

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	February 4, 2016
Time of Incident:	6:25a.m. ² /7:25a.m.
Location of Incident:	██████████ Chicago, IL 60655
Date of COPA Notification:	February 4, 2016
Time of COPA Notification:	1:30p.m.

On February 4, 2016, Officers Susan Kenny³ and Daniel Doody were married, residing in the same home and working in the same district, but they were going through divorce proceedings. On this morning, Officer Kenny, reportedly, found her duty weapon was missing from the locked box located on a shelf in her bedroom closet, where she had placed it. Officer Kenny unsuccessfully searched for her duty weapon. She went downstairs to ask Officer Doody, who was in the bathroom, if he knew the whereabouts of her duty weapon. Officer Kenny alleged that when she opened the door to ask him, he yelled, “If you don’t get outta (sic) here, I’m gonna kick your ass.” Officer Kenny immediately left the bathroom and continued to search the house. She, eventually, located her duty weapon in inside a crockpot in a kitchen cabinet. Officer Kenny denied placing her duty weapon in the crockpot and reported that Officer Doody had access to her duty weapon. During the investigation, allegations were given that Officer Kenny failed to secure her weapon on multiple occasions, and that Officer Doody failed to report Officer Kenny’s misconduct.

II. INVOLVED PARTIES

Involved Officer #1:	Officer Daniel Doody, Star #19408, Employee # ██████████ Date of Appointment: 27 Jul 1998, Rank: officer, Unit of Assignment: 2 nd watch 008 th Dist., DOB: ██████████ 1971, Male/White
Involved Officer #2:	Officer Susan Kenny (fka Susan Doody), Star #19334, Employee # ██████████ Date of Appointment: 31 Aug 1998, Rank: officer, Unit of Assignment: 2 nd watch Crossing Guard Supervisor, 008 th Dist., DOB: ██████████ 1975, Female/White

¹ 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.

² In her April 22, 2016 interview with IPRA, Officer Kenny corrected the time of the incident listed on the case reports from 7:25 a.m. to 6:25 a.m.

³ Since this incident, Officers Susan Doody and Daniel Doody have divorced. Officer Susan Doody changed her last name to Kenny and will be referred to as Officer Kenny in this report.

Involved Individual #1: | Officer Susan Kenny, DOB: [REDACTED] 1975, Female/White

III. ALLEGATIONS

Officer	Allegation	Recommendation
Officer Daniel Doody	1. It is alleged that on 4 February 2016, at approximately 0625 hours, at the residence located at [REDACTED] Chicago, Illinois, you threatened Officer Susan Doody, #19334, in that you stated, "If you don't get outta (sic) here, I'm gonna kick your ass."	Not Sustained
	2. It is also alleged that at an unknown time between February 1, 2016, at approximately 1330 hours, and February 4, 2016, at approximately 0645 hours, at the residence located at [REDACTED] you removed the duty weapon belonging to Officer Susan Doody, #19334, from a secured lockbox located in a bedroom closet without her permission and then hid her duty weapon inside a "Crockpot."	Not Sustained
	3. It is alleged that on December 16, 2014 and January 15, 2015, at an unknown time, at the residence located at [REDACTED] Chicago, IL, you failed to report that Officer Kenny (fka Susan Doody) did not properly secure her weapon.	Sustained
Officer Susan Kenny (fka Susan Doody)	1. It was alleged that on 04 February 2016, at approximately 0725 hours, you failed to be prompt for your duty assignment, including roll call and court appearance, in that you, did not start your assigned tour of duty hours as required.	Unfounded
	2. It was alleged that on 04 February 2016, at approximately 0725 hours, while at your residence, located at [REDACTED] you: violated General Order U 04-02, X, A 1-2, B & C, in that, you failed to secure your duty weapon.	Sustained
	3. It was alleged that on January 15, 2015, while at your former residence, located at [REDACTED] you violated General Order U 04-	Sustained

02-02(X), A, B & C, in that, you failed to secure your duty weapon.

4. It was alleged that on December 16, 2014, while at your former residence, located at [REDACTED] you violated General Order U04-02-02(X), A, B & C, in that, you failed to secure your duty weapon.

Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 6: Disobedience of an order or directive, whether written or oral.
2. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
3. Rule 9: Engaging in any unjustified verbal or physical altercation with any person.
4. Rule 13: Failure to adequately secure Department property.
5. Rule 22: Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.
6. Rule 29: Failure to be prompt for duty assignment, including roll call and court appearance.

General Orders

1. General Order U04-02
2. General Order U04-02-02
3. General Order G08-01-02

State Laws

1. 720 ILCS 5/24-9. Firearms; Child Protection.
 - (a) Except as provided in subsection (c), it is unlawful for any person to store or leave, within premises under his or her control, a firearm if the person knows or has reason to believe that a minor under the age of 14 years who does not have a Firearm Owners Identification Card is likely to gain access to the firearm without the lawful permission of the minor's parent, guardian, or person having charge of the minor, and the minor causes death or great bodily harm with the firearm, unless the firearm is:
 - (1) secured by a device or mechanism, other than the firearm safety, designed to render a firearm temporarily inoperable; or
 - (2) placed in a securely locked box or container; or
 - (3) placed in some other location that a reasonable person would believe to be secure from a minor under the age of 14 years.

INVESTIGATION⁴

a. Interviews

In an interview with IPRA, on April 22, 2016, **Officer Susan Kenny (fka Susan Doody) (“Officer Kenny”)**, #19334, stated that she was married to Officer Daniel Doody for 13 years, and they have an 11-year-old son together. Officer Kenny stated that she resided in the home, located at [REDACTED] with Officer Doody and their son. Officer Kenny and Doody were in the process of getting a divorce, but had not finalized the custody arrangement. Officer Kenny described the relationship with her husband as hostile, where they cannot have any verbal conversation. When asked to confirm the date and time of the incident, Officer Kenny stated that the time of the incident was not correct, that it should be 0625 hours. Officer Kenny stated that on February 4, 2016, she was on medical, and was scheduled to go down to the medical section, located at 35th & Michigan, to reinstate herself in order to return to duty. Officer Kenny explained that once the medical section opened, which was at 7:00 a.m., she signed in on a physical sign in sheet with a date and time, then she waited to be called back where she had to log into a computer and acknowledge her return to work status.

Officer Kenny stated that her day had begun normally, until she went to retrieve her service weapon. Officer Kenny explained that when she returned home from work on February 1, 2016, she locked her weapon in a lockbox and placed the lockbox high on the closet shelf in her bedroom, however, on the morning of February 4, 2016 she could not find it. Officer Kenny tore up her entire bedroom and looked in kitchen cabinets before she went downstairs, opened the bathroom door, and asked Officer Doody where her gun was. Officer Doody told her to get out and that he didn't have her gun. Then, he looked at her and said, “If you don't get outta here I'm gonna kick your ass.”⁵ Officer Kenny reported that she did not know why Officer Doody reacted this way, but there was no physical confrontation. Officer Kenny, immediately, closed the door and went back upstairs to look for her weapon. Officer Kenny found the weapon in a crockpot inside a kitchen cabinet, on a high shelf close to the ceiling. When asked, she stated that her son was still in bed sleeping, and he was not aware of the incident.

Officer Kenny could not remember any other incidents of physical confrontation between her and Officer Doody. When asked, Officer Kenny stated that she understood the state statute mandating that all firearms must be secured when the likelihood exists that a minor under the age of 14 could gain unlawful access. Officer Kenny further stated that department policy regarding securing her duty weapon was more restrictive. Officer Kenny reiterated to IPRA investigators that her duty weapon, a Smith & Wesson 9mm model # 3953, was kept secured in a locked box with a key on a high shelf in her bedroom closet. She also stated that the key to the lockbox was on her key ring, which is always with her. Officer Kenny stated that Officer Doody should not have access to her duty weapon but stated that Officer Doody has a key to the lockbox. Officer Kenny explained that Officer Doody used to store items, such as passports and birth certificates, in the lockbox.⁶

⁴ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁵ Attachment 27, page 10, line 18, 19.

⁶ Attachments 21, 27.

In an **interview with COPA**, on May 10, 2018, **Officer Susan Kenny, #19334**, provided the following additional details. Officer Kenny stated that her divorce with Officer Doody was final on October 14, 2017. When Officer Kenny was asked if her previous IPRA statement was accurate, Officer Kenny wanted to clarify a reference to a “shoebox.”⁷ Officer Kenny stated that her gun was secured in a steel lockbox with a key on a closet shelf not a shoebox. Officer Kenny was shown two photographs that were provided by Officer Doody at the time of his interview with COPA.⁸ When Officer Kenny was shown the first photograph,⁹ she admitted that the purse pictured on the counter was hers. Officer Kenny stated that she could see a cord in the purse, but she could not make out any other objects. Officer Kenny could not tell if there was a weapon inside of the purse. She said it could be a checkbook or a wallet. Additionally, Officer Kenny stated that both her and Officer Doody have Smith and Wesson duty weapons, but Officer Kenny did not know which model Officer Doody owned. When Officer Kenny was shown the second photograph,¹⁰ she described the photograph as a gun inside of a crockpot. Officer Kenny could not tell for sure if the gun was inside a holster, and she could not tell whether it was her or Officer Doody’s gun. Officer Kenny stated that Officer Doody had access to her weapon inside the lockbox. Officer Kenny stated that she had three weapons, and that she placed her other guns inside a lockbox or gun safe, to which both she and Officer Doody had access.

Officer Kenny denied ever placing her weapon inside of a crockpot. The only time Officer Kenny saw her weapon in a crockpot was when she found it the morning of February 4. Officer Doody denied leaving her weapon unattended on the countertop or in her purse. Officer Kenny responded to questions that on January 15, 2015 and December 14, 2016, if she was at home and not on duty, her weapon would have been secured. Officer Kenny was not sure whether her son was at home on any of the dates listed in the allegations. Officer Kenny stated that she does not know where Officer Doody kept his weapon. Officer Kenny did not see where Officer Doody kept his weapon since she filed for divorce, and she never asked Officer Doody where he kept his weapon. However, when the couple lived together, Officer Kenny saw weapons in the gun safe in the basement.

Officer Kenny explained that things were very heated during the divorce process, and that Officer Doody photographed and videotaped her personal items and living space throughout the process. Officer Kenny stated that she found one such video and provided it to her attorney. Officer Kenny moved out of the residence on May 25, 2017 once the custody arrangement of shared 50/50 was complete. Officer Kenny stated that since the divorce she and Officer Doody have no communication except what is done through “talking parents.”¹¹

In an **interview with COPA**, on April 17, 2018, **Officer Daniel Doody (“Officer Doody”)**, #19408, stated that Officer Kenny filed for divorce in December 2014, and it was final around October 2017. They share one child together. Since the divorce was finalized, Officer Doody resides in the home and Officer Kenny moved to a place just a few miles away. Officers Doody and Kenny share custody of their son. At the time of the incident, Officer Doody stated that he left both of his weapons in a locker at work out of fear of allegations that he had heard about.

Officer Doody stated that on February 4, 2016, he and Officer Kenny were still married, going through divorce proceedings, and both lived in the residence located at [REDACTED]

⁷ Attachment 27, page 31, line 10.

⁸ Attachments 53, 54.

⁹ Attachment 54.

¹⁰ Attachment 53.

¹¹ Attachment 52.

██████ Officer Doody reported that he and Officer Kenny were sleeping in separate rooms. She slept upstairs in their former bedroom and used the bathroom upstairs, while he occupied the basement and basement bathroom. They shared the common areas, including the kitchen. Officer Doody stated that the relationship between him and Officer Kenny was not pleasant because of the custody battle. Officer Doody stated that, on February 3, 2016, the court appointed attorney for the couple's son, provided Officers Doody and Kenny a copy of the attorney's recommendation for equal parenting time and parental responsibilities. Officer Doody stated that later that evening, he heard Officer Kenny yell that she would not agree to it. Officer Doody explained that Officer Kenny wanted full custody with visitation rights for Officer Doody.

On the morning of February 4, 2016, Officer Doody was in the basement bathroom on the toilet, when Officer Kenny came into his bathroom telling him that he would never get equal time. Officer Doody stated that he told Officer Kenny to get out. Officer Kenny left without saying anything further. Officer Doody, stated that Officer Kenny never asked him where her duty weapon was, and later he stated that he did not recall if Officer Kenny ever asked him where her duty weapon was that day. Officer Doody finished up in the bathroom and got dressed. Officer Doody did not see Officer Kenny recover her weapon on this day. Officer Doody went upstairs to the kitchen and saw Officer Kenny in the kitchen doing the dishes. According to Officer Doody, Officer Kenny said, "I'll do whatever it takes, you will not get him equal time." Officer Doody believed Officer Kenny's comment meant there would be more court issues. Officer Doody responded that he believed he left the house before Officer Kenny because she was, he believed, a crossing guard supervisor with a later start time than him. Officer Doody, also stated that, typically, Officer Kenny would drop their son off to school, and Officer Doody would pick him up.

When asked where Officer Kenny stored her duty weapon, Officer Doody stated that she typically stored her weapon in the kitchen cabinet. Officer Doody provided COPA investigators with a photograph of a gun on top of a crockpot.¹² Officer Doody was not sure how often Officer Kenny stored her weapon in the kitchen cabinet. Officer Doody did not know the height of the kitchen cabinet but indicated that he was about six-foot and he would be looking directly into the cabinet. Officer Doody responded that it could be possible for the couple's son to access the cabinet. Officer Doody stated that he took the picture because he told her she could not leave her weapon in the kitchen while their son was in a room across from the kitchen. Officer Doody stated that he did not file a report or initiate a CR against Officer Kenny for how she stored her weapon because he was focused on the divorce and believed telling her was sufficient. Officer Doody provided a second photograph that he alleged depicted Officer Kenny's off-duty weapon inside her open purse on the kitchen counter.¹³ When asked whether Officer Kenny slept with an ankle holstered weapon, Officer Doody stated that he knew Officer Kenny had an ankle holster, but he did not know whether she slept with it. Officer Doody stated that Officer Kenny did not sleep with the ankle holster prior to the divorce.

When asked about the specific allegations against him, Officer Doody stated that the case report narrative was wrong. Officer Doody stated that he never touched Officer Kenny's duty

¹² Attachment 53. The photograph does not have a date or time stamp. Officer Doody stated that his phone indicated the date as January 15, 2015. Officer Doody wrote his name and a date on the back of the photograph. COPA Digital Forensic Analyst asked Officer Doody to email the photograph. COPA Digital Forensic Analyst was unable to determine the date the photograph was taken.

¹³ Attachment 54. The photograph does not have a date or time stamp. Officer Doody stated that his phone indicated the date as December 16, 2014. Officer Doody wrote his name and a date on the back of the photograph. COPA Digital Forensic Analyst asked Officer Doody to email the photograph. COPA Digital Forensic Analyst was unable to determine the date the photograph was taken.

weapon, and he never said that he would “kick her ass.” Officer Doody admitted that he knew Officer Kenny had a lockbox, but he did know where she stored it and he denied having a key to her lockbox. Officer Doody stated that Officer Kenny did not say she would retaliate against him, but, at work on the date of the incident, someone at the desk told him that Officer Kenny had filed a report. Officer Doody indicated that he was not surprised, but he did not review the report until April 13, 2018, after he received the notification of charges from COPA. Officer Doody stated that Officer Kenny had previously sent him emails threatening to call the police if he did not have their son home by a specific time.¹⁴

In an **interview with COPA**, on August 14, 2018, **Officer Daniel Doody (“Officer Doody”)**, #19408, stated that he recognized and was the photographer of the photographs marked as Attachment 53 and 54. Officer Doody reported that, at the time of these photographs, his son was ten and his son’s bedroom was located directly next to the kitchen, essentially sharing a doorway. Beginning with Attachment 54, Officer Doody described the photograph as depicting his kitchen counter where there was a purse that contained Officer Kenny’s small black handgun. Officer Doody did not recall where Officer Kenny was at the time of this photograph, or whether she was going or had come back from some place. Officer Doody could not answer how often Officer Kenny kept a gun in her purse but agreed that it was regularly. Officer Doody denied ever putting a gun inside Officer Kenny’s purse. Officer Doody explained, that at the time of the photograph, he and Officer Kenny had talked about proceeding with a divorce, and individuals had advised Officer Doody that it was best to have evidence beyond his own words in defense of any future issues that may arise. Officer Doody stated the documentation was only for himself during the divorce and that he never even thought about any department reasons. Officer Doody reported that he did not share this photograph with Officer Kenny, but he did talk to Officer Kenny to tell her that she could not leave her weapon on the counter around their son. Officer Doody did not remember seeing the gun on the counter after the date of this photograph, so he believed that she was securing her weapon. Officer Doody stated that he never told a supervisor or any other department member that Officer Kenny left her weapon on the kitchen counter because his focus was on his son and completing the divorce.

When presented with Attachment 53, Officer Doody described the photograph as depicting his upper kitchen cabinet with a crockpot and Officer Kenny’s duty weapon on top of the crockpot. Officer Doody knew it was Officer Kenny’s duty weapon because it was not his and the size of the weapon. While Officers Kenny and Doody had Smith and Wesson duty weapons, they had different model numbers and Officer Kenny’s weapon was smaller, which Officer Doody believed the difference in size would be noticeable in a photograph. Officer Doody’s duty weapon, which is the same today as it was at the time of the photograph, was Smith and Wesson, model number 5943, described as a 9mm, 4-inch barrel, 15 round clip, black handle with rubber grip and silver slide. Officer Kenny’s duty weapon was the same coloring with a smaller clip and barrel, which the barrel was maybe 3.5-inch. Officer Doody did not recall where Officer Kenny was at the time of this photograph, but he believed since the duty weapon was in the house that Officer Kenny was likely in the house. Officer Doody, as in his last statement, denied ever placing Officer Kenny’s duty weapon in the crockpot. Officer Doody stated that he took this photograph for personal records and did not share the photograph with Officer Kenny. Officer Doody reported that he did not tell a supervisor or any other department member after this second instance where Officer Kenny left her duty weapon unsecured. Officer Doody believed that it was sufficient that he talked

¹⁴ Attachment 40.

to Officer Kenny, he did not see the weapon unsecured again, and he did not want to add any delay, turmoil or hostility to the divorce proceedings. Officer Doody believed he did what a reasonable person would have done. When asked whether his answer would change if he knew about the state statute prohibiting a person from leaving a firearm unlocked and accessible to a minor under the age of 14, Officer Doody said yes. Officer Doody stated that, if he was aware of the state statute he would have reported Officer Kenny. Officer Doody explained that he was focused on the divorce and was not reading the state statute at the time. Officer Doody reported that he cannot tell from the photographs and did not remember whether the weapons in the photographs were loaded. Additionally, Officer Doody reported that he would not have touched the weapons during the divorce nor would he ever touch another officer's weapon.

Officer Doody explained that while he and Officer Kenny were married, Officer Kenny kept her weapon in a lockbox under the master bed, same as he did. However, once the couple began divorce proceedings, Officer Doody was unaware of where Officer Kenny stored her weapon or lockbox.

b. Digital Evidence

A **photograph** provided by Officer Daniel Doody during his interview with COPA appears to show a holstered gun on top of a white crockpot. The crockpot appears to have food on it. The crockpot appears to be sitting inside a cabinet. On the back of the photograph is written "Daniel F. Doody" and the date "1/15/15."¹⁵

A **photograph** provided by Officer Daniel Doody during his interview with COPA appears to show a kitchen countertop with items laying on top. The items appear to be a cup, canister of oats, jar of peanut butter, mail, a portion of a screwdriver, and an open purse with a cord, gun and other unidentified items inside. On the back of the photograph is written "Daniel F. Doody" and the date "12/16/14."¹⁶

c. Documentary Evidence

An **Initiation Report** was completed by **Sergeant Karen A. Popp, #1982**, on February 4, 2016 reported similar details as documented in the Case Report under RD # [REDACTED] for a domestic related incident.¹⁷

An **Original Case Incident Report**, RD # [REDACTED] completed by Officer Benjamin Velez, #5487, documented that Officer Kenny was getting ready for work and went to retrieve her weapon from a box located on the top shelf in the bedroom closet. Officer Kenny discovered the weapon was gone. Officer Kenny went to question her husband. Officer Doody refused to answer. Officer Kenny opened the bathroom door. Officer Doody told Officer Kenny to "leave the bathroom or I'm going to kick your ass." Officer Kenny continued to search the house, and found the weapon inside a crockpot located in a kitchen cabinet. Officer Kenny left for work.¹⁸

¹⁵ Attachment 53.

¹⁶ Attachment 54.

¹⁷ Attachment 4.

¹⁸ Attachment 5.

A **Case Supplementary Report** by **Det. Steven Scott, #20811**, for RD#: [REDACTED] documented that Detective contacted Officer Kenny on February 9, 2016. Detective reported that Officer Kenny did not wish to sign complaints or have Officer Doody arrested at this time. Officer Kenny stated that she did live with Officer Doody, but she does not believe he poses a threat at this time. Detective requested that the case be “EX. CLEAR CLOSED- COMPLAINANT REFUSED TO PROSECUTE.”¹⁹

Attendance and Assignment sheet for Officer Kenny, dated February 4, 2016, documented that Officer Kenny was present and that her shift began at 7:00 a.m. There is nothing written in the “Absent Code,” “Absent Explanation,” or “Temporary Change of Watch or Additional Assignment Explanation” field.²⁰

d. Additional Evidence

A letter, dated February 3, 2016, was sent to Officers Kenny and Doody’s attorneys that contained the preliminary draft of the final **Judgment of Allocation of Parental Responsibilities Incorporating Agreed Parenting Plan**, written by attorney Steven Wasko, Child Representative. The draft included, amongst other things, an equal time parenting schedule. The document indicates that Officer Doody received a copy via email of this document on the same date. The document does not indicate when Officer Kenny would have received a copy.²¹

V. ANALYSIS

a. Officer Daniel Doody, #19408

- 1. It is alleged that on 4 February 2016, at approximately 0625 hours, at the residence located at [REDACTED] Chicago, Illinois, you threatened Officer Susan Doody, #19334, in that you stated, “If you don’t get outta (sic) here, I’m gonna kick your ass.”**

COPA recommends a finding of **Not Sustained** for **Allegation #1**. Rule 8 of the Rules and Regulations of the Chicago Police Department states, officers are prohibited from “disrespect to or maltreatment of any person, while on or off duty”²² Additionally, under Rule 9, officers are prohibited from “engaging in any unjustified verbal or physical altercation with any person.”²³ Both Officer Kenny and Doody indicated in their statements to IPRA and COPA that at the time of this incident they were going through a contentious divorce, where custody was not finalized, and communication was limited. Both Officers Kenny and Doody agree that, on February 4, 2016, Officer Kenny opened the door to the basement bathroom when Officer Doody was inside. It is at this point that the officers accounts conflict.

According to Officer Kenny, in her 2016 statement to IPRA, she opened the bathroom door to ask Officer Doody about the location of her duty weapon. Officer Kenny stated that Officer Doody responded to her inquiry, by yelling, “If you don’t get outta here I’m gonna kick your

¹⁹ Attachment 6.

²⁰ Attachment 10.

²¹ Attachment 42.

²² Resources, “Rules and Regulations of the Chicago Police Department,” V. Rules of Conduct, Rule 8.

²³ Resources, “Rules and Regulations of the Chicago Police Department,” V. Rules of Conduct, Rule 9.

ass.”²⁴ Conversely, Officer Doody, in his 2018 statement with COPA, stated that he was preparing for work in the morning, when Officer Kenny opened and entered the basement bathroom door. Officer Kenny told Officer Doody that he would never get equal time with their son, which Officer Doody believed happened because he had received the recommendation of shared parenting time from the Child Representative the day before the incident. Officer Doody denied telling Officer Kenny that he would “kick her ass.” Officer Doody, further, stated that Officer Kenny never asked him about the location of her duty weapon, or, at least, he did not recall her asking him about her duty weapon.

There was no audio or video recording of this incident, and there were no witnesses that could corroborate the incident as described by Officer Kenny or Officer Doody. Since there is insufficient evidence to determine by a preponderance of the evidence that Officer Doody told Officer Kenny, “If you don’t get outta (sic) here, I’m gonna kick your ass,” this allegation should be **Not Sustained**.

- 2. It is also alleged that at an unknown time between February 1, 2016, at approximately 1330 hours, and February 4, 2016, at approximately 0645 hours, at the residence located at [REDACTED] you removed the duty weapon belonging to Officer Susan Doody, #19334, from a secured lockbox located in a bedroom closet without her permission and then hid her duty weapon inside a “Crockpot.”**

COPA recommends a finding of **Not Sustained** for Allegation #2. In both her IPRA and COPA statements, Officer Kenny stated that she secured her weapon was in a lockbox that was placed on a high shelf in her bedroom closet. In her 2016 IPRA statement, Officer Kenny stated that Officer Doody should not have access to her weapon, but that Officer Doody did have a key to the lockbox. However, Officer Kenny did not provide any proof that Officer Doody had access to her lockbox nor did Officer Kenny state that she saw or had knowledge of Officer Doody accessing her duty weapon in the past. Contrarily, Officer Doody, in both his statements to COPA, admitted that he knew Officer Kenny had a lockbox, but he denied knowing where Officer Kenny stored the lockbox or having a key to the lockbox. Additionally, Officer Doody stated that he never touched Officer Kenny’s duty weapon, and that he would never touch another officer’s weapon.

There was no audio or video recording of this incident, and there were no witnesses that can corroborate the incident as described by Officer Kenny or Officer Doody. Since there is insufficient evidence to determine by a preponderance of the evidence that Officer Doody removed Officer Kenny’s duty weapon from a secured lockbox and hid her duty weapon inside a “Crockpot,” this allegation should be **Not Sustained**.

- 3. It is alleged that on December 16, 2014 and January 15, 2015, at an unknown time, at the residence located at [REDACTED] Chicago, IL, you failed to report that Officer Kenny (fka Susan Doody) did not properly secure her weapon.**

COPA recommends a finding of **Sustained** for Allegation #3. According to CPD Rules and Regulations and directives, when an officer observes misconduct, the officer is required to report that misconduct to a supervisor, immediately. Here, Officer Doody provided photographs that he took that represented two instances where Officer Kenny stored her weapon in the kitchen.

²⁴ Attachment 27, page 10, line 18, 19.

As discussed below, these photographs show that Officer Kenny failed to properly store her weapon according to state law and CPD rules and directives. Officer Doody admitted that he was required by CPD directives to report any misconduct he observed. However, Officer Doody explained that at the time he took these photographs, he was not looking at Officer Kenny's actions as misconduct but as a parent protecting his son and trying to get through a contentious divorce without adding further obstacles. When asked by the investigator if his response would change if he knew that State Law specified how weapons are to be secured when a minor under the age of 14 is present, Officer Doody admitted that he would have reported Officer Kenny.

Considering Officer Doody admitted to taking photographs of the times Officer Kenny did not properly secure her weapon and admitted that he did not report Officer Kenny to a supervisor, a preponderance of the evidence establishes that Officer Doody observed and failed to report that Officer Kenny did not properly secure her weapon on December 16, 2014 and January 15, 2015. Therefore, this allegation should be **Sustained**.

b. Officer Susan Kenny, #19334

- 1. It was alleged that on 04 February 2016, at approximately 0725 hours, you failed to be prompt for your duty assignment, including roll call and court appearance, in that you, did not start your assigned tour of duty hours as required.**

COPA recommends a finding of **Unfounded** for Allegation #1. Rule 29 of the Rules and Regulations of the Chicago Police Department, officers are required to be prompt for duty assignment.²⁵ In her 2016 statement to IPRA, Officer Kenny amended her complaint regarding the incident time. Officer Kenny stated that the case reports indicate an occurrence time of 7:25 a.m., but the incident occurred at 6:25 in the morning. There are no witness statements or evidence to refute Officer Kenny's amendment to the incident time. Additionally, according to the Department's Attendance and Assignment sheet, on February 4, 2016, Officer Kenny was present for her shift, which listed a start time of 7:00 a.m., and there were no comments regarding a schedule change or a late start. Based on the physical evidence and Officer Kenny's statement, a preponderance of the evidence establishes that Officer Kenny was prompt for her duty assignment on February 4, 2016. Therefore, this allegation should be **Unfounded**.

- 2. It was alleged that on 04 February 2016, at approximately 0725 hours, while at your residence, located at [REDACTED] you: violated General Order U04-02, X, A 1-2, B & C, in that, you failed to secure your duty weapon.**

COPA recommends a finding of **Sustained** for Allegation #2. According to Uniform and Property U04-02 General Order, sworn members are required to secure their duty weapon when not on their person. The order states that members may secure their duty weapon in a locked box/container or secured in another location that a reasonable person would prohibit access to unapproved individuals and meet the requirements of Illinois Compiled Statute, 720 ILCS 5/24-

²⁵ Resources, "Rules and Regulations of the Chicago Police Department," V. Rules of Conduct, Rule 29.

9.”²⁶ 720 ILCS 5/24-9, “Firearms; Child Protection,” prohibits an individual to leave a firearm within premises under their control, in a location that a person knows or has reason to believe a minor is likely to gain access, unless the firearm is designed so the firearm is rendered temporarily inoperable, the firearm is in a securely locked box or container, or the firearm is placed in a location that a reasonable person would believe to be secure from a minor under the age of 14 years.²⁷

It is clear, from both Officers Kenny and Doody’s interviews that at the time of this incident, the couple was going through a contentious divorce and custody was the remaining issue under debate. Documentation shows that on February 3, 2016, the Child Representative’s recommendation for an equally shared parenting time schedule was available to the officers’ representation. Officer Kenny admitted that her duty weapon was unsecured in a kitchen cabinet on the morning of February 4, 2016. Officer Kenny denied placing her duty weapon in the kitchen cabinet and contends that she always secures her weapon in a lockbox on a high shelf in her bedroom closet. Officer Kenny stated that while Officer Doody should not have access to her duty weapon, he had a key to her lockbox. Officer Kenny did not indicate that she ever asked for Officer Doody’s key to the lockbox, but Officer Doody denied having a key.

Officer Kenny alleged that Officer Doody removed her duty weapon from its secure location and placed it unsecured in the kitchen cabinet. However, if true, Officer Kenny failed to secure her weapon by using a lockbox that could be accessed by an unauthorized person, Officer Doody. Therefore, she allowed her weapon to be moved and stored in an unsecured manner.

To the contrary, Officer Doody stated that he did not have access to Officer Kenny’s weapon, he never removed it from her lockbox and he never placed it in the crockpot on February 4, 2016. Officer Doody contends, on the date in question, Officer Kenny never asked him the whereabouts of her weapon and instead threatened that she would make sure he never had shared custody of their child. Officer Doody also provided photographs of what he contends are evidence that Officer Kenny routinely stored her weapon in unsecure areas, including the crockpot.

Based on the foregoing, a preponderance of the evidence establishes that Officer Kenny failed to secure her duty weapon on February 4, 2016, as is required by CPD directives and state law. Therefore, this allegation should be **Sustained**

3. It was alleged that on January 15, 2015, while at your former residence, located at [REDACTED] you violated General Order U 04-02-02(X), A, B & C, in that, you failed to secure your duty weapon.

COPA recommends a finding of **Sustained** for Allegation #3. As indicated above, Officer Kenny’s duty to secure her weapon is governed by U04-02 and Illinois State Law under 720 ILCS 5/24-9. According to Officer Doody, Officer Kenny, typically stored her weapon in the kitchen. Officer Doody provided a photograph that he alleged shows Officer Kenny’s duty weapon, not secured, in a crockpot in a kitchen cabinet, which the officers’ son could possibly access, on January 15, 2015. Officer Doody admitted that both he and Officer Kenny owned Smith and Wesson weapons, however, Officer Doody could determine the weapon in the crock pot was Officer Kenny’s because of the size. Officer Doody explained that Officer Kenny’s weapon was visibly smaller than his.

Officer Kenny stated that she always kept her weapon secured in a lockbox in her closet whenever she is home and off-duty. Officer Kenny admitted she and Officer Doody shared a gun

²⁶ U04-02. X. A-C. Uniform and Property U04-02, “Department Approved Weapons and Ammunition,” effective December 27, 2013 and rescinded on June 2, 2017, governs Officer Kenny’s conduct in this matter.

²⁷ 720 ILCS 5/24-9 (2012).

safe and, at times, Officer Doody used her lockbox in the bedroom. However, when Officer Kenny was confronted with the photograph, she stated that she could not identify the weapon because both officers owned a Smith and Wesson and she did not know which model Officer Doody owned.

COPA finds it unlikely that Officer Kenny, who owns multiple weapons, could not distinguish her duty weapon from Officer Doody's when she admits that they shared a lock box. While Officer Kenny contends she always secured her weapon, she admitted, on February 4, 2016, she recovered her weapon from the crock pot inside a kitchen cabinet. Officer Kenny did not provide evidence that Officer Doody placed her weapon in the crock pot.

Based on the photographic evidence, Officers Doody's and Kenny's statements, a preponderance of the evidence establishes that Officer Kenny failed to secure her weapon on January 15, 2015. Therefore, this allegation should be **Sustained**.

4. It was alleged that on December 16, 2014, while at your former residence, located at [REDACTED] you violated General Order U 04-02-02(X), A, B & C, in that, you failed to secure your duty weapon.

COPA recommends a finding of **Sustained** for Allegation #4. As indicated above, Officer Kenny's duty to secure her weapon is governed by U04-02 and Illinois State Law under 720 ILCS 5/24-9. Officer Doody provided a photograph that he alleged shows a time when Officer Kenny left her purse on the counter with a weapon inside. According to Officer Doody, it was common for Officer Kenny to have a weapon in her purse. At close look, a reasonable person can identify the weapon located inside the purse. The purse was located on the kitchen table and both parties confirmed that location was near their child's room.

Both Officers Doody and Kenny admit that the purse pictured in photograph belonged to Officer Kenny. When asked, however, Officer Kenny denied seeing a gun inside the purse. Officer Kenny stated that the item could be anything, including a checkbook or wallet.

COPA finds, by a preponderance of the evidence, that there was a gun inside of the purse. Officer Kenny admitted the purse belonged to her. The weapon inside the purse was not inside a lockbox, neither officer could say the weapon was made temporarily inoperable, and it was reasonably accessible to a minor under the age of 14. Therefore, as the owner of the purse, Officer Kenny is responsible for the unsecured weapon located inside, and this allegation should be **Sustained**.

VI. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Daniel Doody

Officer Doody's Complimentary history, listed below, was taken in to consideration when deciding the recommended discipline in this case. Officer Doody does not have a disciplinary record.

i. Complimentary and Disciplinary History

Emblem of Recognition - Physical Fitness	14
Presidential Election Deployment Award 2008	1
Attendance Recognition Award	4
Department Commendation	1

2004 Crime Reduction Ribbon	1
Honorable Mention	50
Complimentary Letter	7
Nato Summit Service Award	1
2009 Crime Reduction Award	1

ii. Recommended Penalty, by Allegation

1. Allegation No. 3 – COPA recommends Violation Noted

b. Officer Susan Kenny

Officer Kenny’s Complimentary history, listed below, was taken in to consideration when deciding the recommended discipline in this case. Officer Kenny does not have a disciplinary record.

i. Complimentary and Disciplinary History

Emblem of Recognition - Physical Fitness	14
Presidential Election Deployment Award 2008	1
Attendance Recognition Award	3
2004 Crime Reduction Ribbon	1
Department Commendation	1
Honorable Mention	26
Complimentary Letter	8
Life Saving Award	1
Nato Summit Service Award	1
2009 Crime Reduction Award	1

ii.

ii. Recommended Penalty, by Allegation

- 1. Allegation No. 2 – COPA recommends a 3-day suspension and training on how to properly secure a weapon**
- 2. Allegation No. 3 – COPA recommends a 3-day suspension and training on how to properly secure a weapon**
- 3. Allegation No. 4 – COPA recommends a 3-day suspension and training on how to properly secure a weapon**

VII. CONCLUSION

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

Officer	Allegation	Recommendation
Officer Daniel Doody	<p>1. It is alleged that on 4 February 2016, at approximately 0625 hours, at the residence located at [REDACTED] Chicago, Illinois, you threatened Officer Susan Doody, #19334, in that you stated, "If you don't get outta (sic) here, I'm gonna kick your ass."</p> <p>2. It is also alleged that at an unknown time between February 1, 2016, at approximately 1330 hours, and February 4, 2016, at approximately 0645 hours, at the residence located at [REDACTED] you removed the duty weapon belonging to Officer Susan Doody, #19334, from a secured lockbox located in a bedroom closet without her permission and then hid her duty weapon inside a "Crockpot."</p> <p>3. It is alleged that on December 16, 2014 and January 15, 2015, at an unknown time, at the residence located at [REDACTED] Chicago, IL, you failed to report that Officer Kenny (fka Susan Doody) did not properly secure her weapon.</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Sustained</p>
Officer Susan Kenny (fka Susan Doody)	<p>1. It was alleged that on 04 February 2016, at approximately 0725 hours, you failed to be prompt for your duty assignment, including roll call and court appearance, in that you, did not start your assigned tour of duty hours as required.</p> <p>2. It was alleged that on 04 February 2016, at approximately 0725 hours, while at your residence, located at [REDACTED] you: violated General Order U 04-02, X, A 1-2, B & C, in that, you failed to secure your duty weapon.</p> <p>3. It was alleged that on January 15, 2015, while at your former residence, located at [REDACTED] [REDACTED] you violated General Order U 04-</p>	<p>Unfounded</p> <p>Sustained</p> <p>Sustained</p>

02-02(X), A, B & C, in that, you failed to secure your duty weapon.

4. It was alleged that on December 16, 2014, while at your former residence, located at [REDACTED] you violated General Order U 04-02-02(X), A, B & C, in that, you failed to secure your duty weapon.

Sustained

Approved: [Signature]
[REDACTED]

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

11/28/18
Date

Appendix A

Assigned Investigative Staff

Squad#:	6
Investigator:	Brett
Supervising Investigator:	Tarver
Deputy Chief Administrator:	Kersten