a stupid Pollock, called my mother a slut, calls me an uneducated asshole . . . . This is all when she's obviously intoxicated.

And we've engaged in arguments, and words have been exchanged, and probably I'm sure I'm capable of saying some nasty words. But the one thing I can honestly say, is that I have never, ever, come out and called my [REDACTED] any derogatory name of any sort without great provocation, and having endured numerous verbal attacks from her, that after a while, yes, I do respond. And yes, I'm sure some of the stuff I said is not very pleasant. But do I recall actually saying the words "street shit" to her on that particular day, I don't recall at this time and I apologize for that.

Sgt. Bednarek also did not recall using the words "paranoid bitch" or "stupid fucking bitch that's out of reality and does not know what she's talking about," on the specific dates in question, but he admitted that he has used this language, or very similar language, after being provoked by his [REDACTED]

Sgt. Bednarek did not recall if he was injured by his [REDACTED] during the May 9, 2017, incident, but said that she has scratched him on numerous occasions. Sgt. Bednarek did not know of any injuries suffered by [REDACTED] on May 9, 2017. Sgt. Bednarek said that his [REDACTED] often complains about injuries, and she has falsely alleged that Sgt. Bednarek has beaten her and smashed her head against the floor. But Sgt. Bednarek emphasized that none of those allegations are true. Sgt. Bednarek also denied knowing about his [REDACTED] claimed injuries to her back and her hip, and he denied any knowledge of his [REDACTED] seeking medical attention for those injuries.

Sgt. Bednarek said that he called the police during the May 9 incident because his [REDACTED] physically attacked him. Sgt. Bednarek recalled that between two and four officers – none of whom he knew – responded, but Sgt. Bednarek could not recall their names. Sgt. Bednarek said that he identified himself to the officers as a CPD member verbally, and he may have shown them his identification. When Sgt. Bednarek identified himself, he said, "I'm a sergeant in the 6th District." Sgt. Bednarek believes that the officers who responded spoke with his [REDACTED] but he removed himself from the immediate area and did not hear the conversation. Sgt. Bednarek also recalled speaking with a police supervisor who responded on May 9, but Sgt. Bednarek did not recall who that supervisor was or what he looked like.

Sgt. Bednarek remembered that the officers who responded "followed Department policy to the letter" with respect to a domestic-violence call. The officers offered to arrange transportation for Sgt. Bednarek to a different location, offered the Domestic Violence Hotline telephone number, offered him a copy of the Domestic Information Notice form, and discussed order-of-protection and warrant procedures.

## **ii. Damage to Property Incident – June 18, 2017**

Sgt. Bednarek was also questioned about the June 18, 2017, incident. Sgt. Bednarek recalled being off duty on that day, and he recalled going to watch a movie with his [REDACTED]

██████████ and ██████████ When they returned home, sometime around midnight, they saw that their house was “trashed.” Sgt. Bednarek said that his ██████████ had been drinking and breaking items in the house earlier in the day, but the damage was much more severe when he returned home after the movie, and Sgt. Bednarek initially believed that the house may have been burglarized. But Sgt. Bednarek then found his ██████████ sitting in the living room, and he realized that she had caused the damage. Sgt. Bednarek called the police to make a report, and he also video-recorded the condition of the house using his cellphone.<sup>24</sup>

Sgt. Bednarek recalled that several officers responded to his home after his call on June 18, but Sgt. Bednarek did not know those officers and did not recall their names. Sgt. Bednarek did not recall if a police supervisor also responded, but he did recall that the officers “offered the full range of the Domestic Incident requirements,” including the hotline telephone number, Domestic Information Notice form, and order-of-protection and warrant procedures. Sgt. Bednarek denied using the words “street shit,” “paranoid bitch,” or “stupid fucking bitch that’s out of reality and does not know what she’s talking about” on June 18.

### **iii. Dining Room Furniture Incident – June 20, 2017**

Sgt. Bednarek was also questioned about his alleged telephone call to ██████████ on June 20, 2017. Sgt. Bednarek recalled that at about 6:00 a.m. on June 20, his ██████████ was out of town on a work assignment in Nashville, Tennessee. ██████████ called Sgt. Bednarek that morning, and they spoke about the incident that occurred on June 18. Sgt. Bednarek asked his ██████████ why she had trashed their house, and she replied, “Because I felt like it.” Sgt. Bednarek then told ██████████ that he destroyed the dining room furniture that had been left to ██████████ by her ██████████

Because I was pissed off at her laissez-faire attitude of her continual destruction of the home, that I said, “Yeah, that’s why I smashed the dining room set.” And then when she asked me why I did that, I said, “Because I felt like it.”

Sgt. Bednarek reiterated that he had not actually damaged his ██████████ furniture. Sgt. Bednarek also recalled several other telephone conversations with ██████████ on June 20, 2017, and Sgt. Bednarek eventually told ██████████ that he had not really damaged her furniture. Sgt. Bednarek denied threatening to damage the furniture in the future.

### **iv. Allegation of Threats to Report False Information to the DEA**

Sgt. Bednarek was then questioned about his alleged threats to report false information about ██████████ to the DEA. Sgt. Bednarek recalled speaking with his ██████████ about her ██████████ registration, but denied threatening to report any false information:

What I pointed out to her is – because I’m a license holder myself – is, I said, “Your behavior of this drinking and driving are going to catch up with you and you’re going to end up getting arrested for DUI, or something worse.” And at

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<sup>24</sup> Sgt. Bednarek gave COPA a copy of this video recording, along with other video recordings, photos, and documents. This material is described in sections V.b and V.c of this summary report.

which point I pointed out, . . . “Being a license holder, that won’t look too good with you if they find out your behavior.”

Sgt. Bednarek denied telling his [REDACTED] that he would report her behavior to the DEA or to the Illinois licensing board.

#### **v. Conclusion of Sgt. Bednarek’s Statement**

When confronted with the specific allegations in this investigation, Sgt. Bednarek denied harassing [REDACTED] and denied engaging in any unjustified physical altercation with [REDACTED]. Sgt. Bednarek did, however, explain that he has physically restrained [REDACTED] to prevent her from damaging the house, and that this may have occurred on May 5 or May 9, 2017:

One particular time that I remember, because she’s alleging that I smashed her head into the floor, numerous times, she was trashing the house and she was trying to continue to damage the kitchen set, at which point she slipped and fell on the floor and I held her down on the floor.

Sgt. Bednarek admitted that he has addressed profane language towards [REDACTED] but Sgt. Bednarek said he could not recall if he used any of the specific language included in the allegations on any particular day. Sgt. Bednarek again denied threatening to send false information about [REDACTED] to the DEA.

#### **b. Digital Evidence**

##### **1. Sgt. Bednarek’s 911 Call – May 9, 2017<sup>25</sup>**

A man identifying himself as Richard Bednarek contacted the OEMC 911 call center at 7:41 p.m. on May 9, 2017. Sgt. Bednarek told the call-taker that there was a “domestic disturbance” at his residence and that his “[REDACTED] had too much to drink again.” When asked if his [REDACTED] had physically put her hands on him, Sgt. Bednarek replied, “Oh yeah.” Sgt. Bednarek confirmed his address, and the call-taker told him that police would respond.<sup>26</sup>

##### **2. Sgt. Bednarek’s 911 Call – June 18, 2017<sup>27</sup>**

A man identifying himself as Richard Bednarek contacted the OEMC 911 call center at 12:52 a.m. on June 18, 2017. Sgt. Bednarek told the call-taker that “someone broke the back window of my house,” and that it looked like “they got in and trashed the kitchen.” The call-taker asked Sgt. Bednarek to go outside to avoid disturbing the crime scene. Sgt. Bednarek confirmed his address and telephone number. The call-taker asked him if “they came in through the rear,”

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<sup>25</sup> Attachment 34.

<sup>26</sup> The OEMC Event Query Report (Attachment 25) and recordings of the CPD dispatch radio transmissions related to this incident (Attachment 35) were obtained and reviewed by COPA. The Event Query Report and radio transmission recordings are consistent with the Original Case Incident Report and 911 telephone call recordings discussed in this summary report.

<sup>27</sup> Attachment 36.

and Sgt. Bednarek replied, "I'm not 100% sure." The call-taker told Sgt. Bednarek that police would respond.<sup>28</sup>

### 3. Photographs and Video Recordings Turned Over to COPA by Sergeant Bednarek<sup>29</sup>

On January 18, 2018, Sergeant Richard Bednarek gave a statement to COPA, as summarized above. Prior to the statement, Sgt. Bednarek and his attorney said that they wished to turn over digital copies of photographs and video recordings they claimed would show that [REDACTED] was an alcoholic, had repeatedly damaged items in the marital residence at [REDACTED] and had assaulted and injured Sgt. Bednarek. The following material was turned over:<sup>30</sup>

- 02 FEB 17 In Bedroom: One (1) photograph of two (2) open bottles of wine and a wine glass with red residue on top of a wooden dresser.
- 02 JUL 16: One (1) photograph of Sgt. Richard Bednarek's bare chest with scratches below his neck.
- 04 JUN 17: (9 total photographs): Eight (8) photographs of household items in disarray, food on the floor, broken glass, and liquid stains in the kitchen and living areas of the Bednarek residence. One (1) photograph of a box of Franzia white wine in a trash container.
- 05 MAY 17: One (1) photograph of broken dishes and kitchen utensils on a hardwood floor.
- 06 MAY 17: Two (2) photographs of Sgt. Richard Bednarek's face showing abrasions to his left cheek.
- 12 FEB 17 (each photo is separately labeled "03 APR 17"): Two (2) photographs of open wine bottles and empty wine glasses with red residue.
- 07 MAY 17: Two (2) photographs of bruises to Sgt. Richard Bednarek's upper arms.
- 17 MAY 15: Two (2) photographs of empty wine bottles.
- 15 MAY 17: Three (3) photographs of abrasions to the right side of Sgt. Richard Bednarek's face.

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<sup>28</sup> The OEMC Event Query Report (Attachment 24) and recordings of the CPD dispatch radio transmissions related to this incident (Attachment 37) were obtained and reviewed by COPA. The Event Query Report and radio transmission recordings are consistent with the Original Case Incident Report and 911 telephone call recordings discussed in this summary report. The incident was originally classified and dispatched as a Burglary Report. The call-taker's remarks on the OEMC Event Query Report state, "HOUSE WAS BROKEN INTO, BACK WINDOW IS BROKEN."

<sup>29</sup> Attachments 86 through 99.

<sup>30</sup> The dates and titles listed below correspond with the electronic file labels used by Sgt. Bednarek to create the directory on the thumb drive that he turned over to COPA.

- 18 JUN 17: (6 total photographs): Five (5) photographs of broken household items and food on the kitchen floor of the Bednarek residence. One (1) photograph of damage to an entry door.
- 25 AUG 17: Five (5) photographs of household items in disarray, an empty one-gallon jug, and the wheel of a vehicle parked on a grass lawn.
- 25 AUG 17: One (1) video recording, one-minute and nineteen-seconds in length, showing kitchen and household items in disarray, broken furniture, and ██████████ seated in a reclining chair. Sgt. Bednarek speaks, accusing ██████████ of breaking various items and not cleaning up.
- 02 MAR 17 Trashed House: One (1) video recording, separately labeled "03 APR 17," one-minute and fifty-five seconds in length, narrated by Sgt. Bednarek. Sgt. Bednarek begins the recording by saying, "Here we go again, March 2, woke me up at 5:45, yelling again and throwing stuff around, the usual." Household items and Saint Patrick's Day decorations are shown broken and in disarray. An open bottle of beer is shown on the kitchen counter.
- 22 DEC 16 Under Influence: Three (3) video recordings, 1, 18, and 3 seconds in length, showing ██████████ laying prone at the base of the interior stairs inside the ██████████ residence. A female voice asks ██████████ if she is drunk, and ██████████ does not respond.
- 25 AUG 17 Trashed House: One (1) video recording, forty-seven seconds in length, showing household items in disarray and broken window blinds. Sgt. Bednarek narrates, saying, "Oh, we tore off the blinds, didn't we, we tore the blinds off the fucking windows." Sgt. Bednarek then picks up an empty bottle of wine and holds it in front of the camera.
- Trashed House 18 JUN 17: Four (4) video recordings. The first video recording is two-minutes and forty-six seconds in length, showing household items in disarray. ██████████ is seated in a reclining chair in the living room of the ██████████ residence. She says, "I'm gonna piss in your house, I'm gonna fucking destroy it, and fuck you." She then repeats, "I just miss my ██████████ multiple times and says, "Go fuck yourself. Lois and my friends are going to kick your fucking ass from here to Timbuctoo, you son of a bitch." She also says, "So send your fucking CPD, 'cause you're a sick motherfucker, you have no friends, you have no life, do what you want, I miss my ██████████. . . ." The second video recording is two-minutes and eighteen seconds in length, showing household items in disarray. ██████████ says, "I just miss my ██████████ multiple times and lists various activities that she used to enjoy. This recording partially overlaps the events described above in the first video recording from this date. The third video recording is twenty-four seconds in length and shows spilled food and broken kitchen items on the floor of the kitchen in the ██████████ residence. The fourth video recording is one-minute and eight-seconds in length. The kitchen floor is again shown in disarray. ██████████ says that

she misses her [REDACTED] and she refers to CPD officers as “two mother fuckers in blue uniforms that are fucking high school graduates with no fucking intelligence.”

### c. Documentary Evidence<sup>31</sup>

#### 1. Initiation Report<sup>32</sup>

Lt. Joel Howard filed an initiation report on June 20, 2017. The report documents a telephone conversation between Lt. Howard and [REDACTED] where [REDACTED] recounted the incident described above involving her dining room furniture. [REDACTED] told the lieutenant that she has been a victim of domestic violence for the past ten years, and she also told the lieutenant about the prior incident where she broke items in the couple’s kitchen. Additionally, [REDACTED] told the lieutenant about an incident approximately two weeks prior, where a verbal argument led to Sgt. Bednarek hitting [REDACTED] head against the floor repeatedly as they “pounded each other.”

Lt. Howard documented meeting with Sgt. Bednarek and informing Sgt. Bednarek of the allegations made against him by his [REDACTED]. Sgt. Bednarek told the lieutenant that there is an ongoing issue with [REDACTED] damaging property in their home.

#### 2. Domestic Battery Report – May 9, 2017<sup>33</sup>

A CPD Original Case Incident Report documents a domestic battery response to the Bednarek residence on May 9, 2017, at 7:50 p.m. Officers James Sankovich and Gregory Strelczyk spoke with the caller, Sgt. Bednarek, who told them that [REDACTED] arrived home intoxicated, began an argument, and grabbed Sgt. Bednarek by his shirt collar. Sgt. Bednarek told the officers that he was not injured and that he did not want his [REDACTED] to be arrested. The report also documents that Sgt. Aaron Carranza, Star #1140, was on scene.<sup>34</sup>

#### 3. Criminal Damage to Property Report – June 18, 2017<sup>35</sup>

A CPD Original Case Incident Report documents a response to the Bednarek residence on June 18, 2017, at 1:45 a.m. Officers Anthony Wilson and John Lehman spoke with the caller, Sgt.

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<sup>31</sup> A CPD Service Call Search for the Bednarek’s residence at [REDACTED] (Attachments 13 and 14) indicates that there were two calls for service at that address between May 1 and June 30, 2017. Both calls for service were documented in the reports described below. COPA requested body-worn-camera video recordings and in-car-camera video recordings related to both documented CPD responses to the Bednarek residence discussed in this summary report. The CPD Records Services Division reported that no video recordings existed and that police officers in the 8th District, where the Bednarek residence is located, were not yet equipped with body-worn cameras. (Attachments 19, 30, and 31).

<sup>32</sup> Attachment 4.

<sup>33</sup> Attachment 12.

<sup>34</sup> A Case Supplementary Report (Attachment 21) documents that Detective Joseph Merkel spoke with Sgt. Bednarek on May 11, 2017. Sgt. Bednarek told the detective that he only wanted to document the incident and that he was refusing to prosecute. The detective requested that the case be closed.

<sup>35</sup> Attachment 28.

██████████. Sgt. Bednarek said that he returned home from the movies with his ██████████, ██████████, and discovered a window broken in the house's side door, along with broken items on the floor of the kitchen, a broken dining room light, and a broken bathroom mirror. ██████████ told the officers that her ██████████, ██████████ had been screaming and throwing items around the house earlier. Sgt. Bednarek declined the officers' offer to provide or arrange for transportation to a different location and refused to sign complaints against his ██████████. The officers provided him with a "Domestic Info Notice" and advised him of warrant and order-of-protection procedures.<sup>36</sup>

#### 4. Additional Police Reports Turned Over to COPA by Sergeant Bednarek<sup>37</sup>

On January 18, 2018, Sergeant Richard Bednarek gave a statement to COPA, as summarized above. Prior to the statement, Sgt. Bednarek and his attorney said that they wished to turn over digital copies of photographs and video recordings they claimed would show that ██████████ was an alcoholic, had repeatedly damaged items in the marital residence at ██████████ and had assaulted and injured Sgt. Bednarek. This material is summarized above. In addition to the photographs and video recordings, Sgt. Bednarek turned over six police reports, including the two reports that have already been summarized above. The following additional reports were turned over:

- HY267451: Domestic Battery report with the occurrence date listed as May 20, 2015. Richard Bednarek is listed as the victim, and ██████████ is listed as the suspect.
- JA110351: Domestic Battery report with the occurrence date listed as January 10, 2017. Richard Bednarek is listed as the victim, and ██████████ is listed as the suspect.
- JA252840: Domestic Battery report with the occurrence date listed as May 5, 2017. Richard Bednarek is listed as the victim, and ██████████ is listed as the suspect.
- JA411313: Non-Criminal Damage to Property report with the occurrence date listed as August 29, 2017. Both ██████████ and Richard Bednarek are listed as victims. The report narrative documents that responding officers observed damaged property and empty wine bottles. The report narrative also documents that ██████████ appeared to be intoxicated.

#### 5. Telephone Billing Records Turned Over to COPA by Sergeant Bednarek<sup>38</sup>

Sgt. Bednarek also turned over ten pages of telephone billing records, covering the time between June 12 and June 26, 2017. A handwritten note at the top of the first page documents that

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<sup>36</sup> A Case Supplementary Report (Attachment 29) documents that Detective Joseph Aguirre reviewed the Original Case Incident Report and requested that the case be closed because Sgt. Bednarek refused to sign criminal complaints.

<sup>37</sup> Attachments 100 through 103.

<sup>38</sup> Attachment 104.

Sgt. Bednarek received seventy-five incoming telephone calls from "[REDACTED]" and that he made ten outgoing telephone calls to "[REDACTED]"

## V. ANALYSIS

### 1. Sergeant Bednarek admitted that he told [REDACTED] that he had destroyed her dining room furniture.

The first allegation against Sgt. Bednarek is that he harassed his [REDACTED] by telling her that he destroyed her dining room furniture. Sgt. Bednarek admitted to making the alleged statements, and [REDACTED] Bednarek further corroborated these statements. But Sgt. Bednarek denied that his statements constituted harassment. "Harassment" is defined in the Illinois Domestic Violence Act 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."<sup>39</sup> In this case, Sgt. Bednarek said that he told [REDACTED] that he had destroyed her furniture because he was "pissed off" at her. There was no "purpose that [was] reasonable under the circumstances" behind Sgt. Bednarek's words.<sup>40</sup> There can be no doubt that a reasonable person would experience emotional distress upon being told that their heirloom furniture had been destroyed, even if they later learned that this was not true. And the circumstances of this case demonstrate that [REDACTED] did, in fact, experience emotional distress because of Sgt. Bednarek's statements. Her distress was demonstrated by her immediate outcry to Lt. Howard, as documented in his initiation report, and in her later statement to IPRA. Because substantial evidence shows that Sgt. Bednarek harassed [REDACTED] by telling her that he had destroyed her furniture, COPA recommends that **Allegation #1 against Sgt. Bednarek be Sustained.**

### 2. Sergeant Bednarek denied threatening to destroy [REDACTED] dining room furniture in the future, and there is insufficient evidence to establish if he made this threat.

While Sgt. Bednarek admitted to telling [REDACTED] that he had destroyed her dining room furniture, the sergeant denied threatening to destroy the furniture in the future after his [REDACTED] learned that he had not, in fact, caused any damage. This investigation did not reveal any evidence to either credit or refute either party's version of these alleged statements, and COPA therefore recommends that **Allegation #2 against Sgt. Bednarek be Not Sustained.**

### 3. While Sgt. Bednarek admitted to calling his [REDACTED] "derogatory names" when provoked, there is not sufficient evidence to determine if Sgt. Bednarek made the specific statements alleged in this case.

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<sup>39</sup> The Illinois Domestic Violence Act is structured to allow a petitioner who has been the victim of harassment to obtain an order of protection against his or her harasser. Absent an order of protection, a subject who engages in "harassment" has not committed a criminal offense under the Act. But even though Sgt. Bednarek's actions were likely not criminal – as [REDACTED] had not obtained an order of protection – Sgt. Bednarek would reasonably be expected to refrain from engaging in harassing behavior, and such behavior would violate the Rules and Regulations of the Chicago Police Department.

<sup>40</sup> There is substantial evidence that [REDACTED] did, in fact, destroy items in the Bednarek household. But [REDACTED] is not subject to COPA's jurisdiction, and her actions do not justify Sgt. Bednarek's response.



Sergeant Bednarek admitted that he has called his [REDACTED] “derogatory names” that were “not very pleasant” on various occasions, allegedly after being provoked. And Sgt. Bednarek admitted that – at some time – he might have used phrases such as “street shit,” “paranoid bitch,” and “stupid fucking bitch that’s out of reality and does not know what she’s talking about.” But Sgt. Bednarek denied using this language on the dates and times alleged, and COPA’s investigation does not extend to the entirety of Sgt. Bednarek’s twenty-plus-year marriage. This investigation did not reveal any evidence, other than Sgt. Bednarek’s word against [REDACTED] word, regarding the alleged abusive language covered by **Allegations #3, 4, and 5, against Sgt. Bednarek**. COPA therefore recommends that these allegations be **Not Sustained**.

**4. There is not sufficient evidence to prove or disprove that Sgt. Bednarek assaulted [REDACTED] on either May 5 or May 9, 2017.**

[REDACTED] alleged that Sgt. Bednarek assaulted her in early May of 2017, injuring her back and her hip, but she did not recall the details of the assault. Sgt. Bednarek, on the other hand, recalled holding [REDACTED] down to prevent her from assaulting him and to prevent her from causing further damage to their property. This investigation found no medical records, third-party witnesses, or contemporaneous statements by the parties that could corroborate or refute either Sgt. Bednarek’s or [REDACTED] version of these events. Because there is insufficient evidence to either prove or disprove the allegation, COPA recommends that **Allegation #6 against Sgt. Bednarek be Not Sustained**.

**5. There is not sufficient evidence to prove or disprove that Sgt. Bednarek threatened to report false information about [REDACTED] to the DEA.**

[REDACTED] alleged that Sgt. Bednarek threatened to provide false information about her to the DEA for the purpose of adversely affecting [REDACTED] federal registration to prescribe controlled substances as a [REDACTED] Sgt. Bednarek acknowledged that he spoke with [REDACTED] about her federal registration, but Sgt. Bednarek denied making any threats, and instead characterized the conversation as a warning to [REDACTED] that her own behavior could result in adverse consequences. There were no known witnesses to this conversation, and both [REDACTED] and Sgt. Bednarek’s versions of the conversation are plausible in the context of other relevant facts and events. Because there is insufficient evidence to either prove or disprove this allegation, COPA recommends that **Allegation #7 against Sgt. Bednarek be Not Sustained**.

**6. Sergeant Aaron Carranza did not attempt to speak with the involved parties after being assigned as the investigating supervisor for a CPD-member-involved domestic incident, and Sgt. Carranza did not call for a higher-ranking supervisor’s response to the incident, in violation of CPD directives.**

It is undisputed that a domestic incident occurred between Sgt. Bednarek and [REDACTED] on May 9, 2017, and that Sgt. Carranza was assigned as the investigating supervisor. By his own admission, Sgt. Carranza drove to the scene, spoke with the police officers who were already there, and then cleared the scene without attempting to interview Sgt. Bednarek or [REDACTED] and without calling for a lieutenant. Both Officer Sankovich and Sgt. Bednarek

remembered that a sergeant entered the Bednarek's residence and spoke with the involved parties. But Officer Strelczyk and – most importantly – Sgt. Carranza himself stated unequivocally that Sgt. Carranza never went inside the residence and never spoke with the Bednareks. Based on the number of similar incidents that occurred at the Bednarek residence, it is more likely than not that Sgt. Bednarek's memory of this incident is simply mistaken. COPA finds that Sgt. Carranza's own memory, as corroborated by Officer Strelczyk's statement, is more reliable.

Sgt. Carranza told COPA that he met his obligations by responding to the scene and speaking with the officers under his supervision. But no matter how expertly those officers handled the call, and no matter how much faith Sgt. Carranza had in their abilities, Sgt. Carranza was obligated to handle certain aspects of the investigation personally. One of the clear purposes of the CPD directive requiring a ranking supervisor to respond to CPD-member-involved domestic incidents is to provide assurance to the involved parties – particularly the party who is not a CPD member – that the involved CPD member will not interfere with the investigation or exert improper influence over the responding officers. In this case, ██████████ may have believed that her ██████████ as a police sergeant, could influence the actions of lower-ranking police officers who came to their residence. The relevant CPD directives required a higher-ranking supervisor to respond to mitigate such concerns. Sgt. Carranza could not meet this obligation to ██████████ without at least attempting to speak with her personally. And once Sgt. Carranza determined that another sergeant was involved, Sgt. Carranza was obligated to call for a lieutenant (or higher rank) to respond. He did not do so.

Sergeant Carranza attempted to excuse his actions based on two facts. First, he said that he did not call for a higher-ranking supervisor because no allegations of misconduct had been made against the CPD member who was involved in the domestic incident. But Sgt. Carranza had not spoken with the non-CPD-member spouse (██████████) to determine if there were any allegations against her ██████████. And even if there were no allegations, the relevant CPD directive<sup>41</sup> required that a higher-ranking supervisor respond for any CPD-member-involved “domestic incident.” This requirement applies whether or not any crime has been committed or any allegations of misconduct have been made: It is the higher-ranking supervisor's responsibility to determine if any allegations are appropriate, and the higher-ranking supervisor cannot exercise this responsibility if they are not called.<sup>42</sup>

Second, Sgt. Carranza said that no field lieutenant was available in his district on the day of this incident. It is true that no field lieutenant was working that day, but Sgt. Carranza admitted that a watch operations lieutenant was working in the 8th District station, and it would have been possible to contact the watch operations lieutenant for further guidance. It also would have been possible to request that OEMC assign a lieutenant from a different district to respond. Accordingly, the lack of a field lieutenant did not excuse Sgt. Carranza's failure to call for a higher-ranking supervisor. Because substantial evidence shows that Sgt. Carranza did not properly investigate the domestic incident at the ██████████ residence, and because substantial evidence shows that Sgt. Carranza did not call for a higher-ranking supervisor when required, COPA recommends that **Allegations #1 and #2 against Sgt. Carranza be Sustained.**

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<sup>41</sup> General Order G04-04, § III.B.

<sup>42</sup> See Special Order S-04-04, § III.B.4.

**7. Officer Lehman attempted to justify not requesting a supervisor because he had determined that no crime had occurred, but CPD directives required him to request a supervisor even for a non-criminal domestic incident.**

Officer Lehman characterized the events of June 18, 2017, as non-criminal because he determined that [REDACTED] was breaking her own property while inside her own home. Officer Lehman also said that he did not consider this to be a domestic incident at all, as he associated the term “domestic” with arrestable offenses, and no arrestable offense had occurred. Officer Lehman acknowledged that if this was a domestic incident, CPD directives would have required him to request a higher-ranking member’s response. But Officer Lehman’s association of the term “domestic” with arrestable offenses is not supported by CPD directives. In fact, the structure of the various CPD directives related to domestic violence makes it clear that the phrase “domestic incident” applies to both crimes and to non-criminal disturbances. General Order G04-04-02 spells out different procedures to follow for both criminal and non-criminal domestic incidents,<sup>43</sup> and requires CPD members to provide a “Domestic Incident Notice” to the complainant even if criminal charges do not apply.<sup>44</sup> And General Order G04-04 clearly requires responding officers to request a supervisor whenever a CPD member “is involved in [a] domestic incident.”<sup>45</sup> This requirement applies to all domestic incidents **involving** a CPD member – including non-criminal domestic disturbances – and including domestic incidents where the CPD member is the putative complainant. And the incident at the Bednarek residence was clearly a disturbance, even if the property damage occurred before Sgt. Bednarek and his [REDACTED] came home. Because substantial evidence shows that Officer Lehman failed to request a higher-ranking member when he was required to do so, COPA recommends that **Allegation #1 against Officer Lehman be Sustained.**

**VI. CONCLUSION**

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

| Officer               | Allegation   | Finding       |
|-----------------------|--|---------------|
| Sgt. Richard Bednarek | 1. It is alleged that on June 20, 2017, at approximately 6:00 a.m., that Sgt. Bednarek spoke with [REDACTED] by telephone and harassed [REDACTED] by telling her that he had destroyed dining room furniture that [REDACTED] had inherited from her [REDACTED] in violation of Rules 8 and 9, and; | Sustained     |
|                       | 2. It is alleged that on June 20, 2017, some time after 6:00 a.m., that Sgt. Bednarek spoke with [REDACTED] by telephone and harassed [REDACTED]   | Not Sustained |

<sup>43</sup> See General Order G04-04-02, § IV.A. (“Officers assigned to domestic incidents will determine whether it is a disturbance or criminal incident.”)

<sup>44</sup> *Id.* § IV.B-C.

<sup>45</sup> See General Order G04-04, § III.B.

██████████ by threatening to destroy dining room furniture that ██████████ had inherited from her ██████████ after ██████████ learned that Sgt. Bednarek had not actually destroyed the furniture earlier on that date, in violation of Rules 8 and 9, and;

3. It is alleged that on multiple occasions in May and June of 2017 that Sgt. Bednarek engaged in unjustified verbal altercations with ██████████ ██████████ when Sgt. Bednarek called ██████████ ██████████ “street shit” or words to that effect, in violation of Rules 8 and 9, and;

Not Sustained

4. It is alleged that on multiple occasions in May and June of 2017 that Sgt. Bednarek engaged in unjustified verbal altercations with ██████████ ██████████ when Sgt. Bednarek called ██████████ ██████████ a “paranoid bitch” or words to that effect, in violation of Rules 8 and 9, and;

Not Sustained

5. It is alleged that on multiple occasions in May and June of 2017 that Sgt. Bednarek engaged in unjustified verbal altercations with ██████████ ██████████ when Sgt. Bednarek called ██████████ ██████████ a “stupid fucking bitch that’s out of reality and does not know what she’s talking about” or words to that effect, in violation of Rules 8 and 9, and;

Not Sustained

6. It is alleged that on either May 5, 2017, or May 9, 2017, at ██████████ that Sgt. Bednarek engaged in an unjustified physical altercation with ██████████ by battering ██████████ and causing bruises to ██████████ ██████████ back and soreness to ██████████ hip, in violation of Rules 1, 8, and 9, and;

Not Sustained

7. It is alleged that on June 29, 2017, that Sgt. Bednarek harassed ██████████ by threatening to send false information about ██████████ to the federal Drug Enforcement Administration for the purpose of adversely affecting ██████████ ██████████ federal registration to prescribe

Not Sustained

|                            |  |                                   |
|----------------------------|--|-----------------------------------|
|                            | <p>controlled substances as a [REDACTED] in violation of Rules 8 and 9.</p>  |                                   |
| <p>Sgt. Aaron Carranza</p> | <p>It is alleged that on May 9, 2017, at approximately 7:40 p.m., near [REDACTED] that Sgt. Carranza:</p> <ol style="list-style-type: none"> <li>1. Did not conduct a thorough preliminary investigation as the investigating supervisor after becoming aware that a CPD member, Sgt. Richard Bednarek #1174, was involved in a domestic incident when Sgt. Carranza did not attempt to interview Sgt. Bednarek or his [REDACTED] [REDACTED] in violation of Rules 2, 3, 5, 10, and 11, and;</li> <li>2. Did not request that a member who is of higher rank than the Department member involved in a domestic incident be assigned as the investigating supervisor after becoming aware that a CPD member, Sgt. Richard Bednarek #1174, was involved in a domestic incident, in violation of Rules 2, 3, and 10.</li> </ol> | <p>Sustained</p> <p>Sustained</p> |
| <p>Officer John Lehman</p> | <p>It is alleged that on June 18, 2017, at approximately 1:45 a.m., at [REDACTED] that Police Officer John Lehman did not request that a member who is of higher rank than the Department member involved in a domestic incident be assigned as the investigating supervisor after becoming aware that a CPD member, Sergeant Richard Bednarek #1174, was involved in a domestic incident, in violation of Rules 2, 3, and 10.</p>   | <p>Sustained</p>                  |

Approved: [REDACTED]

Erica Sangster  
 Acting Deputy Chief Administrator – Chief Investigator

8/13/2018

Date