



Log # 2021-0002059

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On May 29, 2021, the Civilian Office of Police Accountability (COPA) received an Initiation Report from the Chicago Police Department (CPD) alleging misconduct by a CPD member. Sgt. Amelia Kessem alleged that on May 29, 2021, Officer Vincent Culloton dragged ██████████ down the stairs.² Upon review of the evidence, COPA served additional allegations that Officer Culloton damaged ██████████ vehicle and belongings, cut her ear, and would not permit her to leave the residence. Following its investigation, COPA reached findings of not sustained regarding the allegations.

II. SUMMARY OF EVIDENCE³

On May 28, 2021 going into May 29, 2021, ██████████ and Officer Culloton were at a mutual friends' gathering. Officer Culloton met ██████████ at the gathering when he got off work.⁴ ██████████ then went home, leaving him at the party.⁵ Officer Culloton related that he had approximately one to two alcoholic beverages at the gathering and he drove himself home.⁶ At approximately 4:30 am, they got into an argument after he returned home later than he said he would. When he arrived home, he observed food items thrown about on the rear porch and the kitchen floor, and glass shelving broken in the living room.⁷ ██████████ provided a different account captured on Body Worn Camera (BWC), stating that she threw a watermelon and other items on the floor, and he broke the glass.⁸ Officer Culloton told ██████████ she had to leave, and ██████████ stated that she would take the children with her, who were sleeping.⁹ Officer Culloton related that he did not want her to wake the children up and take them. ██████████ then stated she was going to call 911, and he stated, "Well, go ahead and call them."¹⁰

¹ Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

² One or more of these allegations fall within COPA's jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

³ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including BWC footage, police reports, and an officer interview.

⁴ Officer Culloton provided a statement to COPA on February 1, 2023. Atts. 11 to 13.

⁵ Att. 12, pgs. 10 to 11.

⁶ Att. 12, pg. 12, lns. 1 to 8.

⁷ Att. 12, pg. 12.

⁸ Att. 6 at 9:05 to 9:25. Food items can be seen thrown on the floor in the kitchen and broken glass on the floor of the living room.

⁹ Att. 12, pg. 15. ██████████ who was ██████████ at the time, and ██████████, ██████████ who was ██████████ at the time were at the residence. Att. 12, pg. 16.

¹⁰ Att. 12, pg. 18.

At 4:39 am, ██████ called 911 to report that she had a dispute with ██████ and he was not letting her leave the house.¹¹ The dispatch operator asked if any drugs or alcohol were involved, and she responded stating, "He's been drinking a little bit, yeah."¹² At the end of the call, she related that he was now allowing her to leave.

Upon the arrival of responding officers, ██████ related that Officer Culloton was allowing her to leave. Officer Culloton related that ██████ has a history of mental illness, which ██████ denied.¹³ ██████ alleged that Officer Culloton had been drinking, and he admitted he had been drinking. He further related that she has been diagnosed with mental illnesses and takes medication for them.¹⁴ ██████ related that when she gathered her belongings to go to her mother's residence, he got mad at her. She then stated she was going to call the police, and he told her she was not leaving. When she called 911, he told her "Go."¹⁵ ██████ stated that he threw eggs on her vehicle.¹⁶ She further alleged that he dragged her down the stairs and cut her ear.¹⁷

Sgt. Kessem arrived on scene, and ██████ related that she was packing up her belongings to leave and he put olive oil on her belongings.¹⁸ ██████ further stated, "He takes me, he slides me down the fucking stairs, all that."¹⁹ Sgt. Kessem informed ██████ that they are required to document the incident based on the allegations she made. ██████ then began to recant her story, stating that it was both of their faults. Sgt. Kessem asked ██████ if they heard or saw any part of the incident. ██████, ██████ stated that he heard yelling and banging, and it woke him up. ██████ and Officer Culloton's ██████ stated that he heard ██████ dragging ██████.²⁰ ██████ then related that he did not drag her, and they were only verbally fighting. She further stated that they were both walking down the stairs and verbally fighting, and he did not put hands on her.²¹

██████ gathered their belongings to go with ██████ to ██████ residence. A responding officer asked ██████ if she threw the food on her car or if Officer Culloton did, and she looked at the officer and then back at her phone and stated, "I don't know anymore."²²

COPA spoke to ██████ over the phone a total of three times. ██████ related that on the date of incident Officer Culloton did not want her to leave, so he threw eggs on the vehicle and put olive oil on her clothes. She denied that any physical altercation occurred, and she declined to

¹¹ Atts. 8 and 9.

¹² After reviewing the available evidence, COPA declined to serve an allegation for intoxication while off duty.

¹³ Att. 6 at 4:29.

¹⁴ Att. 6 at 6:43 to 7:00. Officer Culloton later relates to Sgt. Kessem that ██████ has anxiety and bipolar, and she has medication but does not always take it as prescribed because it gives her abdominal discomfort. Att. 7 at 18:35 to 18:50.

¹⁵ Att. 5 at 6:45 to 7:10.

¹⁶ Att. 5 at 7:35.

¹⁷ Att. 5 at 8:32.

¹⁸ Att. 5 at 9:25 to 9:45.

¹⁹ Att. 7 at 10:01

²⁰ Att. 7 at 14:28.

²¹ Att. 7 at 15:10 to 15:50.

²² Att. 6 at 38:26 to 38:35.

cooperate with the investigation.²³ She also refused to allow COPA to speak to ██████████ that were present in the residence during the incident.²⁴ ██████████ also refused to proceed with the criminal investigation.²⁵

III. ALLEGATIONS

Officer Vincent Culloton:

On or about May 29, 2021 at approximately 4:30a.m., at or near ██████████, Officer Vincent Culloton

1. Dragged ██████████ down the stairs.
 - Not sustained
2. Cut ██████████ ear.
 - Not sustained
3. Threw egg(s) at ██████████ vehicle.
 - Not sustained
4. Damaged ██████████ belongings.
 - Not sustained
5. Would not permit ██████████ to leave the residence.
 - Not sustained

IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory. COPA is unable to make a credibility determination of ██████████ due to her lack of cooperation and not being able to interview her fully. ██████████ made contradictory statements on BWC, first stating that there was a physical altercation and then retracting her statement by saying it was only verbal. When speaking to detectives for the criminal investigation, ██████████ again stated that no physical altercation occurred. Additionally, Officer Culloton alleged that ██████████ suffers from mental illnesses and does not take her prescriptions as prescribed. Officer Culloton's statement varied greatly from ██████████ original comments captured on BWC but was similar to her statements towards the end. There is not sufficient evidence to corroborate or discredit Officer Culloton's or ██████████ versions of events.

V. ANALYSIS²⁶

²³ CO-0087256 and CO-0087894.

²⁴ CO-0089745. Due to ██████████ declining to cooperate with the investigation, an Affidavit Override was obtained. Att. 4.

²⁵ Att. 3. ██████████ again stated to the detectives that the altercation was verbal only and there was no physical contact between herself and Officer Culloton. When speaking to the detectives, ██████████ states not verbatim "well at least this scared him."

²⁶ For a definition of COPA's findings and standards of proof, see Appendix B.

COPA finds Allegations #1 and #2 that Officer Culloton dragged ██████ down the stairs and cut her ear are **not sustained**. Although ██████ originally made these allegations on BWC, she later recanted and stated the argument was only verbal. While COPA recognizes that victims of domestic violence often recant their allegations, there is insufficient corroborating evidence or details in ██████ statement to find the allegations are sustained by a preponderance of the evidence. There were no visible signs of injury and ██████ did not complain of any injuries to responding officers. Officer Culloton stated the argument was verbal and never turned physical.²⁷ He could not recall if any of the argument occurred upstairs or on the stairs, stating that he recalled being focused on the mess in the living room for most of the time.²⁸ He denied making contact with her body at any point during the argument.²⁹ When asked why ██████ would make such allegations, Officer Culloton related he was unsure and kept referring to her mental health, stating that she is mentally unstable.³⁰ There is insufficient evidence to prove or disprove the allegations by a preponderance of the evidence, and the allegations are not sustained.

COPA finds Allegations #3 and #4 that Officer Culloton threw egg(s) at ██████ vehicle and damaged her belongings are **not sustained**. ██████ made a comment on BWC stating that Officer Culloton threw eggs at her car. Later, she was asked again if she threw the food on her car or if Officer Culloton did, and she looked at the officer and then back at her phone and stated, “I don’t know anymore.” There appears to be a white object on the windshield of ██████ vehicle, which the responding officers mentioned were eggs. Officer Culloton denied throwing eggs on her vehicle. He could not recall if he ever saw that there were eggs on her vehicle, stating that her vehicle was parked in the front of the residence, and he entered through the back.³¹ ██████ stated on BWC and to COPA that Officer Culloton put olive oil on her clothes when she was packing up her belongings to leave. Officer Culloton denied this, again referring to her mental health when asked why she would make that kind of allegation. She did not show the responding officers olive oil poured on her clothing, and it was not visible on BWC. There is insufficient evidence to prove or disprove the allegations by a preponderance of the evidence, and the allegations are not sustained.

COPA finds Allegation #5 that Officer Culloton would not permit ██████ to leave the residence is **not sustained**. ██████ original complaint in her 911 call was that he was not allowing her to leave. She did not explain how he would he would not let her leave. Officer Culloton denied this allegation, stating that he was more concerned about her waking the children up to take them with her. He denied ever restricting her path of movement, blocking the door, or verbally telling her she could not leave the residence.³² There is insufficient evidence to either prove or disprove the allegation by a preponderance of the evidence, and the allegation is not sustained.

²⁷ Att. 12, pg. 18, lns. 3 to 5.

²⁸ Att. 12, pgs. 22 to 23.

²⁹ Att. 12, pg. 24, lns. 4 to 7.

³⁰ Att. 12, pgs. 23 to 27.

³¹ Att. 12, pgs. 24 to 25.

³² Att. 12, pgs. 29 to 30.

Approved:



Deputy Chief Administrator

August 31, 2023

Date

Appendix ACase Details

Date/Time/Location of Incident:	May 29, 2021 / 4:34 am / ██████████
Date/Time of COPA Notification:	May 29, 2021 / 5:54 am
Involved Officer #1:	Vincent Culloton, Star #9033, Employee ID# ██████████, Date of Appointment: July 31, 2006, Unit of Assignment: 017, Male, Hispanic
Involved Individual #1:	██████████ Female, Hispanic

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule __:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

Appendix B

Definition of COPA’s Findings and Standards of Proof

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
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 a proposition is proved.³³ For example, 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. 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.”³⁴

³³ 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 is found to be more probably true than not).

³⁴ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C

Transparency and Publication Categories

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation