

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

**I. EXECUTIVE SUMMARY**

Date of Incident:	May 1, 2017; May 24; 2017; May 26, 2017
Time of Incident:	11:00 p.m.; 10:00 p.m.; 10:00 p.m.
Location of Incident:	██████████
Date of COPA Notification:	May 27, 2017
Time of COPA Notification:	10:38 a.m.

Officer ██████████ is the ██████ of Lieutenant Robert Peabody. On the dates of these incidents, the two were going through a ██████ but continuing to reside at the same residence with their two young children. ██████ alleges that on May 1, 2017, Lt. Peabody twisted her arm and wrist and pressed her body into a bed using his foot. ██████ also alleges that on May 24, 2017, Lt. Peabody pushed her and struck her upper body with a door. Furthermore, ██████ alleges that on May 26, 2017, Lt. Peabody initiated and engaged in an unjustified physical altercation with her when he twisted her wrist twice, kicked her in the stomach, and grabbed her around the body and dragged her out of the bedroom into the second-floor hallway. It is also alleged that Lt. Peabody verbally abused her by stating words to the effect of, “Get the fuck out.” Lt. Peabody is alleged to have verbally abused ██████████ and ██████████ by directing profane language toward them such as, “Fucking assholes.” Lastly, it is alleged that Lt. Peabody damaged an iPad by striking it with his fist. COPA finds that these allegations are Sustained.

**II. INVOLVED PARTIES**

Involved Officer #1:	Lieutenant Robert Peabody; Star #586; Employee ID# ██████ Date of Appointment: August 4, 1997 Unit of Assignment: 261; DOB: ██████, 1971 Male, White
Involved Individual #1:	Officer ██████████ Star # ██████; Employee ID# ██████; Date of Appointment: November 27, 2006 Unit of Assignment: 261; DOB: ██████, 1982 Female, White
Involved Individual #2:	██████████ DOB: ██████████, 1946; Male, 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 recommendation(s) set forth herein are the recommendation(s) of COPA.

Involved Individual #3:

██████████  
 DOB: ██████████, 1960; Female, White

Involved Individual #4:

██████████  
 DOB: ██████████, 1969; Female, White

**III. ALLEGATIONS**

Officer	Allegation	Finding
Lt. Robert Peabody	1. It is alleged that on May 26, 2017, at approximately 2140 hours, inside the residence at ██████████ you engaged in an unjustified physical altercation with Officer ██████████ # ██████████ in violation of Rules 2, 8 and 9.	Sustained / 25-day Suspension and Anger Management
	2. It is alleged that on May 26, 2017, at approximately 2140 hours, inside the residence at ██████████ you initiated an unjustified physical altercation with Officer ██████████ ██████████ in violation of Rules 2, 8 and 9.	Sustained / 25-day Suspension and Anger Management
	3. It is alleged that on May 26, 2017, at approximately 2140 hours, inside the residence at ██████████ you physically abused Officer ██████████ in that you twisted her wrist as she attempted to pick up your mutual child, ██████████ in violation of Rules 2, 8 and 9.	Sustained / 25-day Suspension and Anger Management
	4. It is alleged that on May 26, 2017, at approximately 2140 hours, inside the residence at ██████████ you kicked her once on the stomach with your bare foot in violation of Rules 2, 8 and 9.	Sustained / 25-day Suspension and Anger Management
	5. It is also alleged that on May 26, 2017, at approximately 2200 hours, inside the residence at ██████████ you engaged in an unjustified physical altercation with Officer ██████████ in violation of Rules 2, 8 and 9.	Sustained / 25-day Suspension and Anger Management

<p>6. It is alleged that on May 26, 2017, at approximately 2200 hours, inside the residence at [REDACTED] you twisted Officer [REDACTED] wrist a second time in violation of Rules 2, 8 and 9.</p>	<p>Sustained / 25-day Suspension and Anger Management</p>
<p>7. It is alleged that on May 26, 2017, at approximately 2200 hours, inside the residence at [REDACTED] you grabbed Officer [REDACTED] around the body and dragged her out of the bedroom into the second-floor hallway in violation of Rules 2, 8 and 9.</p>	<p>Sustained / 25-day Suspension and Anger Management</p>
<p>8. It is alleged that on May 26, 2017, at approximately 2200 hours, inside the residence at [REDACTED] you verbally abused her in that you stated words to the effect of, "Get the fuck out" in violation of Rules 2, 8 and 9.</p>	<p>Sustained / 5-day Suspension and Anger Management</p>
<p>9. It is alleged that on May 26, 2017, at approximately 2200 hours, inside the residence at [REDACTED] you verbally abused [REDACTED] and [REDACTED] in that you directed profane language toward them such as, "Fucking assholes" in violation of Rules 2, 8 and 9.</p>	<p>Sustained/ 5-day Suspension and Anger Management</p>
<p>10. It is alleged that on May 26, 2017, at approximately 2200 hours, inside the residence at [REDACTED] you purposely damaged an iPad by striking it with your fist in violation of Rules 2, 8 and 9.</p>	<p>Sustained / 10-day Suspension and Anger Management</p>
<p>11. It is alleged that on May 24, 2017, at an unspecified time, inside the residence at [REDACTED] you pushed Officer [REDACTED] in violation of Rules 2, 8 and 9.</p>	<p>Sustained / 10-day Suspension and Anger Management</p>
<p>12. It is alleged that on May 24, 2017, at approximately 2200 hours, inside the residence at [REDACTED] you purposely struck her with a door on her upper body in violation of Rules 2, 8 and 9.</p>	<p>Sustained / 25-day Suspension and Anger Management</p>

<p>13. It is alleged that on May 1, 2017, at approximately 1100 hours, inside the residence at [REDACTED] you twisted [REDACTED] [REDACTED] arm/wrist in violation of Rules 2, 8 and 9.</p>	<p>Sustained / 25-day Suspension and Anger Management</p>
<p>14. It is alleged that on May 1, 2017, at approximately 1100 hours, inside the residence at [REDACTED] you pressed [REDACTED] [REDACTED] against the footboard of the bed with your foot in violation of Rules 2, 8 and 9.</p>	<p>Sustained / 25-day Suspension and Anger Management</p>

**IV. APPLICABLE RULES AND LAWS**

**Rules**

Rule 2: Any conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

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

**V. INVESTIGATION<sup>2</sup>**

**a. Interviews**

On June 16, 2017 IPRA conducted an interview of **Officer [REDACTED]** at the COPA offices located at 1615 West Chicago Avenue, Chicago, IL. [REDACTED] related that she was [REDACTED] Lt. Peabody but filed for [REDACTED] prior to May 26, 2017. They have two children together (1-year-old [REDACTED] and 3-year-old [REDACTED] Officer and Lt. Peabody were still living in the same home but in separate bedrooms, while the [REDACTED] was pending.

[REDACTED] related that on May 26, 2017, she arrived home from work at approximately 10:00 p.m. Upon her arrival, she observed Lt. Peabody with the children and appearing flustered. He asked her to put the children to bed, which she agreed to do after she put her work items away. After she put her things away, [REDACTED] observed Lt. Peabody in bed with the two children. She then attempted to take the children to bed, but Lt. Peabody told her that he no longer wanted them to go to bed because they were somewhat settled. [REDACTED] indicated she wanted them to go to bed with her because she had not seen them. She stated that

<sup>2</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>3</sup> Att. 17 & 42

she then attempted to pick up the younger child to take her to bed, but as she reached for their youngest [REDACTED] Lt. Peabody held her hand to prevent her from picking up the children. [REDACTED] pulled back and attempted to pick up her [REDACTED] again, but Lt. Peabody twisted her wrist backward and inward in a control mechanism utilized by police officers. [REDACTED] stated she was able to break her hand away and attempted to pick up her [REDACTED] again. [REDACTED] stated that Lt. Peabody, still lying in the bed, kicked her one time about the right side of her stomach.

[REDACTED] then went downstairs, called her [REDACTED] and told her what happened. Her [REDACTED] informed her that she and her boyfriend, [REDACTED] were on their way. Mr. [REDACTED] arrived first, and upon his arrival, [REDACTED] went upstairs again to grab the children and go to her [REDACTED] house. [REDACTED] stated that when she went upstairs and attempted to grab the children, Lt. Peabody grabbed her wrist and locked it again, so she pulled back. As she attempted to grab the children another time, Lt. Peabody grabbed her hand and put her in a "body lock,"<sup>4</sup> with both arms under her armpits and his body positioned behind her body. He then proceeded to drag her into the hall, while maintaining the body lock. [REDACTED] related that she had socks on, and because they have hardwood floors, she had difficulty gaining her footing as he was dragging her. [REDACTED] related she was yelling, "Get off of me and let me go!"<sup>5</sup> which got Mr. [REDACTED] attention. [REDACTED] related that their [REDACTED] observed this incident. Lt. Peabody continued to drag her while yelling, "Get the fuck out."<sup>6</sup> [REDACTED] stated she bit Lt. Peabody on his right hand near the knuckles to get him off her. [REDACTED] believed she broke the skin because she tasted blood. Eventually, Mr. [REDACTED] came upstairs and yelled at Lt. Peabody to get off [REDACTED] Mr. [REDACTED] grabbed Lt. Peabody by the shirt and body and threw him into a wall to get him off her. [REDACTED] stated she was then able to gain footing. Lt. Peabody started screaming at Mr. [REDACTED] and Ms. [REDACTED] to leave the house and began insulting them. [REDACTED] took the children to bed and let them watch the iPad to calm them down. [REDACTED] related that Ms. [REDACTED] and Mr. [REDACTED] attempted to calm Lt. Peabody down and to get him to leave the home, but he refused. [REDACTED] stated that they called Lt. Peabody's [REDACTED] ([REDACTED]) and [REDACTED] ([REDACTED]) and asked them to come over but his [REDACTED] did not arrive until everything was resolved. Eventually, Lt. Peabody went to the children's room to sleep and [REDACTED] went to her bedroom.

[REDACTED] related she did not call the police at that time because she was embarrassed, did not want her children to see him arrested, and believed it would be detrimental to Lt. Peabody's well-being and job. However, the next day she decided to file a report at the 16<sup>th</sup> District because she did not want there to be further incidents. [REDACTED] related that she refused to have him [REDACTED] because she did not want him to get fired and just wanted him to get help. [REDACTED] stated she did not have any obvious injuries.

[REDACTED] related that on May 1, 2017 she came home from work at approximately 11:00 p.m. and discovered that the children were still awake. When [REDACTED] attempted to take an iPad away from the children, Lt. Peabody grabbed her arm and twisted it, placing her in a

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<sup>4</sup> Att. 42 at 20

<sup>5</sup> Id. at 22

<sup>6</sup> Id. at 22-23

wrist lock. When she broke free and attempted to step over him on the bed to reach for the iPad, he used his foot to pin her upper outer thigh against the base of the bed. Eventually, [REDACTED] [REDACTED] was able to push his foot away and get free.

[REDACTED] related that on May 24, 2017 Lt. Peabody ripped a sandwich and crushed cookies that her [REDACTED] made for the children. Upon seeing this, [REDACTED] confronted Lt. Peabody about the lunches. Lt. Peabody pushed her out of the bedroom. When she attempted go back into the bedroom, Lt. Peabody slammed the door on her body near her upper shoulder.

On June 26, 2017 IPRA conducted an interview of **Retired Deputy Chief** [REDACTED] [REDACTED] at the COPA offices located at 1615 West Chicago Avenue, Chicago, IL. Mr. [REDACTED] related that he was previously employed with the Chicago Police Department and retired as a Deputy Chief of Detectives. Mr. [REDACTED] was the boyfriend of [REDACTED] [REDACTED] for approximately seventeen years. On May 26, 2017, he received a phone call from Ms. [REDACTED] who related that [REDACTED] called her and stated that Lt. Peabody hit her again. Mr. [REDACTED] got dressed and went to [REDACTED] home. Upon his arrival, he met with [REDACTED] who was crying. Mr. [REDACTED] advised her to get the children and leave the residence to diffuse the situation. Mr. [REDACTED] waited in the living room, while she went upstairs. Mr. [REDACTED] related that he then heard her scream several times and state, “You’re hurting me! You’re hurting me!”<sup>8</sup> Mr. [REDACTED] ran up the stairs and observed [REDACTED] on her back with Lt. Peabody bent over on top of her. Mr. [REDACTED] related that he proceeded to tell him to get off [REDACTED] and threw Lt. Peabody back into the wall or doorframe. [REDACTED] then stood up and ran into the bedroom.

Mr. [REDACTED] related that at this point Ms. [REDACTED] arrived and was upstairs as well. Mr. [REDACTED] related that Lt. Peabody began to rant, saying that he was the one who took care of the kids. He further described Lt. Peabody as yelling and screaming, calling he and Ms. [REDACTED] “fuckin asshole.”<sup>9</sup> Mr. [REDACTED] stated that [REDACTED] called Lt. Peabody’s [REDACTED] and [REDACTED] and asked them to come speak with him. Upon his [REDACTED] arrival, Lt. Peabody became more irritated and was swearing. Mr. [REDACTED] related that at one point, Lt. Peabody took the children’s iPad and smashed it with his fist while holding their younger child. Mr. [REDACTED] related that eventually things began to calm down, so he left the residence.

Mr. [REDACTED] related that [REDACTED] did not want to call the police on the date of this incident because she was afraid Lt. Peabody would attempt to fight the police. Mr. [REDACTED] observed bruising on [REDACTED] arm, but did not observe any injuries on Lt. Peabody. Mr. [REDACTED] related that he was told there was a prior incident of physical violence between Officer [REDACTED] and Lt. Peabody, but he did not witness that incident.

On June 29, 2017 IPRA conducted an interview of [REDACTED] [REDACTED] at [REDACTED] [REDACTED] Ms. [REDACTED] stated that she first became aware of physical abuse between her [REDACTED] and Lt. Peabody on May 1, 2017. On that date, she received a phone

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<sup>7</sup> Att. 25, 44

<sup>8</sup> Att. 44 at 10

<sup>9</sup> Id. at 17

<sup>10</sup> Att. 33, 43

call from ██████████ who related that when she arrived home from work, ██████████ tried to take the iPad away from her ██████████ and Lt. Peabody blocked her and kicked her twice. Ms. ██████████ related that the second incident she was informed of occurred on May 24, 2017. ██████████ told her that on that date, Lt. Peabody tried to push her out of a bedroom and slammed the door on ██████████ arm. Ms. ██████████ did not witness either of these incidents but was informed of them during phone conversations with ██████████

Ms. ██████████ related that on May 26, 2017, ██████████ called her crying and stated, “Bob hit me again.”<sup>11</sup> Ms. ██████████ proceeded to call Mr. ██████████ and text Lt. Peabody’s ██████████. Eventually, she arrived at the Peabody residence and heard Lt. Peabody yelling. Ms. ██████████ stated she went upstairs and observed everyone standing outside of the children’s bedrooms. Ms. ██████████ explained that she arrived after the physical altercation was over. Ms. ██████████ described Lt. Peabody as enraged and irrational. Ms. ██████████ related that Lt. Peabody then called Ms. ██████████ and Mr. ██████████ names like “fucking assholes” and told them to stay away from his family.<sup>12</sup> Ms. ██████████ stated that Lt. Peabody, while holding the youngest child, walked over to the iPad and smashed it using his fist, causing it to crack. Lt. Peabody’s ██████████ who arrived earlier, took the youngest child from him and attempted to calm him down. Ms. ██████████ further related that they attempted to take the children to her home but decided that ██████████ would sleep downstairs and wait for things to calm down. Ms. ██████████ also related that ██████████ told her that she bit Lt. Peabody when he was bending her arm.

On June 30, 2017 IPRA spoke to ██████████ via telephone. Ms. ██████████ related she has a good relationship with her ██████████ (Lt. Peabody) and ██████████. She stated that she was aware the ██████████ was filed, and that Lt. Peabody did not want the ██████████. She further stated that she had no concerns about Officer and Lt. Peabody until May 26, 2017.<sup>14</sup> On that date, she received a text from Ms. ██████████ asking her help in convincing Lt. Peabody to leave the residence due to a confrontation between him and ██████████. Ms. ██████████ stated she texted her ██████████ about this incident. Upon her arrival at the residence, Ms. ██████████ observed Ms. ██████████, Mr. ██████████ and ██████████ downstairs, while Lt. Peabody was upstairs. She further related that Ms. ██████████ told her that Lt. Peabody pulled ██████████ to the floor and Mr. ██████████ pulled him off her.

While she was at the residence, Lt. Peabody came downstairs holding ██████████. Ms. ██████████ stated Lt. Peabody appeared calm though visibly emotional. Lt. Peabody put his hand on the counter, but Ms. ██████████ denied seeing him put his fist down and break the screen. Lt. Peabody told her that the argument was only verbal. She stated she did not hear him direct profanities at anyone. She also did not observe any injuries to anyone. Ms. ██████████ left prior to ██████████ arrival.

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<sup>11</sup> Att. 43 at 12

<sup>12</sup> Id. at 13

<sup>13</sup> Att. 38

<sup>14</sup> It should be noted that during the conversation with IPRA, Ms. ██████████ referred to this incident as occurring on May 23, 2017, but all other accounts note that it occurred May 26, 2017.

On December 5, 2017 COPA conducted an interview of **Lieutenant Robert Peabody**<sup>15</sup> at the COPA offices located at 1615 West Chicago Avenue, Chicago, IL. Lt. Peabody related that prior to the date of this incident, ██████████ was verbally abusive to him by calling him a “fat piece of shit” and telling him that he should kill himself.<sup>16</sup> Lt. Peabody described his relationship with ██████████ leading up to the ██████████ as strained due to the pending ██████████ proceedings, verbal abuse from ██████████ and disagreements regarding parenting issues. Lt. Peabody stated his relationship with Ms. ██████████ was positive for a long time, but ultimately, she was not supportive of him and took his ██████████ side in their arguments.

With respect to May 26, 2017, Lt. Peabody stated he was laying in bed with their two children watching a show on their iPad, when ██████████ came in and became irate. Lt. Peabody related that she started to climb on the bed, reached over him to get the iPad, and stated she was taking ██████████ with her. Lt. Peabody stated that as she reached over him, he raised his right arm over his head in a blocking movement. Lt. Peabody denied that he grabbed ██████████ used a wristlock technique on her wrist, twisted her wrist back and inward, or kicked her in the stomach. Lt. Peabody stated that the only contact between them at that time was ██████████ kneeling on his legs and her upper chest and shoulders pushing towards his arm, which was in the blocking position. ██████████ eventually left the room and made a phone call stating words to the effect of, “He did it again, send ██████████ send everybody.”<sup>17</sup> Lt. Peabody stated he assumed she was speaking with her ██████████ and was referring to her belief that he had been abusive, but he denied that he was abusive to ██████████

Lt. Peabody stated that he then talked to the children, calmed them down and got them to sleep. Approximately twenty minutes later ██████████ entered the room again. Lt. Peabody related that as he stood up to leave the room, they were standing close to each other and their bodies brushed against each other. He denied twisting her wrist a second time, grabbing her about the body, pushing her or dragging her into the hallway. Lt. Peabody related that they were in the bedroom and ██████████ was yelling, when Mr. ██████████ came up the stairs and into the room. He further stated that Mr. ██████████ approached him from behind, grabbed him by the left shoulder or arm and started pulling him backwards. After this, Mr. ██████████ and ██████████ went downstairs. Lt. Peabody remained upstairs to calm the girls down.

Eventually, he heard his ██████████ voice downstairs and went downstairs while holding ██████████ Lt. Peabody denied telling ██████████ ██████████ to “get the fuck out,” calling Ms. ██████████ or Mr. ██████████ “fucking assholes,” or yelling and screaming. He further stated that he was never bitten. Lt. Peabody stated that while he was downstairs a discussion took place about him leaving the home, but he refused to do so. His ██████████ was holding ██████████ so eventually he took ██████████ and went upstairs to bed. He denied breaking the iPad with his fist, stating that they own two of them and they both have broken screens from the children.

When asked about his To/From Report wherein he claimed ██████████ made threats to him and his career, Lt. Peabody recalled specific threats by ██████████ Specifically, that on May 2, 2017 she stated, “You’re fucked, this is Cook County. You’re going to lose your spot

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<sup>15</sup> Att. 47, 48

<sup>16</sup> Att. 48 at 9

<sup>17</sup> Id at 23-24



at work. I'm going downtown today, you'll probably get stripped."<sup>18</sup> Additionally he stated that on May 3, 2017 she stated, "I won't go before a judge if you agree to move out today, in writing."<sup>19</sup> Lt. Peabody claimed that on approximately three occasions she made threats to his career.

With respect to the allegations about the May 24, 2017 incident, Lt. Peabody stated he did not recall anything specific about that date and denied all the allegations. However, he did recall an incident involving a door that he claimed occurred after this complaint was filed. He stated he believed that occurred in September. On that date, he stated he was getting ready in the bedroom and [REDACTED] rushed towards the door and banged herself into it claiming he hit her with the door. Lt. Peabody denied all allegations relating to the May 24, 2017 incident.

With respect to the allegations regarding the May 1, 2017 incident, Lt. Peabody stated he was lying in bed with the children, when [REDACTED] came home and became upset that the children were awake. [REDACTED] climbed towards the bed and took the iPad away. She then proceeded to climb on top of him and began yelling. Lt. Peabody denied twisting her wrist pressing her against the footboard with his foot, using pressure against her upper thigh with his foot, or having any physical contact with her.

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

**Photos of Officer [REDACTED]** were taken on May 27, 2017 by Chicago Police Department Evidence Technicians. Photos were taken on [REDACTED] face, arm and stomach. No injuries are visible.

**Photos of Lt. Robert Peabody**<sup>21</sup> were taken on May 30, 2017 by Chicago Police Department Evidence Technicians. Photos were taken on Lt. Peabody's face and hands. Lt. Peabody's left hand appears to have minor abrasions on the top knuckles of this index and middle finger.

#### **c. Documentary Evidence**

The **Original Case Incident Report**<sup>22</sup> (JA281079) and **Initiation Report**<sup>23</sup> document that [REDACTED] went to the 16<sup>th</sup> District on May 27, 2017 at approximately 9:40 a.m. to document an incident that occurred the night before on May 26, 2017 at approximately 10:00 p.m. [REDACTED] related that during a verbal dispute, Lt. Peabody, her [REDACTED] grabbed her wrist and bent it back, kicked her in the stomach, grabbed her and held her from behind. [REDACTED] related that she bit Lt. Peabody's hand in attempts to free herself from his grasp. The report notes that their two children and [REDACTED] were witnesses and Mr. [REDACTED] pulled Lt. Peabody off [REDACTED] did not relate any injuries from the incident but noted that there

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<sup>18</sup> Id. at 54

<sup>19</sup> Id.

<sup>20</sup> Att. 7, 11, 15

<sup>21</sup> Att. 12, 16

<sup>22</sup> Att. 5

<sup>23</sup> Att. 4

were previous altercations with Lt. Peabody on May 1<sup>st</sup> and May 24<sup>th</sup>, 2017. The Initiation Report notes that police were not called to the scene to maintain privacy.

In a **To-From Report dated May 27, 2017**,<sup>24</sup> Lt. Peabody stated that over the past several months, his [REDACTED] had made several references about ruining his career as well as personal and professional reputation. Lt. Peabody stated he believed she intended to take actions, including false allegations, to impact him negatively.

In a **To-From Report dated May 30, 2017**,<sup>25</sup> Lt. Peabody stated he was threatened on May 26, 2017 and May 27, 2017 by his [REDACTED] with unwarranted allegations. Lt. Peabody states he completed a To-From report on May 27, 2017 to alert the department of the possibility of these allegations due to the threats and a pending [REDACTED] mediation regarding child custody. Lt. Peabody states through his attorney, [REDACTED], he filed a motion to refer parties to mediation on May 25, 2017. Lt. Peabody states on May 30, 2017, he searched and confirmed that case report for domestic battery had been completed on May 27, 2017.

On June 19, 2017, COPA received an email from witness [REDACTED] containing **two screenshots of text message conversations**.<sup>26</sup> One conversation<sup>27</sup> was between Ms. [REDACTED] and Lt. Peabody that shows Ms. [REDACTED] asking Lieutenant Peabody not to contact her unless it was about her grandchildren. Lt. Peabody responds by telling her not to take laundry out of their home or he would file a theft report. The second text message conversation<sup>28</sup> is between Ms. [REDACTED] and [REDACTED] and dated May 26<sup>th</sup> at 11:05 p.m. In this message, Ms. [REDACTED] tells Ms. [REDACTED] “[REDACTED] and I [are] at [REDACTED] and Bobs. He hit her again and she is going to have him arrested. Can someone come here and try to get him to leave. He’s very irrational.” Ms. [REDACTED] responds that she is on her way.<sup>29</sup>

## VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or

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<sup>24</sup> Att. 19

<sup>25</sup> Att. 20

<sup>26</sup> Att. 29 – 32

<sup>27</sup> Att. 30

<sup>28</sup> Att. 32

<sup>29</sup> It should be noted that [REDACTED] and Mr. [REDACTED] contacted COPA regarding Lt. Peabody sending a message to Mr. [REDACTED] on August 26, 2017. COPA did not find this to be relevant to this investigation. See Att. 34 - 41.

4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. *See e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

## VII. ANALYSIS

COPA finds that **Allegations 1 through 10** that on May 26, 2017 Lt. Peabody engaged in and initiated an unjustified physical altercation with ██████████ twisted her wrist as she attempted to pick up their child, kicked her once in the stomach, twisted her wrist a second time, grabbed her around the body and dragged her out of the bedroom, verbally abused her by stating "Get the fuck out," verbally abused Mr. ██████████ and ██████████ by stating "Fucking assholes, and purposely damaged an iPad by striking it with his fist are all **Sustained**. ██████████ related that on this date she attempted to reach for her younger ██████████ to take her to bed and Lt. Peabody held her hand to prevent her from doing so and twisted her wrist backward and inward in a control mechanism utilized by police officers. When she tried to pick up her ██████████ a second time, Lt. Peabody kicked her in the stomach. She then called Ms. ██████████ for help, who in turn called Mr. ██████████. When Mr. ██████████ arrived, ██████████ went upstairs and tried to get the children again. However, Lt. Peabody grabbed her wrist and locked it. When she tried again to get the children, he grabbed her about the body in a body lock and dragged her down the hall while yelling, "Get the fuck out." ██████████ stated she bit Lt. Peabody on his right hand near the knuckles to get him off her and believed she broke the skin. This physical altercation was only stopped when Mr. ██████████ came upstairs and pulled Lt. Peabody off her. Mr. ██████████ corroborated ██████████ account in part stating he heard her yelling, "You're hurting me! You're hurting me!" and proceeded upstairs, where he observed Lt. Peabody bent over her and on top of her. He then threw Lt. Peabody into the wall to get him off ██████████. Ms. ██████████ then arrived on scene. Both Ms. ██████████ and Mr. ██████████ related that Lt. Peabody called them "fucking assholes," which ██████████ corroborated, stating that Lt. Peabody was screaming at them and insulting them. Mr. ██████████ and Ms. ██████████ also related that at one point, Lt. Peabody took the children's iPad and smashed it with his fist while holding their younger child.

Although Ms. ██████████ denied observing Lt. Peabody involved in the physical altercation or verbally abusing Mr. ██████████ and Ms. ██████████ it is clear from all accounts that she was the last to arrive on scene. None of the parties relate that she was present during the physical altercation or when Lt. Peabody was verbally abusive. The only incident that the witnesses state Ms. ██████████

was present for was when he purposely damaged the iPad by striking it with his fist. Ms. [REDACTED] denies observing this, but admits she saw him put his hand on the counter. COPA finds that it is likely that Ms. [REDACTED] is minimizing his conduct. It seems unusual that she would remember him placing his hand on the counter unless something additional made this movement significant. As his [REDACTED] she may be minimizing the action to protect him. Even if it is true that Ms. [REDACTED] did not observe him damage the iPad, two other witnesses did observe this conduct. Lt. Peabody denies the allegations in their entirety and stated he was not bit on his hand. It should be noted that ET photos reveal minor abrasions to his left hand, though [REDACTED] stated she bit his right hand. COPA does not find his account credible given the other witness accounts. Therefore, based on the preponderance of the evidence, COPA finds the allegations relating to the May 26, 2017 incident are Sustained.

COPA finds that **Allegations 11 and 12** that on May 24, 2017 Lt. Peabody pushed [REDACTED] and purposely struck her with a door on her upper body are **Sustained**. [REDACTED] alleged that after an argument about the children's lunches, Lt. Peabody pushed her out of the bedroom. When she attempted go back into the bedroom, Lt. Peabody slammed the door on her body near her upper shoulder. [REDACTED] account of this incident was consistent when she told Ms. [REDACTED] that Lt. Peabody tried to push her out of the bedroom and slammed the door on her arm. Lt. Peabody denied these allegations only recalling an incident in September 2017 that took place after this incident was reported to COPA. [REDACTED] noted in her police report for the May 26, 2017 incident that there were other physical altercations, including one on May 24, 2017. Given [REDACTED] account of the incident was consistent when told to COPA and to Ms. [REDACTED] COPA finds that this allegation is supported by a preponderance of the evidence, and it is Sustained.

COPA finds that **Allegations 13 and 14** that on May 1, 2017 Lt. Peabody twisted [REDACTED] arm/wrist and pressed her against the footboard of the bed with his foot are **Sustained**. [REDACTED] related that on this date, when she attempted to take an iPad away from the children, Lt. Peabody grabbed her arm and twisted it, placing her in a wrist lock. When she broke free and attempted to step over him on the bed to reach for the iPad, he used his foot to pin her upper outer thigh against the base of the bed. Ms. [REDACTED] recalled that [REDACTED] called her on the date of that incident and related a similar account. Lt. Peabody denies the incident stating [REDACTED] climbed on top of him but that he had no physical contact with her. Again, given [REDACTED] account of the incident was consistent when told to COPA and to Ms. [REDACTED] COPA finds that this allegation is supported by a preponderance of the evidence, and it is Sustained.

## VI. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

### a. Lieutenant Robert Peabody

#### i. Complimentary and Disciplinary History

- 1. Complimentary:** 1 Problem Solving Award, 5 Attendance Awards, 1 Physical Fitness, 1 Presidential Election, 1 Military Service, 20 Honorable Mentions, 1 2004 Crime Reduction Ribbon, 1 Department Commendation, 1 Complimentary Letter, 1 NATO

Summit, 1 Life Saving, 1 2009 Crime Reduction Award, 1 Joint Operations Award

2. **Disciplinary:** None

**ii. Recommended Penalty, by Allegation**

1. **Allegation No. 1:** 25-day Suspension and Anger Management
2. **Allegation No. 2:** 25-day Suspension and Anger Management
3. **Allegation No. 3:** 25-day Suspension and Anger Management
4. **Allegation No. 4:** 25-day Suspension and Anger Management
5. **Allegation No. 5:** 25-day Suspension and Anger Management
6. **Allegation No. 6:** 25-day Suspension and Anger Management
7. **Allegation No. 7:** 25-day Suspension and Anger Management
8. **Allegation No. 8:** 5-day Suspension and Anger Management
9. **Allegation No. 9:** 5-day Suspension and Anger Management
10. **Allegation No. 10:** 10-day Suspension and Anger Management
11. **Allegation No. 11:** 10-day Suspension and Anger Management
12. **Allegation No. 12:** 25-day Suspension and Anger Management
13. **Allegation No. 13:** 25-day Suspension and Anger Management
14. **Allegation No. 14:** 25-day Suspension and Anger Management

This investigation determined that Lt. Peabody engaged in domestic violence on 3 separate occasions.<sup>30</sup> COPA has considered the delay in this investigation and the lack of injuries. COPA has also considered Lt. Peabody's behavior and his lack of personal accountability for this incident. The only mitigation is Lt. Peabody's complimentary history and lack of prior discipline. Therefore, COPA recommends suspension and Anger Management.<sup>31</sup>

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<sup>30</sup> While some of the allegations appear redundant, COPA did not consider the number of allegations when arriving at its recommendation. COPA considered the totality of the circumstances.

<sup>31</sup> COPA recognizes that there is a difference between Anger Management and Domestic Violence Counseling. COPA acknowledges that Domestic Violence Counseling would be more appropriate in this instance. However, as Domestic Violence Counseling is not currently available, COPA recommends Anger Management.

**VIII. CONCLUSION**

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

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Lt. Robert Peabody	<p>1. It is alleged that on May 26, 2017, at approximately 2140 hours, inside the residence at [REDACTED] you engaged in an unjustified physical altercation with Officer [REDACTED] # [REDACTED] in violation of Rules 2, 8 and 9.</p>	Sustained / 25-day Suspension and Anger Management
	<p>2. It is alleged that on May 26, 2017, at approximately 2140 hours, inside the residence at [REDACTED] you initiated an unjustified physical altercation with Officer [REDACTED] in violation of Rules 2, 8 and 9.</p>	Sustained / 25-day Suspension and Anger Management
	<p>3. It is alleged that on May 26, 2017, at approximately 2140 hours, inside the residence at [REDACTED] you physically abused Officer [REDACTED] in that you twisted her wrist as she attempted to pick up your mutual child, [REDACTED] in violation of Rules 2, 8 and 9.</p>	Sustained / 25-day Suspension and Anger Management
	<p>4. It is alleged that on May 26, 2017, at approximately 2140 hours, inside the residence at [REDACTED] you kicked her once on the stomach with your bare foot in violation of Rules 2, 8 and 9.</p>	Sustained / 25-day Suspension and Anger Management
	<p>5. It is also alleged that on May 26, 2017, at approximately 2200 hours, inside the residence at [REDACTED] you engaged in an unjustified physical altercation with Officer [REDACTED] in violation of Rules 2, 8 and 9.</p>	Sustained / 25-day Suspension and Anger Management
	<p>6. It is alleged that on May 26, 2017, at approximately 2200 hours, inside the residence at [REDACTED] you twisted Officer [REDACTED] wrist a second time in violation of Rules 2, 8 and 9.</p>	Sustained / 25-day Suspension and Anger Management

<p>7. It is alleged that on May 26, 2017, at approximately 2200 hours, inside the residence at [REDACTED] you grabbed Officer [REDACTED] around the body and dragged her out of the bedroom into the second-floor hallway in violation of Rules 2, 8 and 9.</p>	<p>Sustained / 25-day Suspension and Anger Management</p>
<p>8. It is alleged that on May 26, 2017, at approximately 2200 hours, inside the residence at [REDACTED] you verbally abused her in that you stated words to the effect of, "Get the fuck out" in violation of Rules 2, 8 and 9.</p>	<p>Sustained / 5-day Suspension and Anger Management</p>
<p>9. It is alleged that on May 26, 2017, at approximately 2200 hours, inside the residence at [REDACTED] you verbally abused [REDACTED] and [REDACTED] in that you directed profane language toward them such as, "Fucking assholes" in violation of Rules 2, 8 and 9.</p>	<p>Sustained/ 5-day Suspension and Anger Management</p>
<p>10. It is alleged that on May 26, 2017, at approximately 2200 hours, inside the residence at [REDACTED] you purposely damaged an iPad by striking it with your fist in violation of Rules 2, 8 and 9.</p>	<p>Sustained / 10-day Suspension and Anger Management</p>
<p>11. It is alleged that on May 24, 2017, at an unspecified time, inside the residence at [REDACTED] you pushed Officer [REDACTED] in violation of Rules 2, 8 and 9.</p>	<p>Sustained / 10-day Suspension and Anger Management</p>
<p>12. It is alleged that on May 24, 2017, at approximately 2200 hours, inside the residence at [REDACTED] you purposely struck her with a door on her upper body in violation of Rules 2, 8 and 9.</p>	<p>Sustained / 25-day Suspension and Anger Management</p>
<p>13. It is alleged that on May 1, 2017, at approximately 1100 hours, inside the residence at [REDACTED] you twisted [REDACTED] arm/wrist in violation of Rules 2, 8 and 9.</p>	<p>Sustained / 25-day Suspension and Anger Management</p>

14. It is alleged that on May 1, 2017, at approximately 1100 hours, inside the residence at [REDACTED] you pressed [REDACTED] against the footboard of the bed with your foot in violation of Rules 2, 8 and 9.

Sustained / 25-day  
Suspension and  
Anger Management

Approved:

[REDACTED]

December 30, 2019

\_\_\_\_\_  
Andrea Kersten  
*Deputy Chief Administrator – Chief Investigator*

\_\_\_\_\_  
Date



Appendix A

Assigned Investigative Staff

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Squad#	9
Investigator	Jeanne Goodwin
Supervising Investigator	Sharday Jackson
Deputy Chief Administrator	Andrea Kersten