

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	May 17, 2019 through June 5, 2019
Time of Incident:	10:51 a.m.
Location of Incident:	██████████, 222 W Merchandise Mart Plaza, ██████████
Date of COPA Notification:	May 24, 2019
Time of COPA Notification:	7:39 p.m.

██████████ and Officer Marcus Griggs met on a dating application and dated for a brief period. On May 17, 2019, ██████████ sent a text message to Officer Griggs ending the relationship. Officer Griggs responded by texting and calling ██████████ over thirty (30) times. ██████████ found that behavior to be threatening and harassing. Based on the totality of the evidence, COPA finds the allegations are **Sustained** in part.

**II. INVOLVED PARTIES**

Involved Officer #1:	Marcus Griggs, Star #8086, Employee ID ██████████ Date of Appointment: July 17, 2017 Police Officer, Unit of Assignment: 004 DOB: ██████████, 1987, Male, Black
Involved Individual #1:	██████████ DOB: ██████████, 1990 Female, Black

**III. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding / Recommendation</b>
Officer Marcus Griggs	1. It is alleged by ██████████ that Officer Griggs threatened her by texting words to the effect of "I will come to your job," on May 17, 2019 at approximately 10:51 a.m., in violation of Rules 2 & 9.	Not Sustained
	2. It is alleged by ██████████ that Officer Griggs harassed her by calling her cell phone several times from May 17, 2019 to June 05, 2019, after	Sustained/ 5 -day Suspension

<p>ended the relationship, in violation of Rules 1 &amp; 2.</p>	<p>Sustained/5-day Suspension</p>
<p>3. It is alleged by that Officer Griggs harassed her by sending several text messages to her cell phone between May 17, 2019 and June 5, 2019, after ended the relationship in violation of Rule 2.</p>	

**IV. APPLICABLE RULES AND LAWS**

Rules

1. Rule 1: Violation of any law or ordinance.
2. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
3. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

State Laws

1. 720 ILCS 5/26.5-3 – Harassment through Electronic Communications

**V. INVESTIGATION<sup>1</sup>**

**a. Interviews**

COPA interviewed (hereafter on June 3, 2019 at approximately 6:31 p.m., at the Civilian Office of Police Accountability, located at 1615 W. Chicago Ave, Chicago, Illinois, 60622.<sup>2</sup> stated she and Officer Griggs met online on the BLK App and engaged in a brief dating relationship. The two of them went out approximately five to seven times during a two-week period. stated she decided to terminate the relationship because on the second date, Officer Griggs exhibited signs of anger issues. She stated a homeless man asked for money and Officer Griggs flashed his badge at the homeless person. stated that she decided to end the relationship with Officer Griggs when he became upset because she did not want to spend the night at his home.

On the day of the incident she sent a text message to Officer Marcus Griggs stating she no longer wanted to date. After sending the message, Officer Griggs called and texted her saying he was confused and asked what was going on. stated Officer Griggs called her twenty-nine (29) times from his cell phone within an hour and two more times from another number. stated she was at work when the incident took place, so she went to her security team and

<sup>1</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>2</sup> See Attachments #8 & 9.

advised them that Officer Griggs may show up at her place of employment. ██████ stated she and her security team needed a plan in place should it occur. ██████ stated while she was talking with her security team, she realized Officer Griggs texted her saying he would come to her job. ██████ stated she never answered any of Officer Griggs' calls on that date. However, she did eventually text him back a few hours later explaining why she was ending their dating relationship.

██████ related that Officer Griggs continued to call her after May 17, 2019. She stated that she did answer one of these calls. ██████ related that her friend encouraged her to answer that call. During that call, Officer Griggs again asked her why she was ending the relationship. ██████ told him that she was out and that she already told him why she was ending things. Officer Griggs asked her to text him, but she refused since she was out. ██████ stated she attempted to return one of his calls after she returned home, but it went straight to voicemail.

██████ attempted to obtain an emergency order of protection but was denied by the court because Officer Griggs did not threaten her. ██████ stated she was being harassed by Officer Griggs because of the constant calling. ██████ stated that Officer Griggs is not allowed to come to Yelp, her place of employment, per the Corporate Headquarters.

COPA interviewed **Officer Marcus Griggs** (hereafter Officer Griggs) on November 19, 2019, at approximately 12:14 p.m., at the Civilian Office of Police Accountability located at 1615 W Chicago, Ave, Chicago, Illinois, 60622.<sup>3</sup> Officer Griggs stated that he is currently assigned to the 4<sup>th</sup> District but is not on full duty status due to an injury on duty. Officer Griggs stated he met ██████ on the "BLK" dating app and the two of them dated for approximately two weeks. Officer Griggs provided ██████ with his telephone number, ██████. During the two weeks, Officer Griggs and ██████ went out on approximately three to four dates and engaged in an intimate relationship. Officer Griggs stated he believed the relationship was going well and was confused when ██████ stated she no longer wanted to date. Officer Griggs stated he called ██████ to find out why she ended the relationship and ██████ answered the phone stating she would call him back later.

Officer Griggs stated he had no knowledge as to why ██████ stopped speaking with him until he went to court. He stated he never received the text message ██████ sent which provided a reason for the termination of their relationship. Officer Griggs stated the message was read during the court hearing, and that was the first time he realized how ██████ felt. Officer Griggs stated he used his friend ██████ phone to call ██████ while at House of Hookah. Officer Griggs denied contacting ██████ from phone number ██████ and stated he did not know that phone number. Officer Griggs admitted to calling ██████ on June 5, 2019 but denied having called her thirty (30) times.

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<sup>3</sup> Officer Griggs appeared with ██████, who was present during the interview. Officer Griggs' statement is incorporated as attachment #18.

### b. Digital Evidence

COPA obtained a **screenshot**<sup>4</sup> of ██████████ contact information for an individual in her phone labeled, “█████████.” The photo depicts that the phone number for “█████████” is ██████████.

COPA obtained a **screenshot** of ██████████ text messages to and from Officer Griggs.<sup>5</sup> On May 18, 2019 at 11:56 p.m., ██████████ texted Officer Griggs, “I’m out.” On May 26, 2019 at 7:57 p.m., Officer Griggs text ██████████ “Ok you win I give trying to talk with you! That the least you could’ve done.” Additionally, Officer Griggs sent a text stating, “Why can’t you talk to me?”

COPA obtained a **screenshot** of ██████████ call log which depicted three (3) missed calls from “Marcus” at 7:37 p.m. and four missed calls from “No Caller ID.”<sup>6</sup>

COPA obtained a **video** of ██████████ call log/call history.<sup>7</sup> The video depicted three (3) missed calls from “Marcus,” two (2) missed calls from ██████████, and more than twenty (20) missed calls from “No Caller ID.” All of these calls took place between 7:37 p.m. and 7:48 p.m.

### c. Documentary Evidence

The original **case report, JC277108 (Event #1914415101)**,<sup>8</sup> was filed on May 24, 2019 at approximately 6:40 p.m., the narrative states that Officer Griggs and ██████████ had a two-week dating relationship in which ██████████ ended. The report states that Officer Griggs called ██████████ forty-four (44) times after she asked him to stop. The narrative further states that Officer Griggs threatened to go to both ██████████ residence and place of employment.

The second **case report, JC295355 (Event #1915717361)**,<sup>9</sup> was filed on June 06, 2019 at approximately 9:10 p.m., the narrative states that Officer Griggs sent ██████████ over forty (40) text messages on June 05, 2019. ██████████ also related that she had a court date on June 20, 2019 as it related to the original case report, RD#JC277108.<sup>10</sup>

### d. Additional Evidence

COPA obtained a copy of the **Petition for an Emergency Order of Protection** filed by ██████████ on May 30, 2019 in which ██████████ requested there be no contact by any means.<sup>11</sup> The Courts ruled that ██████████ presented insufficient evidence for an Emergency Order of Protection, and therefore, the case was continued to June 20, 2019. ██████████ attached photo copies of her call log which revealed twenty-nine (29) missed calls from “Marcus” (now known as Officer Griggs) at 11:37 a.m. Additionally, there was email correspondence between ██████████

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<sup>4</sup> See Attachment #22.

<sup>5</sup> See Attachment #23.

<sup>6</sup> See Attachment #25.

<sup>7</sup> See Attachment #26.

<sup>8</sup> See Attachment #13.

<sup>9</sup> See Attachment #14.

<sup>10</sup> It should be noted that upon the filing of this police report, COPA was notified and Log #2019-2042 was opened. That case was closed and investigated under this log number.

<sup>11</sup> See Attachment #4.

and her employer with “BOLO,” as the subject line. In the email [REDACTED] provides a description of Officer Griggs as well as explains that she “broke up,” with Officer Griggs and that he is “unhappy,” about the outcome of their relationship. [REDACTED] also attached a text message from Officer Griggs in which she ended the relationship, and he replied, “I will come to your job I’m so confused right now.” [REDACTED] also attached a screen shot showing and additional three (3) missed calls from Officer Griggs.

On October 9, 2019, a hearing was held on [REDACTED] request for a Stalking No Contact Order.<sup>12</sup> COPA attended the hearing and obtained the **transcript**.<sup>13</sup> According to the transcript, [REDACTED] testified in substantially the same manner as her statement to COPA. [REDACTED] indicated that she ended the relationship with Officer Griggs on May 17, 2019 via text message after dating him for approximately seventeen days. [REDACTED] sent the text ending the relationship at 8:03 a.m. [REDACTED] testified that by 11:51 a.m. she had thirty-one (31) missed calls from Officer Dalys and by 5:01 p.m. she had an additional missed phone call and three additional text messages from him. [REDACTED] testified that she responded to him at 7:00 p.m. the following day explaining why she was ending the relationship. [REDACTED] stated she received four more calls from him on May 18, 2019. On May 21, 2019, he called her, and she answered the call after her friend told her she should answer it. [REDACTED] related that during that conversation she told him she did not want any further contact with him. [REDACTED] stated that on May 26, 2019, Officer Griggs called her twice and sent her one text message, and on May 28, 2019, he called her one time. [REDACTED] also testified that she received calls from numbers she believed belonged to Officer Griggs on June 2, 2019 and June 5, 2019, and one text message from Officer Griggs on June 5, 2019. [REDACTED] testified before the court and stated that she wanted to seek an Order from the court because she felt threatened by the number of times Officer Griggs contacted her after she ended the relationship. After hearing testimony from [REDACTED] the Court denied the Stalking No Contact Order against Officer Griggs stating that there was insufficient evidence to prove stalking.

COPA Investigators researched phone number [REDACTED] and found that it was a VOIP phone number. The phone number did not register to any individual or phone service provider.<sup>14</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>12</sup> [REDACTED] amended her petition for an Order of Protection to a Stalking No Contact Order. See Att. 27.

<sup>13</sup> See Attachment #27.

<sup>14</sup> See Attachment #28

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 reviewed complied with 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 conduct complied with Department policy than that it did not, 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 **Allegation #1**, against Officer Griggs, that he threatened ██████████ by texting words to the effect of "I will come to your job," is **NOT SUSTAINED**. In his statement to COPA, Officer Griggs admitted to sending the text message, but stated the two of them previously met at her place of employment. Additionally, within minutes of sending the text message, Officer Griggs sent a follow-up message stating that he was not coming ██████████ place of employment. Immediately after receiving the text message, ██████████ notified security at the Merchandise Mart. There were no reports by either security staff at the Merchandise Mart or ██████████ that Officer Griggs was seen in the building. Although ██████████ reported feeling threatened by the text message, the message is not threatening on its face. COPA has considered the facts and events surrounding the text being sent and determines that there is insufficient evidence to determine whether the text was intended as a threat. Although the text was sent in response to ██████████ ending their relationship and her belief that it was a threat was reasonable, it is possible that Officer Griggs simply intended to come to her job to discuss the relationship and did not intend it as a threat. Based on the totality of circumstances, COPA finds allegation #1 is **NOT SUSTAINED**.

COPA finds **Allegation #2** against Officer Griggs, that he harassed ██████████ by calling her cell phone several times, is **SUSTAINED**. In his statement to COPA, Officer Griggs admitted to calling ██████████ a few times, but was unable to provide the exact number of times he contacted ██████████ after she ended the relationship. The screenshots of ██████████ call log depicts twenty-nine (29) missed calls from "Marcus" on May 17, 2019, which is the name ██████████ used to store Officer Griggs' phone number. Officer Griggs stated that ██████████ answered several of his phone calls after she ended the relationship stating she was "out with friends or family," and advised Officer Griggs she would return his call later. However, ██████████ only admitted to answering one of his many phone calls. Additionally, Officer Griggs admits that ██████████ never returned his calls. Even if ██████████ answered some of his calls, a reasonable person would have concluded that the calls were unwanted due the fact that ██████████ never returned the calls.

Furthermore, there were three (3) additional missed phone calls from “Marcus,” which were directly followed by calls registered as “No Caller ID,” and calls from phone number [REDACTED]. It is not unreasonable for [REDACTED] to believe that the additional calls registered as “No Caller ID,” along with [REDACTED] were also calls from Officer Griggs. A reasonable person would believe this to be true due to the fact that each time calls from “Marcus,” went unanswered. Also, during his statement to COPA, Officer Griggs admitted to contacting [REDACTED] using an acquaintance’s phone. Although COPA cannot definitively say that the calls from [REDACTED] and No Caller ID were from Officer Griggs, the evidence does show that he called [REDACTED] at least twenty-nine (29) times on May 17, 2019 and three (3) times on June 5, 2019.

The Illinois Compiled Statute, 720 ILCS 5/26.5-2, defines Harassment by telephone, in part as “A person commits harassment by telephone when he or she uses telephone communication for any of the following purposes: [...] (2) making a telephone call; whether or not a conversation ensues, with the intent to abuse, threaten or harass any person at the called number; (2) making or causing the telephone of another repeatedly to ring, with intent to harass any person at the called number.” Moreover, the Illinois Domestic Violence Act states that repeatedly calling a person’s place of employment, home or residence, shall be presumed to cause emotional distress.<sup>15</sup>

[REDACTED] stated that she found Officer Griggs’ conduct to be harassing. She immediately attempted to obtain an Order of Protection against him and reported his conduct to the police. Based on the totality of circumstances, it is more likely than not that Officer Griggs harassed [REDACTED] by calling her several times. Therefore, COPA finds allegation #2 is **SUSTAINED**.

COPA finds **Allegation #3**, against Officer Griggs, that he harassed [REDACTED] by sending several text messages to her cell phone, is **SUSTAINED**. Officer Griggs sent [REDACTED] approximately six (6) text messages from May 17, 2019 to June 5, 2019. Although these text messages did not contain any threatening language on their face, when viewed in conjunction with his numerous calls, it is reasonable that [REDACTED] felt harassed by this contact. In both his statement to COPA, and his text messages to [REDACTED] Officer Griggs stated he was confused as to why the relationship ended and he believed the 3-4 dates he and [REDACTED] had went “exceptionally well.”<sup>16</sup> However, the relationship was over and his attempts to contact [REDACTED] were unwelcome. Furthermore, while not overtly threatening, Officer Griggs’ text messages do indicate that he continued to contact [REDACTED] despite her utter lack of response. Based on the totality of circumstances, allegation #3 is **SUSTAINED**.

## VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

### a. Officer Marcus Griggs

- i. **Complimentary:** 1 Honorable Mention
- ii. **Disciplinary History:** 1 Reprimand for Courteous Police Service 2019

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<sup>15</sup> 750 ILCS 60/103 (7) (ii & iii).

<sup>16</sup> See Final Files Attachment #18.

**iii. Recommended Penalty, by Allegation**

**1. Allegation No. 2: 5-day Suspension**

Officer Griggs admitted to calling ██████ an unknown number of times, stating that he was “confused,” about why the relationship ended. After June 5, 2019, he made no further attempts to contact ██████ and informed Investigators that he both deleted and blocked ██████ phone number. Although Officer Griggs’ confusion is a mitigating factor, his behavior caused a civilian to feel harassed and seek an order of protection. His conduct was not in accordance with the Department’s goals and policies. Therefore, COPA recommends a five-day suspension.

**IX. CONCLUSION**

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

Officer	Allegation	Finding / Recommendation
Officer Marcus Griggs	<p>1. It is alleged by ██████ that Officer Griggs threatened her by texting words to the effect of “I will come to your job,” on May 17, 2019 at approximately 10:51 a.m., in violation of Rules 2 &amp; 9.</p> <p>2. It is alleged by ██████ that Officer Griggs harassed her by calling her cell phone several times from May 17, 2019 to June 05, 2019, after ██████ ended the relationship, in violation of Rules 1 &amp; 2.</p> <p>3. It is alleged by ██████ that Officer Griggs harassed her by sending several text messages to her cell phone between May 17, 2019 and June 5, 2019, after ██████ ended the relationship in violation of Rule 2.</p>	<p>Not Sustained</p> <p>Sustained/ 5 -day Suspension</p> <p>Sustained/5-day Suspension</p>

Approved:

████████████████████

January 27, 2020

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 Andrea Kersten  
 Deputy Chief Administrator – Chief Investigator

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 Date





Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	9
<b>Investigator:</b>	Shakira Nubern
<b>Supervising Investigator:</b>	Sharday Jackson
<b>Deputy Chief Administrator:</b>	Andrea Kersten