



Administrative Review
B. Sweeney Incident of April 2015
February 8, 2016

Jerry Bauer, Asst. City Manager
Billy Tyus, Asst. City Manager

City of Decatur, Illinois

Investigative Report
Incident of April 12, 2015
Involving Brigid M. Sweeney
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Investigative Report
Incident of April 12, 2015
Involving Brigid M. Sweeney

Date: February 29, 2016

Reporting Employee: Gerard J. Bauer, Asst. City Manager

Investigators: Gerard J. Bauer, Billy Tyus

Incident:

On the evening of Sunday, April 12, 2015, Brigid Sweeney, wife of then-Decatur Police Chief Brad Sweeney, was detained at the Kroger Store in South Shores Shopping Center by store security employee, Aaron Morgan, for retail theft. Morgan, also a part time Police Officer with the Moweaqua, Illinois Police Department, reached out to both an acquaintance on the Decatur Police Department, Officer Andrew Wittmer, and his Chief on the Moweaqua Department, Robert Maynard for assistance in identifying the detainee. First to answer Morgan's call was Chief Maynard, who then alerted Decatur Deputy Police Chief, Cody Moore, about the matter.

Deputy Chief Moore then called Deputy Chief Jim Getz and the two of them proceeded to the Kroger store where they met with Morgan and identified Brigid Sweeney while she was still at the scene. After When Morgan determined how to processed Sweeney for the theft, Deputies Moore and Getz talked briefly with the store manager to confirm her concurrence with the handling of the matter. They then spoke briefly with Sweeney to ensure her welfare, and all then left the scene. No arrest was made and no detail of the matter was entered into the Police CAD system.

Officer Wittmer, who did not initially answer Morgan's call, contacted him later that evening and then learned about the matter from Morgan. He subsequently encouraged Morgan to preserve a complete record of the incident, including the response to the scene by the Deputy Chiefs, and to give him (Wittmer) a copy of the video that was recorded that evening. Wittmer ultimately received two copies

of a video of Kroger Store security camera footage from Morgan, one of which he turned over to the Decatur Police Department Administrative Operations Division on or about January 12, 2016, the other of which he maintained in his possession as of Wednesday, February 17, 2016.

Complaint:

On January 12, 2016, Officer Wittmer reported to Dave Dickerson, Deputy Chief of Administrative Operations for the Decatur Police Department, and Lt. Shane Brandel of the Administrative Operations Division, his knowledge of the situation regarding the detention of Brigid Sweeney for shoplifting at the Kroger Store in April of 2015. He further indicated that depending on what exactly transpired during the event, the actions of Deputy Chief Moore and/or Deputy Chief Getz at the time could be construed as official misconduct. Wittmer came forth to Administrative Operations with his knowledge of the matter after talking with Sgt. Timothy Maxwell. Maxwell initiated contact with Administrative Operations on Wittmer's behalf.

Having received information of potential misconduct on the part of some of the most senior officers of the Department, Deputy Chief Dickerson promptly reported the matter to the City Manager's Office. A criminal investigation was immediately commenced, and at the conclusion of it, this administrative review was undertaken to determine possible policy violations on the part of those involved.

Investigation:

The investigation of the possibility of criminal misconduct on the part of Deputy Chief Cody Moore and Deputy Chief Jim Getz was undertaken by the Illinois State Police on January 15, 2016. After interviewing all of the principal individuals involved in the matter, the Illinois State Police concluded there was no evidence of criminal misconduct on the part of either of the Deputy Chiefs (see report of ISP Case # 16-10317 BL). Those interviewed in the investigation were Kroger management employees Elizabeth Van Avery, Gretchen E. Hendricks, and Ronda L. Smith, loss prevention personnel Aaron Morgan and Nathan D. Brown, and Police Patrol Officer Andrew Wittmer.

When the criminal investigation was concluded, the State Police provided a copy of the case file reports to the City Manager. This occurred on February 4, 2016. The City Manager then promptly assigned Assistant City Manager Jerry Bauer to undertake an internal investigation of the matter, with the assistance of Assistant City Manager Billy Tyus. The purpose of the internal investigation, as stated by the City Manager, was to "look into events that occurred on April 12, 2015" involving the wife of Police Chief Sweeney, "and subsequent and/or related events involving the Decatur Police Department." Both Bauer and Tyus reviewed the file from the State Police before undertaking their internal investigation into the matter. As a point of reference, the State Police case file reports were forwarded to the City Manager the same day Brad Sweeney was terminated from his position as Chief of Police with the City of Decatur.

In their course of the investigation, Bauer and Tyus interviewed Cody Moore, Jim Getz, and Andrew Wittmer; obtained Police Bulletins from Andrew Wittmer, Dave Dickerson, Jim Getz, Tim Maxwell, Cody Moore, Detective Tim Wittmer, Detective Sgt. David Pruitt, Lt. Brian Cleary, Detective Ron Borowczyk, Detective Troy Phares, and Detective Todd Koester; and collected records of 1) Police Patrol Officer applicants from 2010 to 2016, 2) an e-mail from Chief Sweeney to the City Manager complaining of Wittmer's off-duty behavior on Instagram, 3) a written copy from the internet of a WCIA-TV news report on speculative reasons for Chief Sweeney's dismissal, 4) an e-mail detailing a call from Aaron Morgan to Detective Pruitt, and 5) written responses to questions from Bauer and Tyus to Administrative Operations personnel about policies, along with supporting documentation.

The internal investigation commenced on Monday, February 8, 2016, and has now been concluded.

As mentioned above, the Illinois State Police found no evidence of any criminal wrong doing on the part of either of the Deputy Chiefs in this matter. As was also stated above, this was not the focus of the internal investigation into the matter. Bauer and Tyus instead focused their inquiry on questions of policy adherence and applicability, propriety of employees' actions, and potential employee misfeasance (i.e., acts that are legal but performed improperly), negligence, and/or nonfeasance (i.e., the intentional failure to perform required duties or obligations).

The investigation revealed the following with regard to each of the following individuals' actions.

Former Chief of Police Brad Sweeney: at the time of the incident: 1) he was aware the incident occurred, communicating with Deputy Chief Moore just before and just after Moore was at the Kroger Store on the evening of April 12, 2015; 2) he did not try to directly intervene personally in the situation; and 3) he talked to Deputy Chief Moore by phone but did not try to direct him on how to respond the call from Chief Maynard. After the incident: 1) Sweeney affirmatively approached Aaron Morgan to thank him for how he handled the matter; 2) Sweeney indicated on several occasions to at least Deputy Chief Getz and Lt. Cleary individually that he intended to tell the City Manager about the incident; and 3) that he, in fact, did not tell the City Manager about the incident prior to Andrew Wittmer filing his bulletin on it in January 2016 with the Administrative Operations Division. Chief Sweeney was terminated from employment with the City of Decatur on February 4, 2016.

Deputy Chief Cody Moore: at the time of the incident in April 2015: 1) he made the decision independently to respond to the call from Moweaqua Chief Maynard; 2) he decided independently to ask Deputy Chief Getz to accompany him at the scene; 3) he expected at the scene to identify the detainee; 4) he thought at the time he went to the scene he might have to make an arrest; 5) he believed he could assist in handling the situation if the detainee were claiming a false identity; 6) he was sure he did not make a comment at that time about Morgan applying for the Police Patrol Officer position with the Department; and 7) he saw no signs of impairment in the detainee. After the incident, Deputy Chief Moore believed his supervisor, the Chief of Police, informed the City Manager of the details of the incident, so Moore had no reason to think the incident was not known to those who had reason to be informed. Moore did not attempt to tell the City Manager or the Administrative Operations Division about the incident prior to Andrew Wittmer filing his bulletin on the matter in January 2016 with the Administrative Operations Division.

Deputy Chief Jim Getz: at the time of the incident: 1) he accompanied Deputy Chief Moore at the Kroger Store; 2) he was under the impression his presence was needed as a witness at the store for Deputy Chief Moore; 3) he thought he might have made an off-hand remark to Morgan about applying with the Police Department, but was sure the subject was first raised by Morgan, the discussion was very brief and was not the focus of their interaction; and 4) he saw no signs of impairment in the detainee. The day after the incident, Deputy Chief Getz told the Chief he should report the incident to the City Manager. He felt he had assurance from the Chief that he would, so felt he had no need to pursue the matter further. In January of this year, when Getz learned from the Chief that he had not told the City

Manager about the incident, he encouraged him again to do so. Getz did not, however, attempt to tell the City Manager or the Administrative Operations Division about the incident prior to Andrew Wittmer filing his bulletin on it in January 2016 with the Administrative Operations Division.

Lieutenant Brian Cleary: being the brother of Brigid Sweeney, Brian learned of the matter through a call from the Police Chief the night of the incident. He encouraged the Chief that night to tell the City Manager about the matter. Several times in the ensuing days and weeks Cleary reiterated that message to the Chief. Cleary did not, however, attempt to tell the City Manager or the Administrative Operations Division about the incident prior to Andrew Wittmer filing his bulletin on it in January 2016 with the Administrative Operations Division.

Patrol Officer Andrew Wittmer: at the time of the incident in April 2015, Wittmer obtained knowledge of it through his personal association with Aaron Morgan, rather than as an official representative of the City of Decatur and its Police Department. After the incident had occurred: 1) Wittmer obtained video documentation about it by virtue of his association with Morgan, not as a representative of the Police Department; 2) he retained the documentation and his knowledge of the incident for approximately nine (9) months (from April of 2015 to January of 2016) without disclosing it to his supervisor or the Administrative Operations Division; 3) he entertained using it to his personal benefit if given an opportunity; 4) he made indirect references to it in the presence of other personnel (at least in the instance of the Decatur Celebration detail in August 2015), allowing for the possibility of it leaking out to persons not having a legitimate reason to know if it; 5) he reported his possession of the information to the Police Department only when questioned by his immediate supervisor about his possible knowledge; and 6) even after turning over a copy of the video documentation to the Administrative Operations Division in January of 2016, he retained a duplicate in his possession.

Sergeant Timothy Maxwell: there is no evidence to indicate that Sergeant Maxwell had any knowledge of the Kroger Store incident of April 2015 until sometime in January of 2016, when he approached Officer Wittmer off-duty about a rumor regarding the incident, and Wittmer's connection to it. Once aware of the situation, it appears Maxwell was forthcoming with Administrative Operations in bringing his knowledge of the matter to the attention of personnel in that Division.

Deputy Chief Dave Dickerson: there is no evidence to indicate that Deputy Chief Dickerson had any knowledge of the Kroger Store incident of April 2015 until sometime in January of 2016, when Sergeant Maxwell and Officer Wittmer approached him to discuss Wittmer's knowledge and documentation. Once aware of the situation, it appears Dickerson promptly brought the report he had received about the matter to the attention of personnel in the City Manager's Office.

The investigation revealed the following with regard to policy of the City of Decatur and the Decatur Police Department.

There appears to be no written policy of the Police Department or City administration that directly addresses procedures for Police Officers to handle information about possible wrongdoing of the Chief of Police and/or the Chief's immediate family members. While there are other Departmental policies outlining officer conduct that touch upon duties and responsibilities for reporting knowledge of potential wrongdoing within the department, there is nothing to outline how to handle such knowledge when it specifically involves the Chief or a member of the Chief's immediate family.

Finally, in the course of the interviews with Deputy Chiefs Moore and Getz, it came to light that Officer Andrew Wittmer had recently received the quarterly "Key Drug Bust Award", while Officer Timothy Wittmer had recently been assigned as a Detective in the Investigations Bureau despite the recommendation of the Bureau commander, Moore, for another candidate. When the timing of these occurrences was investigated it turned out that they occurred after the criminal investigation by the Illinois State Police was initiated and before Chief Sweeney was terminated by the City Manager. The implication was that the designations might have been given to influence the Wittmer brothers regarding their part in the Illinois State Police criminal investigation.

Findings:

From the above information, the following findings were derived.

Finding #1: In that Chief Sweeney was terminated prior to this investigation being undertaken, it is not necessary to evaluate his actions in light of the above criteria. No conclusions are therefore reached and no findings are submitted in regard to the former Chief.

Finding #2: Based on the information gathered in this matter, we conclude that Deputy Chief Cody Moore had no direct authority or responsibility to respond to the call on April 12, 2015, regarding Brigid Sweeney, or to request that Deputy Chief Getz accompany him. Regardless of the intent behind his action, his appearance at the Kroger Store that evening presented the opportunity for the perception of exerting undue influence in the matter. There was no policing-related reason for his presence; he was not dispatched to the scene and not needed to either identify or arrest the detainee. Standard protocol would have been for Patrol to handle that with supervisory backup, and logically as a call for service from Kroger security.

Finding #3: Moore's dependence on the Chief to notify the City Manager about the matter does not fully relieve him of the responsibility for ensuring that knowledge of the details reached those with a need and reason to be informed of them. It would have been reasonable for Moore to inform Administrative Operations of the matter, if in no other way than by a conversation with Deputy Chief Dickerson at the time, to determine the need for any follow up. Moore did not do this, so bears some degree of responsibility for this information not reaching the ear of the City Manager until some nine (9) months after the fact, and then through a path that was not initiated by senior officers.

Finding #4: The same could be said about the presence of Deputy Chief Getz as that of Deputy Chief Moore at the scene of the Sweeney incident on April 12, 2015. Regardless of the intent behind his action, his appearance at the Kroger Store that evening presented the opportunity for the perception of exerting undue influence in the decision on the ultimate disposition of the detention of Brigid Sweeney. There was no policing-related reason for his presence; he was not needed as a witness for Deputy Chief Moore, since Deputy Chief Moore himself was not needed at the scene. Additionally, while standard protocol would have been for there to be supervisory backup at the scene, Deputy Chief Getz, being of Moore's rank, did not constitute supervisory personnel for Moore, so the argument of mimicking standard protocol in this response was somewhat flawed.

Finding #5: The fact that there is some evidence to suggest that Getz interacted with security employee Morgan at the scene about employment with the Decatur Police Department (albeit on a limited and brief basis) lends further opportunity for the perception of exerting undue influence in the decision on the ultimate disposition of the detention of Brigid Sweeney. If there was such a conversation, it was not

prudent on the Deputy Chief's part in the midst of the situation at hand, and should probably have been avoided, even if initiated by the security employee.

Finding #6: Getz' dependence on the Chief to notify the City Manager about the matter does not fully relieve him of the responsibility for ensuring that knowledge of the details reached those with a need and reason to be informed of them. It would have been reasonable for Getz to inform Administrative Operations of the matter, if in no other way than by a conversation with Deputy Chief Dickerson at the time, to determine the need for any follow up. Getz did not do this, so bears some degree of responsibility for this information not reaching the ear of the City Manager until some nine (9) months after the fact, and then through a path that was not initiated by senior officers.

Finding #7: There is no evidence to indicate that Brigid Sweeney was under the influence at the scene of the incident. Therefore, there is nothing to sustain the inference that she was permitted by the Deputy Chiefs to drive away from the scene in an intoxicated state.

Finding #8: Cleary's dependence on the Chief to notify the City Manager about the matter does not fully relieve him, either, of the responsibility for ensuring that knowledge of the details reached those with a need and reason to be informed of them. After realizing early on, through repeated conversations with the Chief, that the Chief was not relaying the information about the incident to the City Manager, it would have been reasonable for Cleary to inform Administrative Operations of the matter, if in no other way than by a conversation with Deputy Chief Dickerson at the time, to determine the need for any follow up. Cleary did not do this, so also bears some degree of responsibility for this information not reaching the ear of the City Manager until some nine (9) months after the fact, and then through a path that was not initiated by senior officers.

Finding #9: Wittmer's receipt of knowledge and documentation of the Sweeney incident appears to be, at best, inappropriate. Morgan's divulging of the information to Wittmer was unnecessary and unprofessional. There was no Police business-related reason for Wittmer to be informed of the Sweeney matter when it occurred. Morgan had processed it, and the matter was rightly in the confidential domain of the Kroger Company and Brigid Sweeney at that time.

Finding #10: Wittmer's handling of the information was initially inappropriate, but ultimately pivotal in alerting the City Manager to the incident. He unduly delayed in providing information of the incident to his superiors. After obtaining this information, it would have been reasonable and straightforward for Wittmer to promptly inform his supervisor or Administrative Operations of the matter (retribution or retaliation notwithstanding), if in no other way than by a conversation with either his Sergeant or Administrative Operations staff, to determine the need for any follow up. Wittmer did not do this for some nine months, and then finally acted only at the "invitation" of his Sergeant, so he also bears some degree of responsibility for this information not reaching the ear of the City Manager in a timely manner. He does deserve credit for eventually making a report on the matter to Administrative Operations, albeit with his supervisor "looking over his shoulder", which allowed for proper authorities to eventually be alerted.

Finding #11: Wittmer's disclosure of certain pieces of the information about the incident to fellow officers, specifically those on the Decatur Celebration detail, showed a careless disregard for the proper means by which to treat such knowledge. Rather than safeguard it for disclosure to the proper individuals in the proper venue, he releases portions of it to those without need to know, under the guise of having an explanation for the promotion of Lt. Cleary. Such action is clearly irresponsible.

Finding #12: Sgt. Maxwell stepped forward and brought to light in a prompt manner (once he was made aware of the situation) information about the incident of April 2015 involving Brigid Sweeney. Regardless of motivation, his action was consistent with the straightforward, professional handling of information of a sensitive and potentially criminal nature, an act that would be concurrent with reasonable expectations.

Finding #13: Deputy Chief Dickerson also stepped forward and brought to light in an expeditious manner (once he was made aware of the situation) information about the incident of April 2015 involving Brigid Sweeney. Regardless of motivation, his action was also consistent with the straightforward, professional handling of information of a sensitive and potentially criminal nature, an act that would be concurrent with reasonable expectations.

Finding #14: Police Department policy is lacking in guidance for officers to handle information and situations regarding the potential wrong doing of the most senior of staff members, i.e., the Chief, and

his family members. Without that clear-cut instruction on responding to such allegations and handling such information, there is the distinct possibility that officers can find themselves in potential jeopardy when responding to such circumstances. This is unacceptable for a Police Department. Whether officers choose to follow policy or not, it should nevertheless be provided to them so that adherence will eliminate, to the greatest extent possible, the potential for risk for the officer involved in such matters.

Finding #15: Lack of such policy could arguably be the most preeminent factor in this case. Had Deputy Chiefs Moore and Getz, Lt. Cleary, and Officer Wittmer has this policy guidance at their disposal when they first became aware of and involved in the Brigid Sweeney incident of April 12, 2015, they would have at least had a "level playing field" to make the decisions they did in this case. As it was, they were each operating from somewhat of a deficit of guidance, and thereby making decisions, intentions notwithstanding, that may not have been in the best interest of the organization, or even in their own best interest in the end.

Finding #16: Police Department policy is also lacking in guidance on parameters for recruitment activity to attract potential employees to the Department. It should be fairly self-evident that mixing this with responding to calls for service is not an advisable practice, but it does not appear that there is a plain language policy to that effect in the Department. Without it, officers are left to make their own decisions about the matter, which ultimately may not be the best for the organization, or for themselves.

Recommendations:

Based on the facts of this situation and the findings reported above, the following recommendations are submitted for consideration:

Recommendation #1: In matters of potential violation of law or policy by the Chief of Police or his/her family, departmental/administrative policy should exist to address such scenarios. Therefore, a department policy to the following should be considered for implementation. If a sworn officer of any rank receives a call about contemporaneous suspected criminal activity of a superior officer or family member, he should enter a detail in the CAD system and allow dispatch to issue a call for service to be

handled per standard department operating procedures, as would be the case for any other citizen. The Chief should do the same when receiving a call about such activity of a family member. Non-standard treatment of such individuals should not be permitted.

Recommendation #2: A second department policy to the following should be considered for implementation. If a sworn officer of any rank receives information about past suspected criminal activity of a superior officer or family member, including the Chief, he should immediately notify the ranking officer in the Administrative Operations Division of the allegation. If the allegation involves an officer above the rank of Sergeant, or a family member of such officer, Administrative Operations should in turn immediately notify the City Manager. If the Chief receives such information about a family member of his, the Chief should immediately notify a ranking officer in the Administrative Operations Division of the allegation, as well as the City Manager.

Recommendation #3: A third department policy to the following should be considered for implementation. No recruiting-type activity should be permitted by any sworn officer in the midst of executing police business in the nature of responding to calls for service and/or investigating potential and/or actual criminal activity.

Recommendation #4: The policies in the above three recommendations should be widely and thoroughly disseminated throughout the Police Department. Affirmative efforts should be made to counsel Deputy Chiefs Moore and Getz about the first policy; Moore, Getz, Cleary and Wittmer about the second policy; and Getz in particular about the third.

Recommendation #5: Deputy Chief Moore should be counseled about responding to the call from Chief Maynard of Moweaqua in the manner in which he did without reflecting on the possible ramifications of his decision. While he may have done nothing improper, if he had possibly sought other input for the decision rather than acting in a vacuum in response to that call, it made have led to actions which could have averted the opportunity to view his response as inappropriate, or worse. Though intentions may be of the highest motivation, and probably were in this case, sometimes the actions they spawn may have unintended and unwanted consequences. It is not unreasonable to expect for personnel at this level to reflect on this so as to avoid, to the greatest degree possible, such consequences before acting.

Recommendation #6: Despite the fact there is currently no policy guidance on the subject, Deputy Chiefs Moore and Getz, Lt. Cleary, and Officer Wittmer should all be counseled about failing to make efforts to promptly bring knowledge of the Brigid Sweeney matter to those in authority. The delay of all of these employees in that regard allowed for information that could have been potentially harmful to the City to remain unknown to the City's chief administrative officer for a substantial period of time. Such position of exposure could have resulted in the expenditure of significant City resources to investigate the situation and providing a response. This was an unnecessary exposure, given that any one of these individuals could have made this information known to the City Manager within hours of the original incident occurring either directly or through Administrative Operations.

Recommendation #7: Deputy Chief Getz should be counseled about conversing about job opportunities in the Decatur Police Department in the midst of responding to a call for service or conducting other Police business. Regardless of the innocence of the conversation, it should have been discouraged in that setting and deferred to another, more appropriate time and place, to avoid an appearance of impropriety with regard to disposition of the matter at hand at the time. Though intentions may be of the highest motivation, and probably were in this case, sometimes the actions they spawn may have unintended and unwanted consequences. It is not unreasonable to expect for personnel at this level to reflect on this so as to avoid, to the greatest degree possible, such consequences before acting.

Recommendation #8: In addition to recommendation #6 above, Officer Wittmer should also be counseled about failing to promptly report his knowledge of potential impropriety on the part of two Deputy Chiefs responding to the scene of the criminal act. Delay in that regard allowed for information that could have been potentially harmful to the City to remain unknown to the City's chief administrative officer for an extended period of time. Such position of exposure could have resulted in the expenditure of significant City resources to investigate the situation and providing a response. This was an unnecessary exposure, given that Wittmer could have made this information known to the proper authorities within hours of the original incident occurring.

Recommendation #9: Officer Wittmer should also be counseled about disclosing any information about the incident to fellow officers and implying the possibility of misconduct, when the information should have been treated confidentially, and when facts to support such implications were absent. Careless

disregard for the proper means by which to treat such knowledge should not go unaddressed, and Wittmer should be made aware of the impropriety of such behavior.

Recommendation #10: Deputy Chief Dickerson, Sergeant Maxwell and even Officer Wittmer should be affirmed for their parts in ultimately bringing the information about this matter to the attention of the proper authorities. Dickerson and Maxwell in particular should be acknowledged for their prompt action on the matter. Wittmer should be given some credit for his eventual, though extremely delayed and ultimately prompted, decision to act in the same manner.

Recommendation # 11: To foster his integrity and peace of mind, Wittmer might consider resigning from the Decatur Police Department. In his bulletin about the Sweeney matter, he indicates a concern for potential retribution for reporting the incident. He also questions whether the Department is capable of doing the right thing, given that the incident "involved the most senior members of the department command". If he feels he cannot trust his leadership to handle Police matters and potential Police matters properly and appropriately, he should be true to himself, not putting himself through the stress of perpetual mistrust of his environment. In doing so, he would also be true to his employer, by not being tempted to mishandle information of a sensitive nature that could generate additional cost for the employer. Wittmer might well be better served by finding another agency or other work than the Decatur Police Department that he feels can give him the assurance and level of trust necessary to comfortably and properly serve his profession and perform his work.

Conclusion:

This investigation has led to the determination that a failure of both the existence of adequate policy and the sufficient responses of personnel permitted a relatively minor infraction of the law of a close relative of the top official of the Decatur Police Department (i.e., Brigid Sweeney's retail theft) to become the impetus for 1) improper behavior on the part of an officer, 2) unadvisable actions on the part of other high ranking officials, and 3) a long period of information vacuum for the City Manager regarding the above, which could have generated additional complications and costs for the organization. Suffice it to say that all of the above could have been avoided with a prompt and simple reporting of knowledge of the incident and its follow up to authorities by the employees in all of above

mentioned positions. That this did not occur is a negative reflection of the Department and its leadership, and is now a challenge for this organization to surmount.

Hopefully, this report will lend some worthwhile suggestions in moving in that direction.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Gerard J. Bauer". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Gerard J. Bauer
Assistant City Manager





Memorandum

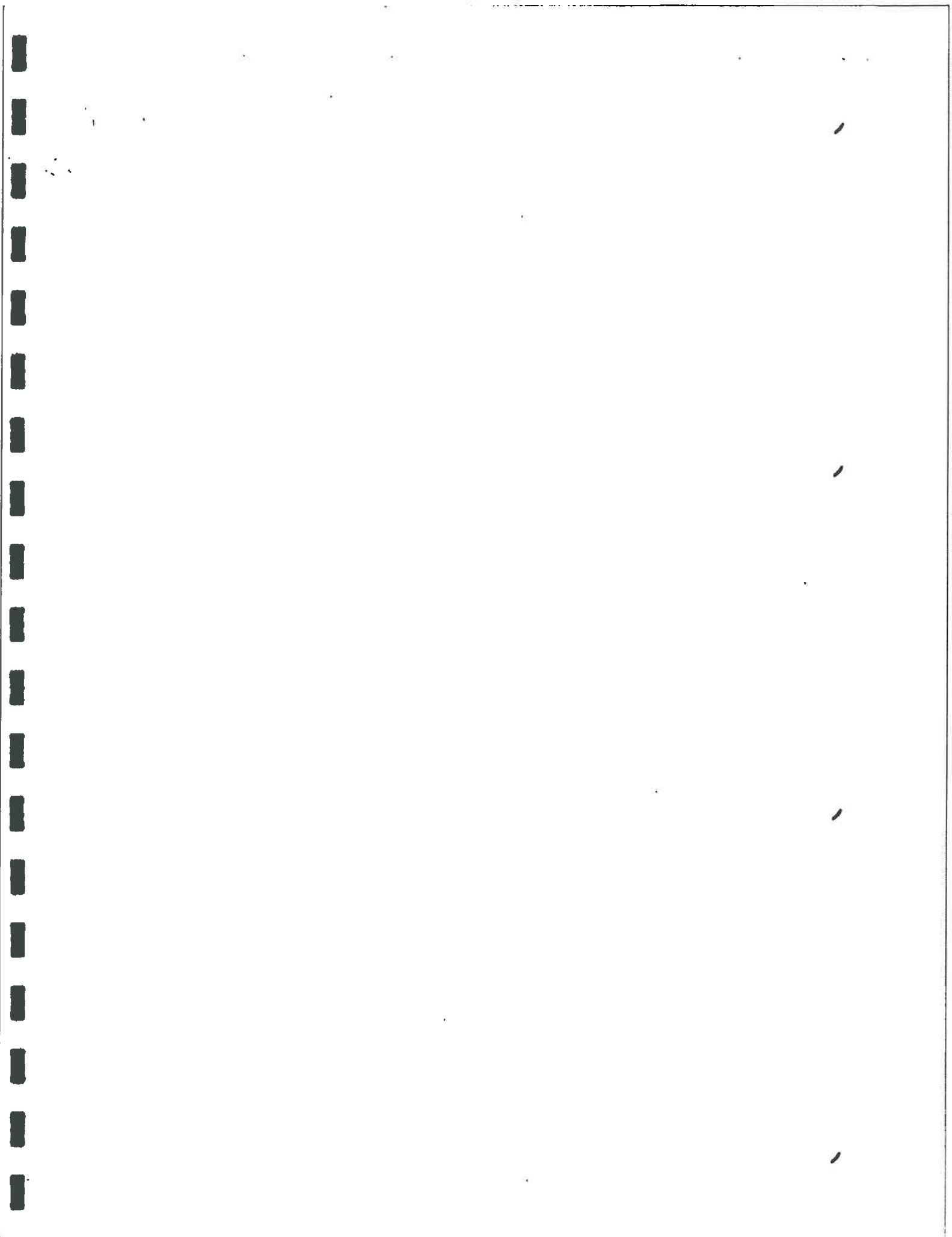
from the desk of
Tim Gleason

A handwritten signature in black ink, appearing to read "Tim Gleason", is written over the typed name.

February 8th, 2016

This memorandum communicates to all parties involved that an internal investigation has been ordered by me and will be conducted, with full authority, by Assistant City Manager's Jerry Bauer & Billy Tyus.

The internal investigation will look into events that occurred on April 12th, 2015 and subsequent and/or related events involving the Decatur Police Department.



Subject: Police Bulletin of PPO A.Wittmer

Dated: January 12, 2016

Received by: J Bauer 01/13/2016, 5:00 p.m., from D/C D. Dickerson, hand delivered

Pages: 4

To: Dep. Chief Dickerson

From: Ofc. A. Wittmer

Date: 011216

RE: 04/12/15

On 041215 while I was working as a second shift patrol officer I received a text message from a friend of mine named Aaron Morgan who worked at the time as a loss prevention officer for Kroger's in South Shores. Aaron lived near me for several years in Blue Mound. This message said something like "I have an urgent question for you." At the time the message was sent I was on another detail and didn't immediately answer. I messaged Aaron back later that night, and he told me that he had taken care of it. I would frequently take phone calls from Aaron while I was working, because we were neighbors and he frequently called in details from Kroger. I assumed at the time that Aaron had had questions about a detention or how long he would've waited for an officer to respond to his store. I checked CAD to see if there had been a detail at Aaron's store, and saw that there hadn't been one on that day. I called him back, and Aaron advised me that the reason he had called was that he had detained a female subject for shoplifting who had identified herself as being the wife of Chief Sweeney.

Aaron advised me that the female had been brought to his attention by store employees who were familiar with her, and told me that store employees had observed her shoplifting on previous occasions by not ringing up all the items in her cart at the self check out. Aaron advised me that on that date he had observed the female loading items into her cart and then check out at the self check out. Aaron advised that the female did not scan several items, which he described as "steaks and stuff" worth about \$25. He stated that he followed her out of the store to the parking lot when she left with the stolen merchandise and detained her. He stated that the female initially refused to return to the store with him and told him that she didn't want to go back in because she was the wife of the chief of police.

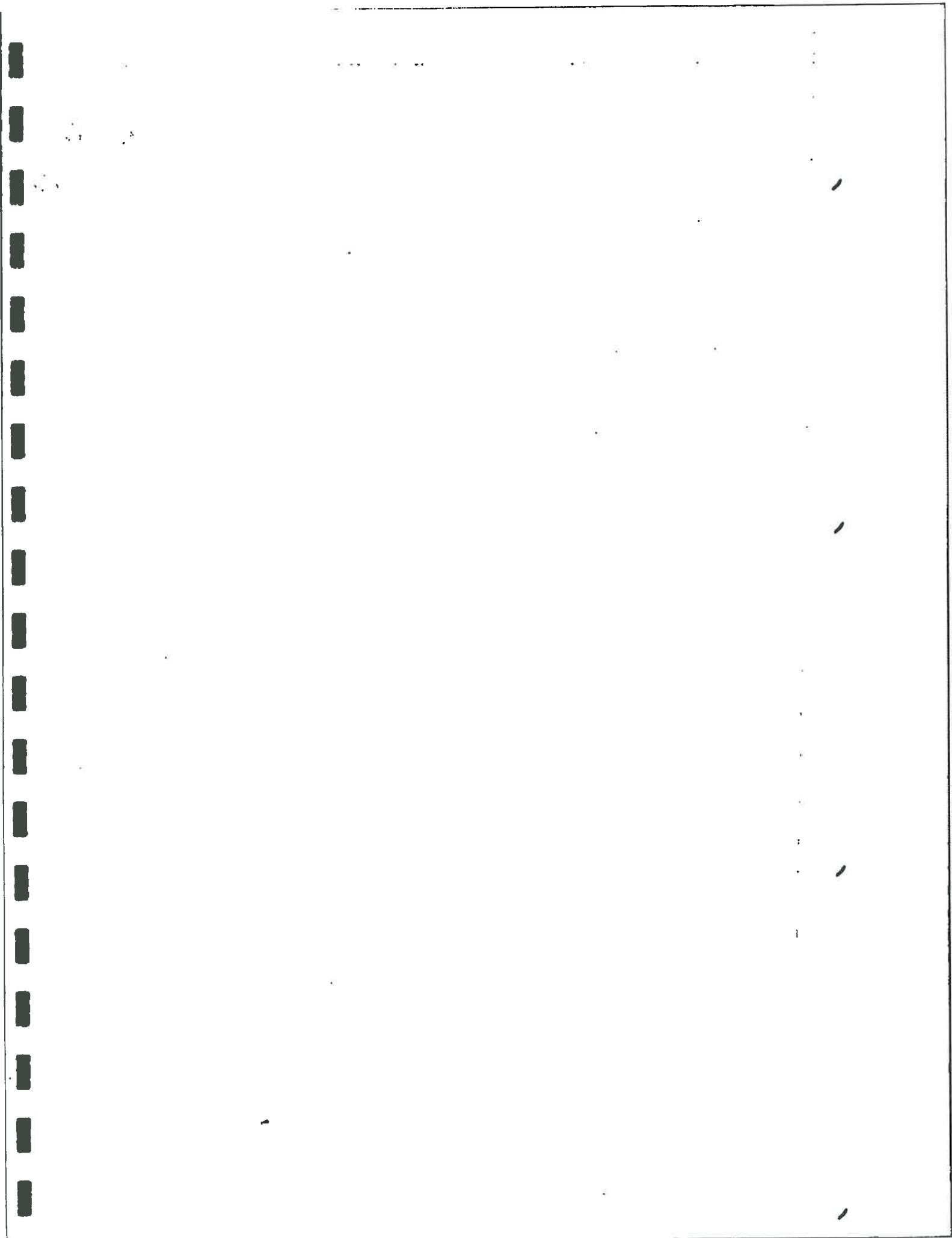
Aaron advised me that the situation had been "taken care of." I asked him what that meant, and he told me that two Deputy Chiefs had responded to the scene and told him that the female was in fact Mrs. Sweeney. He told me that when he had not been able to get a hold of me, he called his chief in Moweaqua (Aaron was a part time officer there at the time) and asked if he knew Mrs. Sweeney. He said that his chief is friends with Deputy Chief Moore, and that a short time later Deputy Chief Moore and Deputy Chief Getz responded to his store. He did not tell me specifically what conversation took place, but that as a matter of "professional courtesy" Mrs. Sweeney was not charged with retail theft. Aaron did tell me that his manager was not happy

allegation this serious without significant evidence that I would be subject to serious retribution, at work.

I have spoken briefly with other officers regarding this incident. I made mention of this incident in vague terms with Det. Phares while I was assigned to a hireback unit for the Decatur Celebration. The context of the conversation was that I was discussing with him recent department personnel assignments including promotions. During this discussion one of the things discussed were recent Lieutenant promotions, and assignments to various additional duties within the patrol division. Specifically, officers were speculating as to what may have changed in the personal relationship between a recently promoted Lieutenant and the Chief, as they had been rumored to not get along prior to the promotion. I made mention of being passed over for several assignments despite having been extremely qualified. Someone present stated that I would need to have dirt on somebody to get ahead, in a joking manner. I said something in a similar joking manner about having "dirt" on several people, and it was still not getting me anywhere. At this time I had still not obtained the DVD of this incident from Aaron. I made mention that it had been reported to me that some senior command officers had possibly engaged in misconduct on video, and that I hoped that incident came to light because if the report was true then I did not wish to work for people who would engage in that behavior. I also made mention that I was very obviously deriving no benefit from this incident, as I had been passed over for every assignment I put in for.

On 011016 I was approached by Sgt. Maxwell while off duty at an event out of town. Sgt. Maxwell expressed concern to me that there was a rumor going around the department regarding an incident involving Mrs. Sweeney shoplifting at Kroger, and that there may be a video of the incident. He advised me that he was concerned because I was the subject of the rumor. I advised Sgt. Maxwell that I was unaware of the rumor, but that I was aware of the incident he was referring to. I advised him of the circumstances of this incident and my concerns regarding retribution if I reported this incident. I advised him that I would gladly report the incident, but that I was unsure if our own agency would be able to handle the incident fairly given that it involved the most senior members of the department command. I also expressed concern for my career based on past incidents involving my brother reporting what he perceived as misconduct and suffering retribution. We both agreed that the incident needed reported. After discussing the matter again by phone on 011216, Sgt. Maxwell and I decided that the best course of action would be to turn this matter over to Professional Standards at the beginning of my shift.

At the beginning of my shift on 011216, I verbally reported this incident to Dep. Chief Dickerson in the presence of Lt. Brandel, Sgt. Maxwell, and Ofc. T. Cline acting in the capacity of my union representative. At the conclusion of this meeting, Lt. Brandel drove me to my residence where I obtained the DVD given to me by Aaron and turned it over to him.



Subject: Police Bulletin of D/C D. Dickerson

Dated: January 13, 2016

Received by: J Bauer 01/13/2016, 5:00 p.m., from D/C D. Dickerson, hand delivered

Pages: 2



David Dickerson
Deputy Chief - Administrative Operations
Decatur Police Department
707 West South Side Drive
Decatur, Illinois 62521
217/542-3404 Office
ddickerson@decaturil.gov

Police Bulletin

To: Tim Gleason - City Manager
Date: 01/13/2016
Re: Officer Andy Wittmer Information

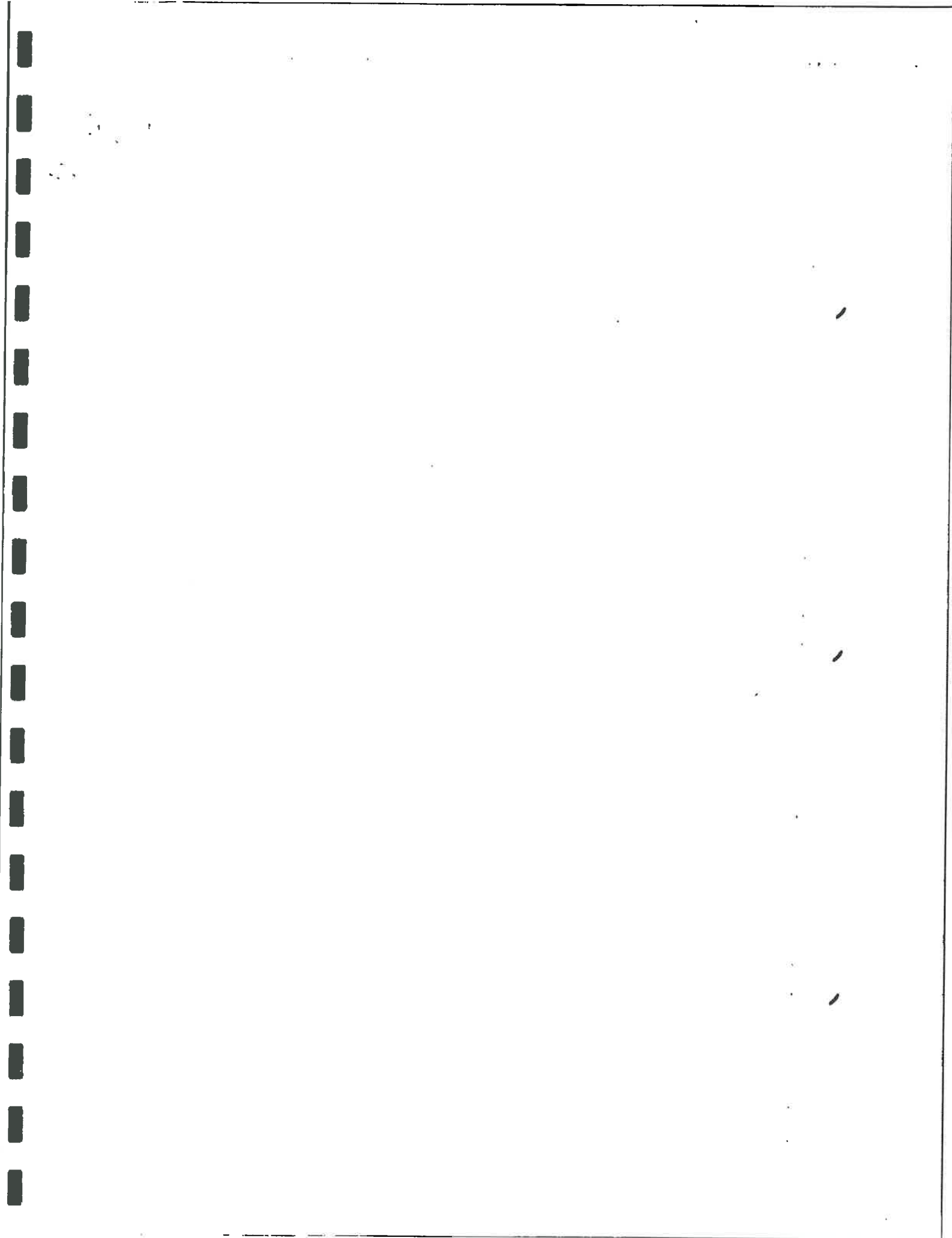
Mr. Manager,

On 01/12/2016, at approximately 1400 hours, Sgt. Tim Maxwell came to my office and indicated that Officer Andy Wittmer wanted to speak to me alone about an issue. Not knowing what the discussion would be about and considering the fact that I am in charge of Internal Affairs, I informed Sgt. Maxwell that I would meet with Wittmer in my office in the presence of Lt. Shane Brandel.

Andy Wittmer came to my office and was accompanied by Sgt. Tim Maxwell and Officer Todd Cline, President of the PBPA Union. Officer Wittmer explained that it was with reservation that he had come to me and requested once again that he speak to me and me alone. Wanting to have a witness to any discussion that could be of significant importance, especially considering this request to be completely out of the ordinary, I told Officer Wittmer that I would be glad to have a discussion with him, however with Lt. Brandel present.

Officer Wittmer then proceeded to tell me that he was aware of a situation which occurred in April of 2015 that he wanted to report. Officer Wittmer said that he had spoken to Sgt. Tim Maxwell about the situation and Sgt. Maxwell convinced him that the best thing to do was to bring forth this information, regardless if there was any misconduct involved or not. Officer Wittmer advised that it could be construed as Official Misconduct depending on what exactly transpired during the event in question. Wittmer said that his fear was that if this situation turned out to not be anything that he would be retaliated against for bringing this matter forth for inquiry. I informed Officer Wittmer that there was policy prohibiting retaliation against a City Employee for bringing forth and reporting potential misconduct or potential criminal activity.

Officer Wittmer then went on to advise Lt. Brandel and I of a retail theft situation involving Chief Sweeney's spouse at Kroger Grocery Store last April and his (Wittmer's) concerns surrounding how that matter was handled. Upon Wittmer explaining the circumstances with the situation involving Chief Sweeney's spouse, I informed Officer Wittmer that he needed to complete a police bulletin with all details relayed during our conversation. Officer Wittmer explained that he had a copy of Kroger surveillance video at his house in Blue Mound. I told Lt. Brandel to accompany Officer Wittmer to Blue Mound to retrieve the video footage. Lt. Brandel later handed me two CD-R's. One of the CD-R's has "924 Unit 1 4/12/2015 Theft" written on it. The other CD-R has "924 Unit 2 4/12/2015 Theft" written on it.

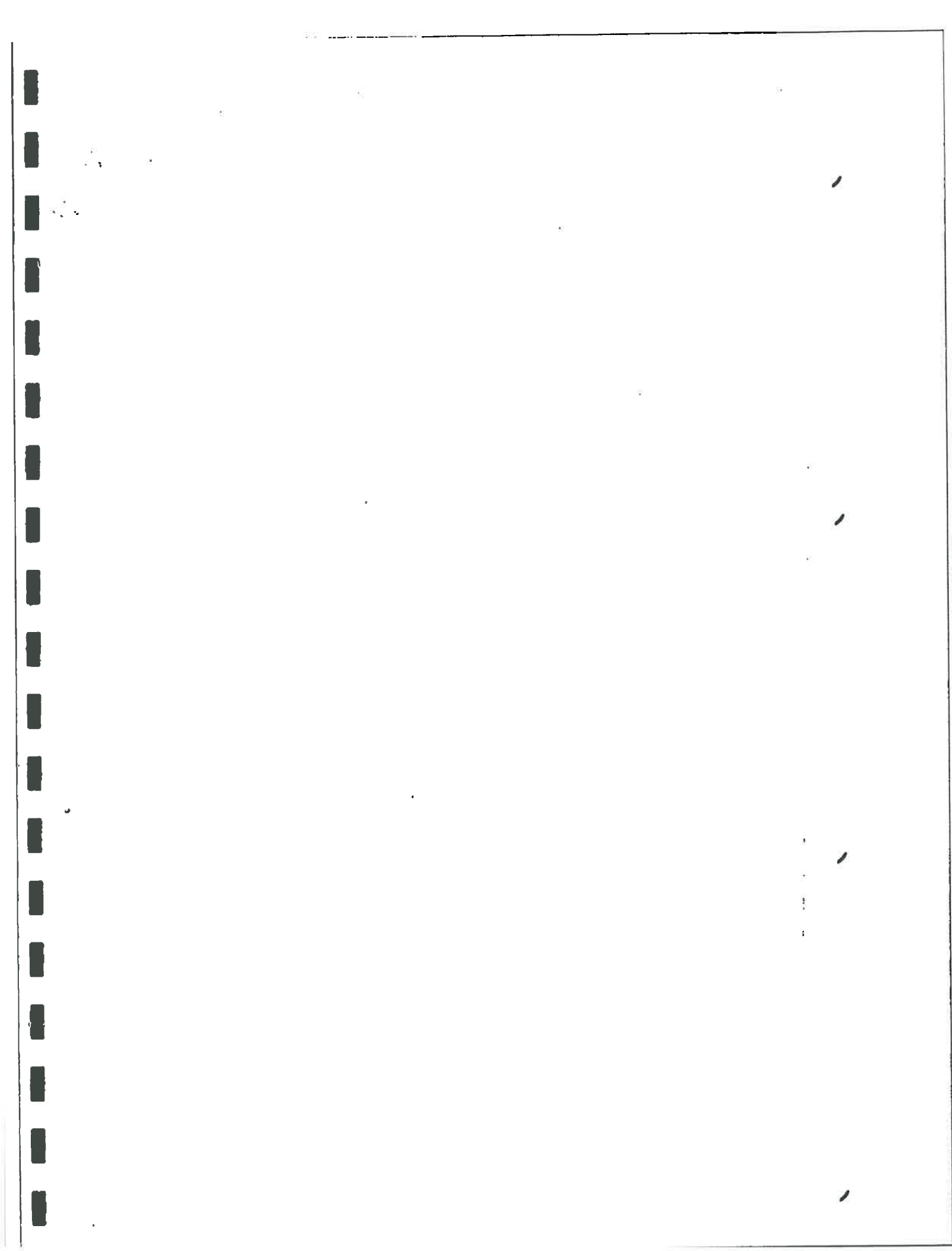


Subject: Lists of Police Patrol Officer Applicants 2010 - 2016

Dated: January 22, 2016

Obtained by: J Bauer, from HR files

Files: 6, on DVD



Subject: Complaint of Wittmer following Sweeney's daughter on Instagram

Dated: January 30, 2016

Obtained by: J Bauer 01/30/2016, from City Manager T. Gleason, via e-mail

Bauer, Jerry J

From: Gleason, Tim
Sent: Saturday, January 30, 2016 2:39 PM
To: Morthland, Wendy L; Bauer, Jerry J
Subject: FW: Andy Wittmer

-----Original Message-----

From: Gleason, Tim
Sent: Saturday, January 30, 2016 7:21 AM
To: Sweeney, Brad L.
Subject: RE: Andy Wittmer

Brad,

I would prefer to wait and incorporate this into the internal investigation questioning unless you feel there is a threat. Also, just be conscious that Instagram is a social network.

Enjoy the gorgeous weekend!

Tim

-----Original Message-----

From: Sweeney, Brad L.
Sent: Friday, January 29, 2016 6:01 PM
To: Gleason, Tim
Subject: Andy Wittmer

Tim,

While reviewing my eleven year old daughter's Instagram page, I discovered Andy Wittmer is "following" her.

Unless you believe this would interfere with either the criminal or future IA, I intend to order him to complete a bulletin explaining why he is following my eleven year old daughter on Instagram. I suspect he followed her in an effort to locate photos of my wife for his unauthorized investigation he initiated to try and black male police administration.

Brad

Sent from my iPad

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Subject: WCIA Report on Chief's dismissal – DPD sources for reasons

Dated: February 5, 2016

Obtained by: J Bauer 02/05/2016, from WCIA website

Police chief dismissed

Sources: Departure may be result of incident involving wife

By Matt Porter | mporter@wcia.com (<mailto:mporter@wcia.com>), Betty Simpson | bsimpson@wcia.com (<mailto:bsimpson@wcia.com>)

Published 02/04 2016 01:49PM Updated 02/05 2016 12:05PM DECATUR, Ill.

DECATUR -- The city fired its top cop Thursday morning without warning. Police Chief Bradley Sweeney was relieved of his duties Thursday. The former chief had only been on the job for about a year.

City councilman Bill Faber said he was floored when he learned the news.

"It was very much a shock, and very disappointing," Faber said.

Sources from within the police department say Sweeney's departure may be connected to an incident earlier in January involving his wife. The source says his wife was allegedly caught shoplifting from Kroger in the South Shores area of the city.

Sweeney then allegedly used his influence to keep his wife from being arrested. Councilman Faber said he always thought highly of Sweeney. The chief had just returned from a three-month training stint with the FBI.

"I've had a few months working with him and talking with him. He had great skills too and had a really bright future," Faber said.

The city named Deputy James Getz, Jr., interim chief. Faber has the upmost confidence in the replacement.

"Now we're looking for Interim Chief James Getz to fill in that position. He's got a great reputation with the community and the force," he said.

He said he doesn't expect any problems.

"He's smart, honest and he'll always do the right thing," Faber said.

Councilman Jerry Dawson also commented on the decision. He would not comment on the situation involving Sweeney's wife, but said the chief's departure was "an insubordination issue."

DECATUR -- Police Chief Brad Sweeney has been let go from the department, effective immediately. No word was given regarding his termination except it was a "personnel matter."

Deputy Police Chief James Getz has been appointed interim police chief.

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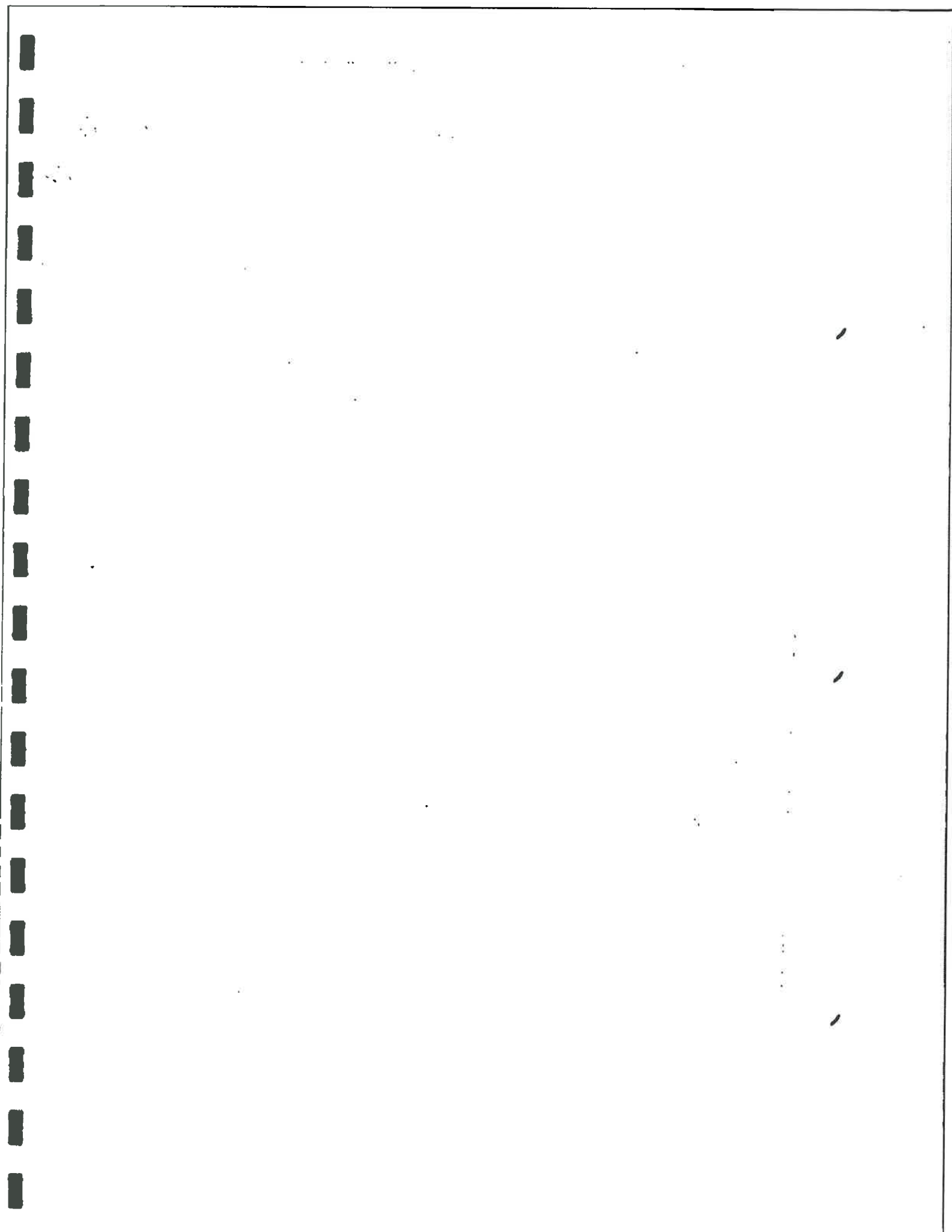
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Subject: Report of phone call from A. Morgan to Det. D. Pruitt

Dated: February 8, 2016

Obtained by: J Bauer 02/05/2016, from Acting Chief J. Getz, via e-mail

Bauer, Jerry J

From: Getz, James E. Jr.
Sent: Monday, February 08, 2016 4:13 PM
To: Bauer, Jerry J
Cc: Tyus, Billy
Subject: FW: phone call from Aaron Morgan

Jerry,

I was informed by Tim you will be the lead on the Internal Investigation. This e-mail was forwarded to me today and I thought it may be something pertinent to your IA.

Jim

From: Moore, Cody L
Sent: Monday, February 08, 2016 11:23 AM
To: Getz, James E. Jr.
Subject: FW: phone call from Aaron Morgan

I had him put this in an e-mail in case it comes up later

From: Seal, Shannon E.
Sent: Monday, February 08, 2016 8:58 AM
To: Moore, Cody L
Subject: FW: phone call from Aaron Morgan

From: Pruitt, David A.
Sent: Monday, February 08, 2016 8:57 AM
To: Seal, Shannon E. <SSeal@decaturil.gov>
Subject: phone call from Aaron Morgan

On Friday 2-5-16 at 12:35, I was driving with Det. Borowczyk and received a phone call from Aaron Morgan. Aaron is security for Kroger and I had his number because I used to work off duty for Kroger. I answered the phone believing it was work related. Aaron said he heard about the Chief Sweeney being fired and he wanted to make it clear that Kroger did not press charges. Aaron went on to say that he learned from Facebook that the Chief was fired because of his wife being arrested at Kroger. I asked Aaron if he gave a statement to the State Police and was truthful. Aaron said he told them everything and made the decision on his own not to press charges on the Chief's wife. Aaron said he did not want to be the reason someone was fired. I told Aaron if he was truthful with the State then he would have nothing to worry about. I told Aaron that he shouldn't believe everything he reads online. I then ended my call with Aaron. The call lasted 2 minutes.

After this call I immediately told Lt. Seal about the call.

On 02-08-16 I was advised by Lt. Seal to put this contact in an email.

Sergeant David Pruitt
Juvenile Investigations
707 W. South Side Dr

217 542-3419

dpruitt@decaturil.gov

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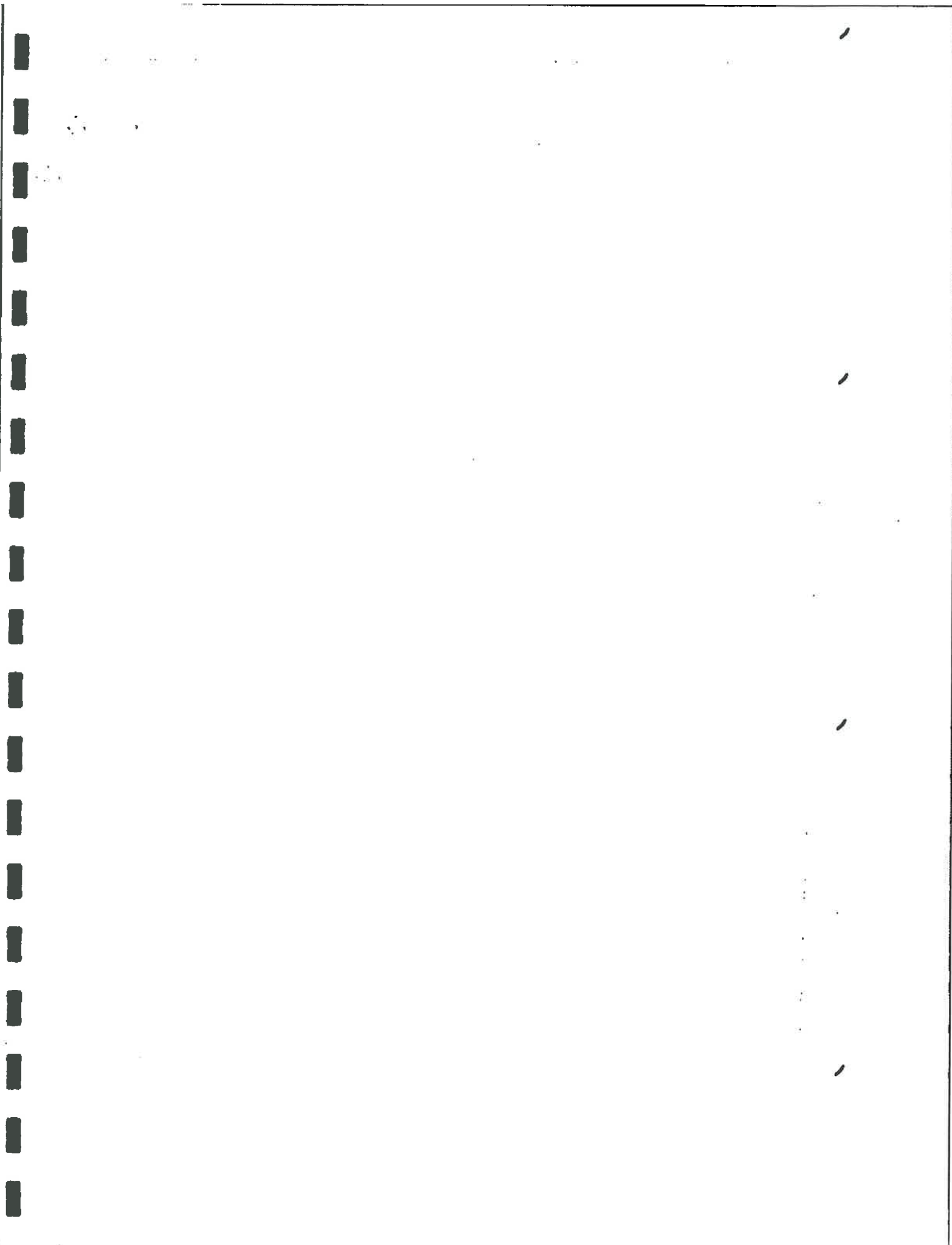
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Subject: Police Bulletin of Interim Chief J. Getz

Dated: February 10, 2016

Received by: J Bauer 02/10/2016, 1:30 p.m., from Chief Getz, hand delivered

Police Bulletin

Decatur Police Department

To: Assistant City Manager Jerry Bauer
Assistant City Manager Billy Tyus

Date: 02/10/2016

From: Interim Chief James Getz

Re: Brigid and Brad Sweeney/Kroger Incident

This is an explanation of events that occurred the evening in April in which Brigid Sweeney was stopped by Kroger Security for retail theft. I do not remember the date or exact time, but do remember the event occurred on a Sunday evening. According to the request from Jerry Bauer the event took place on April 12, 2015. This would match up with me recalling the event occurred on a Sunday.

I was home on this particular Sunday evening. I remember either answering a phone call from Deputy Chief Cody Moore or looking at my phone and noticing I missed a call from him. Thus, I may have called him back or he called me again and I answered. In any regard, the topic of the conversation was about Brigid Sweeney. DC Moore told me he received a phone call indicating a female was in the custody of Kroger Security for retail theft. The female was indicating to Kroger Security her name was Brigid Sweeney she was then- Police Chief Sweeney's wife. I believe they did not believe she was being honest about being the then-Chief's wife. DC Moore asked if I could meet him at the South Shore Kroger so I could serve as a witness to the police department's involvement in this matter. I believe DC Moore even asked me if I knew what the name of then-Chief Sweeney's wife. I indicated it was Brigid Sweeney.

I probably arrived to the South Shores Kroger in Decatur within ten minutes of ending my phone call with DC Moore. I am not sure if I drove my personal vehicle or my black unmarked city vehicle. I parked in a space that any other citizen would park in on the lot. I noticed DC Moore was already on the lot and waiting for me. I believe at this time, DC Moore told me he was contacted by the Moweaqua Police Chief who had been contacted by the Kroger Security Person, who was also a police officer in Moweaqua, to inform him of this incident. DC Moore and I walked into the store together and were led to the back of the store. I do not remember who led us to the back of the store. At the back of the store in the area behind the meat aisle and also an area where the public restroom was, we spoke with a subject who identified himself as Kroger Security. I believe his name was Aaron, but I do not remember his last name. We spoke with Aaron outside of an area where Brigid was seated, which if I remember correctly was a small office.

Aaron said he witnessed the female conceal items from the store and walk past the last point of payment with these items. I believe he may have indicated she concealed these items in a purse or some type of bag. Aaron stated he stopped her outside of the store and she initially kept walking away from him. She made a statement similar to, "I am the Chief's wife don't do this to me". Aaron said she did not want to go back into the

Police Bulletin

Decatur Police Department

store, but finally did so by verbally persuading her to do so. He said she did not resist in any way and was respectful. I believe he may have showed me her license or I may have peaked into the area Brigid was sitting in order to identify her as indeed being then-Chief Sweeney's wife. Once I confirmed she was then-Chief Sweeney's wife, Aaron began to talk to us about what actions to take with her.

This conversation took place between me, DC Moore and Aaron. Aaron indicated the value of the theft committed by Brigid was less than \$10.00. I believe she stole some lunch meat and coffee and the total value was \$9 and some change. DC Moore and I indicated several times that would we not interfere with what Kroger normally does in these situations. We told Aaron to handle this situation like he would anyone else and not to take into account she was the then- Chief's wife as that should not have any bearing on the outcome. Aaron indicated in instances such as this the dollar amount was so small they would not normally call the police and they would not pursue criminal charges. He said they would normally just complete a trespass form barring her from the property. He did say he was not sure if he wanted to bar her from the property because then-Chief Sweeney shopped at the store a lot and was well liked. Once again we told him he should treat her like anyone else who was in the same position. After a few minutes, he decided he was going to bar her from coming into the store. I believe this was only going to be a yearlong ban.

Before leaving, DC Moore and I asked if there was a manager working. Aaron said there was and led us to speak with the manager. I do not remember the manager's name, but believe she was in her 30's with brunette colored hair. She told DC Moore and I she was aware of the issue with the theft. She said the store does not normally arrest in these situations and only bar the person from coming into the store. She said they normally do not even contact the police in these situations. We asked several times if she wanted to pursue charges against Brigid and she did not.

We then were led to Brigid by Aaron. We asked Brigid if she was going to be okay when she went home. She said she would be staying with her parents and would not be going home to Brad that night. Brigid was visibly upset and was very apologetic to DC Moore and I. DC Moore and I then left the store. DC Moore and I talked in the parking lot. I believe we were just de-briefing on what happened and how we handled the situation. We both agreed we handled the situation correctly, but indicated with each other we were not happy about the situation. I then left and drove back home.

The next morning which would have been Monday, April 13, 2015, I was summoned by then-Chief Sweeney to come to his office. He said he had just talked to DC Moore about the incident at Kroger involving his wife. He said DC Moore indicated to him that I met DC Moore at Kroger to witness the handling of the situation. I told then-Chief Sweeney he was correct and I did go to Kroger to witness the handling of the situation. He apologized to me for the incident and went on to say that him and Brigid have had some marital issues and were not living together. He said Brigid is an alcoholic and also on medications for depression. He said he hopes we did not do her any favors with this incident with Kroger. I strongly relayed to him that we did no such thing and we

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encouraged Kroger to handle this like they would any other situation of like nature. He asked me if I thought this would make it to the media and I told him since there was no arrest made, I doubt it would rise to that level. I did indicate since she is married to the Chief it would be newsworthy, but did not believe it was something Kroger would put out to the media. I told him several times he should notify the City Manager so he would be aware of the situation should it become public knowledge. Before I left the office, he indicated to me he would notify the City Manager. Thus, I trusted then-Chief Sweeney would do so.

Approximately three to four weeks ago, I was called into then-Chief Sweeney's office by then-Chief Sweeney. He told me he there has been "talk" in the hallways and locker room of the police department about the Kroger incident. I told him I had not heard anything at all. He told me there was rumor that his wife was arrested and the arrest was covered up. He said another rumor he heard was the Deputy Chief's put pressure on Kroger not to arrest Brigid. He went on to say that Brigid was having problems again and was not taking her depression medication that causes her to act irrational. He asked me to guarantee him if she did anything illegal the department would handle as they would with anyone who did something illegal. He said he did not want any officer getting in trouble for covering up for his wife. I told him I would ensure the proper action would be taken.

Sweeney went on to say he was afraid the incident involving Brigid and Kroger was going to get out to the media. I told him I did not think it rose to that level since it was not a criminal matter and so much time had passed. I could see the concern on then-Chief Sweeney's face. I made a statement towards the end of this meeting that at least the City Manager knows about this and it will not be a surprise. Sweeney said he did not tell the City Manager about this in April and had never told him about it. I voiced my displeasure and told him he needed to tell the City Manager now. He indicated to me he was not sure if he should or not. I told him several more times that he needed to tell his boss.

A few days later DC Moore came into my office and asked me if I had heard that he and I were being investigated by the Illinois State Police for Official Misconduct. He said he heard the investigation revolved around the incident at Kroger regarding Brigid Sweeney. He went on to say the rumor was a video of the incident from Kroger was turned into DC Dickerson. I told him I had not heard such a thing and was surprised there even such rumor out amongst the officers. DC Moore and I immediately went to then-Chief Sweeney's office and told him what we had heard. He said he was unaware of any such investigation. Sweeney then summoned DC Dickerson into his office and asked him if there was a video and investigation. DC Dickerson told Sweeney that was true. DC Dickerson then left the office.

Then-Chief Sweeney became very angry and could not believe an investigation was "taking place behind his back". It was at this time, I again asked him if he notified the City Manager. To my astonishment he said he had not contacted the City Manager and made him aware of this situation.

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Throughout the next few days Sweeney was in a very angry mood and was irrational. He made several statements he could not believe this was being done behind his back. He made it clear he was mad at both, DC Dickerson and Lt. Brandel for not telling them about the investigation. He made several statements he believed the City Manager mishandled the situation and the State Police should have never been involved.

I had several conversations with him that he needed to stay calm and not to handle this irrationally. I explained to him the proper action was taken and that by having the State Police investigate the incident; the integrity of the investigation and those involved would be maintained. I told him this was the best for all of us. He disagreed and asked me why I was not mad about the situation. I explained to him several times I was comfortable the investigation would show I did nothing wrong and the truth would come out in the end. I explained to him we were not bigger than the process that is normally in place for every other officer. I explained to him anytime there is a bona-fide complaint that an officer committed a criminal offense we conduct a criminal investigation. I went on to say once the criminal investigation is cleared as unfounded an internal investigation is completed. I reassured him over and over the correct thing was being done. I cannot count the number of times I had this conversation with him. This issue became his focus and he did not seem to have any concerns with anything else.

During this time, then-Chief Sweeney, DC Moore, DC Dickerson and I met with the City Manager at his request. During this conversation, City Manager Gleason indicated there was in fact an investigation being conducted by the State Police on possible Official Misconduct by me or DC Moore. He also told us an internal investigation would take place once the criminal investigation was completed. Sweeney was very disrespectful to City Manager Gleason during this meeting, including questioning him on why the State Police were even investigating the incident. He also was upset because he was told he would not have a say in who would handle the internal investigation. I voiced my support for the way the situation was being handled and so did DC Moore as I recall. I was very uncomfortable with then- Chief Sweeney's treatment of the City Manager.

I also believe Sweeney's actions during contract talks on January 27th were related to the ISP investigation. On the morning of January 27th, 2016 I met with Jerry Bauer in the City Council Conference Room. DC Dickerson and Sweeney were also there. Sweeney was very standoffish and seemed to have his mind set that we were not going to agree on a new contract. He said several times that the talks have been a waste of time. At one point, he was ranting about the talks being a failure and the mediation being a failure. About this time Jerry Meehan the mediator walked in and Sweeney looked at Meehan and told him he was also a failure. Sweeney continued to make comments throughout our time together with Jerry Bauer about things going on behind his back. I believed he was talking about the ISP investigation, but was not sure if his comments were directed at DC Dickerson, Jerry Bauer or the manager's office. DC Dickerson and I later talked about how uncomfortable Sweeney's comments made us feel.

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Police Bulletin

Decatur Police Department

On the morning of the next City Staff meeting, I spoke with Sweeney before he left the police department to go to the staff meeting. I believe that would have been on Tuesday, February 2, 2016. He kept saying how going to this meeting was going to be a waste of time. I believed he was just upset still about the investigation and he was just not happy about anything. I told him not to say or do anything that would get him in trouble. As he headed out the door, I even told him he needed to behave himself. He later returned to the police department and told me had been kicked out of the staff meeting. He said he made a suggestion to the City Manager and could not understand why he was kicked out. He went on to say they then had words in the Manager's office to which he told the manager "if you want a punching bag I am not your guy". He said he was supposed to go to the City Manager's office later that day. He showed me a letter of retirement he had typed out and told me if the City Manager tried to put him on leave he was going to retire. I told him to keep his cool and be respectful and everything would be okay. I did see him later evening after he returned from this meeting and he told me it did not go well, but did not go into detail.

On Thursday, February 4th, 2016, Sweeney came into my office around 0800 hours and told me he thought he was going to get fired. He asked me what I thought and I told him I did not know everything that happened, but based on only what he told me he needed to apologize and explain his actions. I began to explain to him that I would never talk to my boss the way he spoke with the City Manager. He cut me off and told me he was going to "eat crow" and apologize to the City Manager because he had spoken to the City Manager incorrectly. I later received a phone call from Sweeney he had been fired by the City Manager.

At 1900 hours on Thursday, February 4th, 2016, I met with Sweeney at the police department and supervised him cleaning out his old office. He made statements that he was not fired because of the Kroger issue. He made a statement he was fired because he refused to support the City Managers request to support the proposed Motor Fuel Tax by telling the citizens the roads were unsafe. He also said he did not respond to an email he sent to the City Manager so the City Manager said he was insubordinate by not doing so. He said there was a list of several other things, but he did not believe they were legitimate reasons to be fired.

I believe I have included all pertinent information. This statement is based on memory as I did not take notes on any of this as I did not think at the time I would have to recall this information. Thus, there could be some information that may lack detail or the chronological order may not be exact, but the facts are true to the best of my ability. I would be willing to expand or clear up any questions you may have.

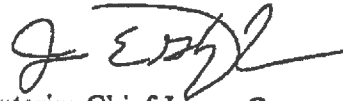
I believe DC Moore and I handled the Kroger incident correctly at the time. I am basing that statement on the fact that the City Manager was notified of the situation by Sweeney. I can assure you we did not influence Kroger personnel do something they did not want to do. Looking back on the situation, maybe we should have documented the situation, but according to Aaron since this type of situation did not normally require a police response, I did not believe a report was necessary. I also believed the City

Police Bulletin

Decatur Police Department

Manager was aware of the situation and he did not request any documentation from us. I believe the people responsible for this are Brad and Brigid Sweeney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Getz', with a stylized flourish extending from the end.

Interim Chief James Getz





CITY OF DECATUR
#1 Gary K. Anderson Plaza
Decatur, Illinois 62523-1196

RETURN SERVICE REQUESTED

Jerry Bauer, Asst. City Manager

GP Wagon R252

2/10/14 2:00 PM

VIA D. P. 192556N

Subject: Police Bulletin of Sgt. Tim Maxwell

Dated: February 10, 2016

Received by: J Bauer 02/10/2016, 2:00 p.m., from D/C D. Dickerson, in sealed envelope

Police Bulletin

Decatur Police Department

To: City Manager Gleason
Asst. City Manager Bauer
Asst. City Manager Tyus

From: Sergeant Maxwell

Re: April 12, 2015

Date: February 10, 2016

On 2/10/16, I observed an email from Deputy Chief Dickerson, directing me to complete a bulletin detailing my knowledge of "the events that occurred on April 12, 2015" involving then-Police Chief Brad Sweeney's wife at the Kroger Store in Decatur's South Shores shopping center, "and subsequent and/or related events involving the Decatur Police Department". My knowledge of the events are not first hand and are only gathered from others without first-hand knowledge of the events.

On January 8, 2016, I was approached by Sgt. Platzbecker, as I was leaving work for the day. Sgt. Platzbecker asked me if I had heard anything regarding then-Chief Brad Sweeney's wife getting caught shoplifting at Kroger's. I advised that I had not. Sgt. Platzbecker advised there was a rumor going around that Sweeney's wife was caught shoplifting and Deputy Chief Moore, along with Deputy Chief Getz responded to the scene to take care of it. He further advised Sweeney's wife subsequently was not charged and somehow Sweeney removed something from RMS regarding the incident. I initially told Sgt. Platzbecker the rumors seemed ridiculous and if I were him, I would not mention it to too many people. Sgt. Platzbecker further advised the loss prevention employee was a friend of one of the Wittmers, and apparently one of the Wittmers had a video of the incident and may be using it to their benefit. At this time I had not seen any benefit the Wittmers may have received from having such a tape, so I did not take much stock in the rumor.

On January 10, 2016, I was at a wrestling tournament in Jacksonville with my son. Andy Wittmer also has a son that wrestles in the same club and was sitting next to me during the tournament. I did not want to ask him directly about the rumor for fear that if it was not true, he would get upset that his name was involved in a false rumor. I did ask Andy if he had heard anything about an incident involving Brad Sweeney. I further advised Andy that I had heard that second shift patrol may have some knowledge about it. Andy asked me if it involved Brad Sweeney's wife. When I responded yes, he asked if his name was brought up in the matter. I advised Andy that it was reported that it was not his name directly, but was advised one of the Wittmers had knowledge of it.

Police Bulletin

Decatur Police Department

Andy then advised me he had a tape of the rumored incident. Upon further questioning, Andy relayed the following story of the events of April 12, 2015:

Andy advised he was friends with the loss prevention employee at Kroger's. Andy advised the employee at the time was also a part time officer with Moweaqua Police Department, and had tested for full time employment with Decatur Police Department in the past. Andy advised he was working the day of the incident and received a text message from his friend asking him to call, indicating it was urgent. Andy advised he was on a detail at the time, and therefore did not see the message until later. Andy advised he later texted the subject back and was advised he had it taken care of. Andy advised he later spoke to his friend who advised he was working loss prevention for Kroger's in South Shores, and stopped Sweeney's wife for shoplifting meat. Andy advised he was told Mrs. Sweeney selected items, went through the self-check-out and did not scan all the items. Andy advised once his friend stopped Mrs. Sweeney, she told him her husband was he Chief of Police. This is when his friend sent Andy a text message, because he did not know what to do.

Andy advised somehow, Deputy Chief Getz and Deputy Chief Moore were notified and responded to the scene. Andy was not sure at the time who was notified initially that notified the Deputy Chiefs. Andy did indicate that the detail was never called into dispatch by loss prevention and therefore nothing was entered into RMS. Andy indicated once the Deputy Chiefs arrived at Kroger's, the loss prevention employee indicated he would give professional courtesy and not press charges on Mrs. Sweeney. Andy advised he then told the loss prevention employee that he should make a copy of the surveillance video. Andy advised the loss prevention employee later gave him the video. Andy advised the video was grainy and only showed him following Mrs. Sweeney and stopping her. Andy advised you could not clearly see Mrs. Sweeney committing the theft.

I asked Andy if the Sweeney knew he had the video. Andy advised to his knowledge he did not. I advised Andy that it was reported that he may be using it for his own gain. Andy pointed out that he has never received anything for his gain by having the video. He indicated that he has put in for numerous things at the department since he got the tape, and has never gotten any of them. I agreed that he has not received any personal gain by having the video.

Andy further advised the loss prevention employee told him that when leaving, Deputy Chief Getz told him to be sure to put his application in with Decatur Police Department the next time we were taking applications. He further advised that Mrs. Sweeney appeared to be under the influence of alcohol, and was allowed to drive home from Kroger's.

After speaking to Andy, I tried to process whether or not anything illegal had occurred on the part of Decatur Police Department. I went back and forth and determined if it was not illegal, it certainly seemed unethical. It was my opinion that the mere presence of two Deputy Chiefs responding to a call would influence whether or not the

Police Bulletin

Decatur Police Department

loss prevention employee would make a complaint on the Chief of Police's wife, especially considering the loss prevention employee was actively seeking employment with Decatur Police Department at the time.

On January 11, 2016, I was still on my days off. I went to a union meeting and while there, Doug Allen brought up the rumored incident with Mrs. Sweeney. Our union attorney, Shane Voyles, was present and advised that unless we had a video of the incident we should not mention it. I then asked if one of our members had information regarding the incident, if they could get in trouble for not reporting it. Mr. Voyles indicated they would not. After the meeting, I stayed after to speak with Shane Voyles and Union President Todd Cline. I advised them of my conversation with Andy Wittmer and asked Mr. Voyles if he felt there was anything illegal that he thought may have occurred. Mr. Voyles advised that if Brad Sweeney used his influence for gain, it would be Official Misconduct. Mr. Voyles agreed that it would be highly unusual for two Deputy Chiefs to respond to such an incident and in his opinion, it would have influenced the loss prevention employee into not pressing charges. I asked for advice on what to do and Mr. Voyles advised me to stay out of it.

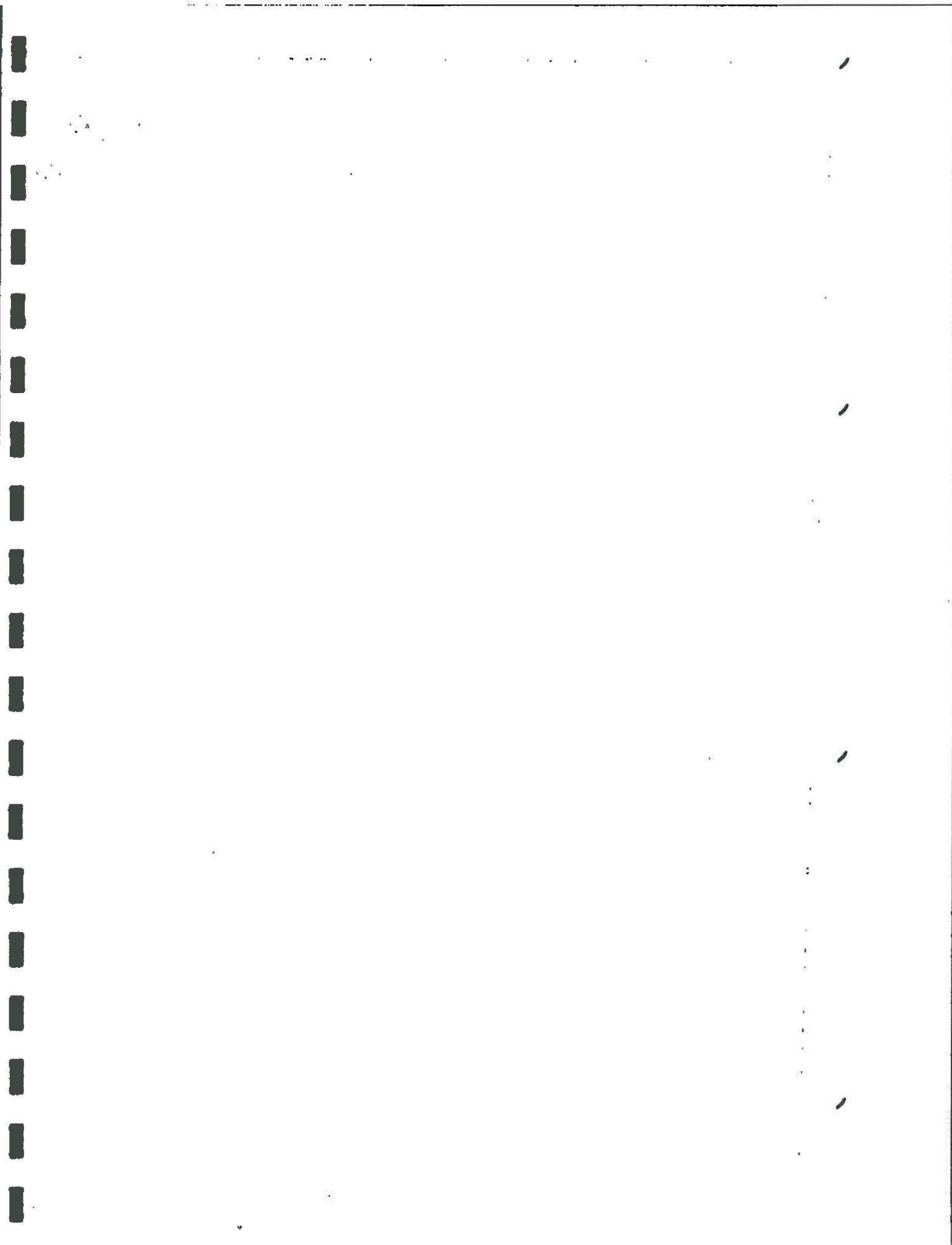
On January 12, 2016, I returned to work. At this time the rumor had grown and people were falsely saying that I brought it up in the union meeting the previous night. I considered the advice given by Mr. Voyles and determined he was speaking as to criminal and contract standings, but not Decatur Police Department Policy. Policy indicates that if I have any knowledge of wrongdoing, I needed to report it. I determined at this time that it needed to be reported and Andy Wittmer should be the one that does so. I called Andy and advised him of this, and he agreed to report it. After much thought and discussion, we went into Deputy Chief Dickerson's office to report it. Present in the meeting was Andy Wittmer, Todd Cline, Lieutenant Brandel, Deputy Chief Dickerson, and I. Andy was then ordered to write a bulletin.

By now, the rumor had grown and most employees of the department had heard parts of it. A short time later, I received an email indicating Tim Wittmer was being assigned to the investigations unit. Andy Wittmer also received the Key Award the same week. This seemed suspicious to me so I called Andy to see if there was anything I should know regarding the timing of these incidents. Andy advised he did not have any information as to the timing of receiving the Key Award and Tim Wittmer being assigned to investigations, but agreed the timing was odd.

As previously mentioned, my knowledge of the incident on April 12, 2015 is not first-hand and I have no way of knowing first-hand what is true or not. I was not trying to have a part in rumors or speculations. I merely acted in a manner that was necessary to prevent violating departmental policies and procedures.

Respectfully Submitted,

Sgt. Maxwell #252
Sgt Maxwell #252



Subject: Police Bulletin of Deputy Chief C. Moore

Dated: February 10, 2016

Received by: J Bauer 02/10/2016, 3:30 p.m., from D/C C. Moore, hand delivered

Police Bulletin

Decatur Police Department

To: City Manager Tim Gleason
Assistant City Manager Gerard Bauer
Assistant City Manager Billy Tyus

From: Deputy Chief Cody L. Moore #417

Date: 2/9/2016

Subject: Internal Investigation regarding April 12th 2015

On 4-12-2015, which was a Sunday, I was at my residence and off duty. I received a phone call from Moweaqua Police Chief Rob Maynard. In this phone call I was advised that Aaron Morgan was/is a part time police officer in Moweaqua. I was advised that Morgan also worked at Kroger in South Shores as a loss prevention officer. Maynard advised that he was contacted by Morgan in reference to a female that Morgan had detained at Kroger at that time. Maynard advised that the female was claiming to be the wife of the Decatur Police Department's Chief of Police. Maynard advised that he did not know our current chiefs wife, and told Morgan that he (Maynard) could call someone who might. Maynard advised that this was the reason for the call to me.

I then obtained contact information for Morgan and called him. Morgan indicated that he did have a female stopped and that she claimed to be the Chief of Police's wife. Morgan stated that her name was Brigit. I advised Morgan that I know Brigit and would respond to confirm that the female stopped was in fact her. I then called Brad Sweeney, to advise him of the situation and to determine if his wife was at home or not. Sweeney advised that his wife was not home and I informed him that I was on my way to the Kroger to determine if it was in fact her that was being detained.

I then called Deputy Chief James Getz to respond with me to the Kroger as a witness in case an arrest of the Chief's wife was necessary. I was called by Sweeney, on one or two occasions prior to my arrival and speaking with anyone, asking what I had found out. I advised him that I had not spoken with anyone and would contact him once I had the situation figured out.

On arrival both Deputy Chief Getz and I spoke with Morgan. Morgan advised that he had witnessed a retail theft and that he had detained the person involved. Morgan advised that on speaking with the subject, who was a w/f she advised that her husband was the chief of police in Decatur. Morgan advised he then called Rob Maynard to see if he knew the chief in Decatur or his wife. Morgan advised that the items taken were inexpensive in nature (coffee and lunch meat) with a total value near the \$7-\$10 range.

Morgan advised there was no debate with the female over whether or not she had tried to steal the items. I then approached the office area and observed a female seated in the security office that I now to be Brigit Sweeney, who is married to Brad Sweeney. No interview of Brigit was conducted.

Police Bulletin

Decatur Police Department

I then spoke with Morgan further and asked how he wished to handle the incident. Morgan advised that in instances with minor dollar amounts, (I recall he said under \$75) they handle the situation as a civil matter. Morgan went on to indicate that the suspects are barred from Kroger and sent a bill for a dollar amount above the total amount that was attempted to be stolen. I and Deputy Chief Getz both confirmed with Morgan that this was the way he wanted to handle this situation, as we did not want any special consideration one way or the other based on Brigit's relationship to Sweeney. Morgan confirmed that this was the way they handled these events and that this was the way he wanted to handle this event.

Deputy Chief Getz and I then confirmed with the store manager, a w/f whose name I do not recall, that this was the way she wanted the incident handled. She stated that it was.

I then spoke with Brigit to ascertain if she had any reservations with going home after the incident and she advised that she had no concerns.

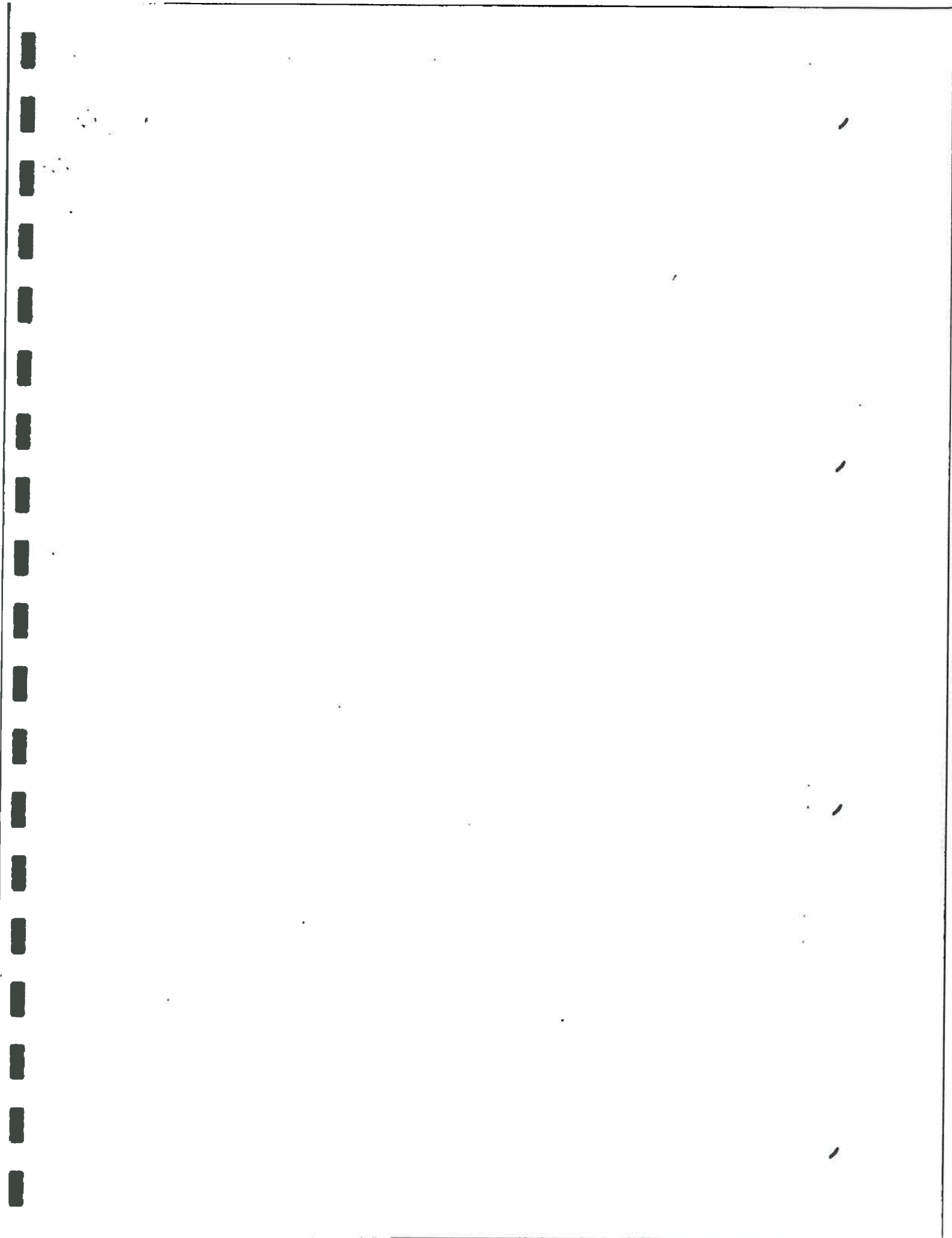
After the incident I spoke with Sweeney by phone and relayed to him the incident as it was described to me by Morgan and the outcome. Sweeney asked if Brigit was intoxicated and I advised him that it did not appear so, and that I did not detect any alcohol on her when I spoke with her.

I then conversed with Deputy Chief Getz for a period of time and then returned home. I did not put in a detail with dispatch for this incident and I did not notify anyone else this occurred. I did not take direction from anyone else in the handling of the detail other than conferring on scene with Deputy Chief Getz.

The following day I spoke with Sweeney regarding the incident and he apologized for my and Deputy Chief Getz having to deal with the situation. I also spoke briefly with then Sgt. Cleary, who I know to be the brother of Brigit.

Respectfully submitted,

 #417
Deputy Chief Cody L. Moore #417



Subject: Police Bulletin of Det. T. G. Wittmer

Dated: February 12, 2016

Received by: J Bauer 02/12/2016, 2:15 p.m., from Lt. S. Brandel, hand delivered, sealed envelope w/ TGW's signature over seal.

Pages: 2

POLICE BULLETIN

DECATUR POLICE SERVICES DIVISION

To: Billy Tyus
Jerry Bauer

From: Detective T.G. Wittmer #347

Date: 2-12-16

Re: Internal Investigation

ON 2-12-16 I was directed by Lt. Brandel to complete the following bulletin regarding the incident that occurred on 4-12-15 at Kroger's. I am submitting this bulletin at his order as a condition of my employment. I was specifically advised to detail my knowledge of the incident at Kroger's and my interactions regarding the matter with Aaron Morgan.

I am familiar with Aaron Morgan through both personal and professional relationships. Morgan was previously a neighbor of my brother Ofc Andrew Wittmer and I have met him numerous times in that capacity. Morgan and I are both motorcycle enthusiasts and have ridden motorcycles together on several occasions. I also know Morgan through his employment as a loss prevention officer at Kroger's. Morgan has both my personal and work cellular telephone numbers. It is not uncommon for Morgan to call me regarding an investigation at Kroger's, particularly on busy evenings when a call for service has held for a significant amount of time Morgan will often call me to see if I can volunteer to take the call so he can get off work on time or not have to release a suspect he has in custody.

Sometime in April of 2015 I missed a phone call from Morgan. I do not have phone records dating back that far; however, I believe based on later events that Morgan was attempting to contact me on 4-12-15 to speak to me about Brigid Sweeney allegedly committing a retail theft at Kroger. I did not answer that phone call and did not have any contact with Morgan regarding the incident. I did not receive any details of the incident from Morgan. I did have a very brief conversation with my brother regarding the phone call in which he asked me if Morgan had called me. I responded that he had but I had not answered. I recall making light of not answering because answering Morgan's phone calls at work usually ended with paperwork. Andrew responded by mentioning that someone had "fucked up" down at Kroger's. We didn't discuss the matter further and at that time I did not know what he was referring too.

It should be noted that Morgan has called me previously when he felt that a report should've been taken on a call for service and wasn't or if he has developed suspect information or a lead on an investigation that he felt hadn't gotten proper attention from the responding officer. I don't recall specifically how many times or how often he has made such phone calls,

POLICE BULLETIN

but I have never found that the incident amounted to a policy violation or misconduct but generally involved either a miscommunication or a mistake by a less experienced officer, etc. In those instances I would generally complete the necessary follow up work and reports to resolve the matter. I assumed this was another similar instance and did not give the matter any further thought.

Sometime within the last several weeks I observed Andrew in the report room completing a bulletin with the second shift union representative, Ofc Rolfs. I had not yet been promoted to detective and had recently been elected to be the 2nd shift union representative. I asked Andrew about the matter and he informed me that Sgt. Maxwell had contacted him and asked him if he was in possession of evidence of Brigid Sweeney committing a retail theft at Kroger's. Andrew advised me he had not been ordered not to speak about the investigation. Andrew then allowed me to read his bulletin which detailed how Morgan had contacted him regarding the incident and the subsequent actions by Deputy Chief Moore and Deputy Chief Getz. Andrew would further advise me that there had apparently been rumors of the incident spreading through the department which lead Sgt. Maxwell to ask about the incident.

At that point I knew the incident and all details which I was aware of had been reported to professional standards and I took no further actions regarding the matter. I have not had any interactions with Brad Sweeney, Brigid Sweeney, Acting Chief Jim Getz, or Deputy Chief Cody Moore regarding this matter.

Respectfully Submitted,

T.G. Wittmer 347

Detective T.G. Wittmer #347



Subject: Police Bulletin of Det. Sgt. D. Pruitt

Dated: February 12, 2016

Received by: J Bauer 02/12/2016, 2:15 p.m., from Lt. S. Brandel, hand delivered, sealed envelope

Pages: 1

Police Bulletin

Decatur Police Department

To: Gerald Bauer

Billy Tyus

From: D. Pruitt #379

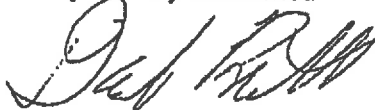
Date: 02/12/16

I was advised by Lt. Brandel to complete this bulletin per an email he received from Assistant City Manager Gerald Bauer. I was forwarded the email so I could answer every question asked of me. I did not learn about the incident involving Brad Sweeney's wife until 01/12/16. I recall this date because it was the day after a Union meeting but I did not attend the meeting. When I walked into the Police Department on 01/12/16, I overheard several people talking about this Kroger incident.

I also heard the rumor that Aaron Morgan from Kroger had called me about Brad Sweeney's wife being stopped at Kroger. I used to work off-duty at Kroger and I know Aaron Morgan. Aaron would occasionally call me and ask for advice. I never talked to Aaron Morgan about the stop of Brad Sweeney's wife. I don't recall if he called me on that date but I know I did not speak to him. I looked over my phone and the recent calls do not go back far enough but the voice mails show that the last voice left by Aaron Moran was on 9/15/14.

On Friday 2/5/16, I received a phone call from Aaron Morgan. Aaron said he heard about Brad Sweeney's firing and wanted to make it clear that Kroger did not press charges. Aaron went on to say that he learned from Facebook that the Chief (Brad) was fired because of his wife being arrested at Kroger. I asked Aaron if he gave a statement to the State Police and was truthful with them. Aaron said he told them everything and made the decision on his own not to press charges on the Chief's wife. Aaron said he did not want to be the reason someone was fired. I told Aaron if he was truthful with the State then he would have nothing to worry about. I told Aaron that he shouldn't believe everything he reads online. I then ended my call with Aaron. The call lasted 2 minutes. I immediately told Lt. Shannon Seal about this contact. Lt. Seal had me complete an email to her detailing the conversation.

Respectively Submitted



David Pruitt #379



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Subject: Response by D/C D. Dickerson to Questions Of 02/12/16

Dated: February 16, 2016

Received by: J Bauer 02/16/2016, 11:06 a.m., from D/C D. Dickerson, via e-mail

Pages: 5, with attachments (2)

02/12/2016

Shane/Dave,

Can you determine the following for us and provide your written responses:

1. Was Ofc. Tim Wittmer recently assigned to the Investigations Bureau?

Yes

2. If so, exactly when?

A Personnel Memorandum (PM) was issued on 1/27/16 and the assignment was effective 2/8/16. A meeting took place with Sweeney and Detective command, I have heard, at which point the candidates were discussed and Sweeney said T. Wittmer was going to get the vacant position. You would need to confirm the details of that meeting with Seal and Moore, as I was not present for it. After Sweeney learned that there was an investigation into the handling of his wife's alleged retail theft incident, he expressed his concern to me regarding the appearance of what the assignment of T. Wittmer looked like. Once Sweeney confirmed that there was an investigation into the handling of his wife's alleged retail theft, he was upset that he wasn't told about the investigation or that nobody had told him to hold off on promotions / assignments until the matter was resolved. I expressed to Sweeney that if T. Wittmer was the best pick for the Bureau, in his opinion, then the decision was the correct one. I also told him that if A. Wittmer deserved the Key Drug Award, in his opinion, then that decision was correct as well.

3. How are assignments to the Investigations Bureau determined?

A PM is issued announcing an assignment opportunity for the position. The PM provides a date by which an officer must submit a Police Bulletin requesting consideration for the assignment. Those requesting the assignment are generally screened for eligibility. Those eligible are offered an oral interview conducted by Detective Command. Detective Command will then discuss with the Police Chief the viability of the applicants, Detective Command would subsequently recommend certain officer(s) for the assignment and the Police Chief will cut a PM at some point naming the officer he so assigns.

4. By whom was the assignment actually made?

Police Chief makes the final decision.

5. What is the "Key Award"?

Per DPD Policy (A-23), "KEY DRUG BUST AWARD is given to any member of the Patrol Division who initiates an arrest or investigation which results in a significant seizure of narcotics, illegal drugs, or seizure of drug-related proceeds. This award is given by the Deputy Chief of the Patrol Division upon recommendation of the Sergeants assigned to the Department's Street Crimes Narcotics Enforcement Unit. This award shall be recognized as a Department Letter of Commendation. The Key Award will be eligible to be awarded quarterly (beginning January 1)."

6. How is it earned?

See #5 Answer.

7. Who determines the recipients?

See #5. I believe that the Deputy Chief of Patrol would discuss the matter with the Chief of Police. I believe that normally only one person would be bestowed the award per quarter, however there may be cases where two have received it if both had considerable drug arrests during the quarter. (I can't recall this happening however) The Chief would have the ultimate decision since it is a Department Letter of Commendation issued by the Chief of Police.

8. How is the award bestowed (is there a paper trail) and who bestows it?

Chief of Police issues a Department Letter of Commendation, therefore there is a paper trail.

9. What are the criteria for qualifying for the award?

See #5

10. Did Ofc. Andy Wittmer recently receive the award?

Yes

11. If so, exactly when?

The PM for the Department Letter of Commendation was issued 1/17/16.

12. Is there a record of the award being given to him?

Yes, a Department Letter of Commendation.

13. If so, can you provide a copy of it?

Yes, it is attached.

14. What was the specific reason Ofc. A. Wittmer was given the award?

The reason is cited in the attached Commendation Letter.

15. What is departmental policy with regard to "officer discretion" for making arrests for retail theft?

This is the DPD policy (A-4) regarding the general use of discretion..." Officers are expected to use discretion, regulation, control and objectiveness with their authority, whether on or off-duty. Enforcement action shall be in compliance with law, policy, public safety and in furtherance of Department goals/ objectives. When confronted with situations involving non-serious crimes / criminal conduct (i.e., traffic and ordinance violations, etc.), officers should examine possible alternatives to arrest and confinement."

There is no specific policy regarding officer discretion for making arrests in retail theft offenses. The accepted practice, which is how this would be trained to new officers) is that the decision to arrest or not arrest a subject for retail theft lies with the business. If the business does not wish to pursue a complaint against the suspect, then the officer will honor that wish. The officer may bar the suspect

from the business, or not, depending on what the business wants. If the business wants to have the suspect arrested, then the officer will arrest the suspect.

Generally, the only discretion an officer uses in a retail theft situation comes after the business decides whether or not to pursue charges and have the suspect arrested. If the business does pursue charges and have the suspect arrested, the officer uses his discretion on whether or not to charge the suspect with a state charge of Retail Theft or a city ordinance charge of Retail Theft. The second level of discretion used by an officer when making an arrest for retail theft would come after an officer decides to make the retail theft arrest under a state charge. The officer now has discretion on whether or not to release the arrested on a Notice to Appear or to book the arrested subject in the jail. The discretion used takes all factors into consideration (what the value of the stolen items is, the history of the suspect, the level of cooperation of the suspect, the age of the suspect, the mental and physical condition of the suspect, etc).

16. Is there any record in the CAD system of the incident of April 12, 2015, regarding Brad Sweeney's wife at the South Shores Kroger Store?

There is no record in the CAD system of any incident whatsoever regarding Brad Sweeney's wife at the South Shores Kroger Store on April 12, 2015. Lt. Brandel checked the entire month of April, 2015 and found no calls at that location involving Brad Sweeney's wife.

Thanks.

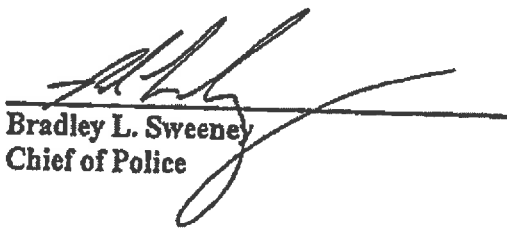
Jerry

PERSONNEL MEMORANDUM
Decatur Police Department

SUBJECT	ASSIGNMENT AS DETECTIVE - 2 ND SHIFT ADULT UNIT OF CRIMINAL INVESTIGATIONS/OFFICER T. WITTMER		
DATE OF ISSUE	EFFECTIVE DATE	RESCINDS	P.M. NO.
01/27/16	02/08/16		16-27

Effective Monday, February 8, 2016, Officer Timothy Wittmer is assigned as a Detective in the Adult Unit, 2nd Shift, of the Criminal Investigations Division. He will report to Lt. Gutierrez Seal.

BY ORDER OF:


Bradley L. Sweeney
Chief of Police

DISTRIBUTION: Chief's file
Deputy Chief Getz
Deputy Chief Dickerson
Deputy Chief Moore
All Lieutenants
Sgt. Carroll
Sgt. Copeland
Sgt. Allen
Officer T. Wittmer
Professional Standards
D. Lahniers, Payroll
Personnel file

PERSONNEL MEMORANDUM
Decatur Police Department

SUBJECT	DEPARTMENT LETTER OF COMMENDATION/ KEY DRUG BUST AWARD/ OFFICER ANDREW WITTMER		
DATE OF ISSUE	EFFECTIVE DATE	RESCINDS	P.M. NO.
1/17/16	1/17/16		16-12

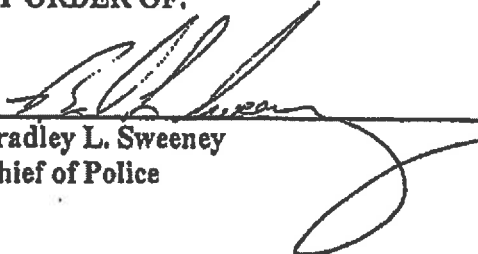
I have received and reviewed the recommendation from your command officers and Detective Division command officers and concur that the actions displayed by you in reference to the recovery of narcotics is worthy of the **KEY DRUG BUST AWARD FOR THE** fourth quarter of 2015.

I proudly present you with the authorized **KEY AWARD** recognition ribbon, which may be worn upon your uniform in compliance with Decatur Police Department Policy and Procedure. You are also awarded the reserved Key Award parking space. Your name will also be placed on the Key Award plaque displayed at the Decatur Police Department.

On December 4, 2015, you conducted a traffic stop on a vehicle for failing to signal within 100 feet in advance of the turn. During the interaction with the driver, your keen observation skills noticed two white pieces of plastic bag sticking several inches out of the driver's pocket. In addition, you noted the driver was intentionally manipulating these items in an apparent attempt to hide them. You became further suspicious when the driver gave unrelated answers to your direct questioning about the items protruding from his pocket. You placed the driver under arrest for a revoked license and subsequently conducted a search incident to arrest which produced 21 grams of cocaine and a functional digital scale. In addition to the recovery of the narcotics and drug paraphernalia, you were obtained a confession from the suspect admitting his use and possession of the controlled substance.

The actions displayed by you in this investigation reaffirm your initial oath as a police officer and commitment to the mission of the Decatur Police Department.

BY ORDER OF:


Bradley L. Sweeney
Chief of Police

DISTRIBUTION: Chief's file
Deputy Chief Dickerson
Deputy Chief Moore
Deputy Chief Getz
All Lieutenants
Sgt. Allen
Tim Gleason, City Manager
Penny Frank, Human Resources Manager
Officer Andrew Wittmer
T. Cline, Pres. DPBLC
Personnel file



1 2 3 4 5

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INTERNAL INFORMAL INQUIRY

CITY OF DECATUR

Incident: Sweeney Detention 04/12/15

Interviewee: Deputy Police Chief Cody Moore

Interviewers: Billy Tyus, Jerry Bauer

Recorder: Jerry Bauer

Date: Friday, February 12, 2016, 2:00 p.m. - 3:30 p.m.

The following is a written record of the interview of Deputy Chief Cody Moore by Billy Tyus and Jerry Bauer on Friday, February 12, 2016, at 2 PM, at the Decatur Civic Center regarding the events surrounding the incident of April 12, 2015, at the Kroger store in South Shores shopping center involving Brigid Sweeney. This interview was not audio-recorded, but the Deputy Chief consented to Bauer and Tyus taking notes during the interview. These notes reflect only the general discussion during the interview, with questions being asked throughout by Mr. Tyus and Mr. Bauer.

The interview commenced with Mr. Bauer asking Moore to recount the details of the police bulletin he generated February 9, 2016. Moore then engaged in a discussion of the details of the incident and, as the discussion progressed, Moore answered questions as interjected by both Mr. Bauer and Mr. Tyus.

DC Moore acknowledged that he took it upon himself to go to the Kroger store when he was called by the chief of police of Moweaqua. At the time he also called Deputy Chief Getz to assist him on scene. He didn't think it would look good if he had to affect the arrest of his own police chief's wife just three months after he himself had become the "loosing candidate" for the Chief's position.

Moore identified police chief Maynard of Moweaqua as being an acquaintance, and he said that he believed Maynard felt at liberty to call him in a situation like this. He claimed they were not good friends, but they were indeed acquaintances.

Deputy Chief Moore indicated that when he arrived at Kroger that evening he believed he first talked to Aaron Morgan, loss prevention employee, in the parking lot of the Kroger store and then went with him and Deputy Chief Getz into the store. According to Deputy Chief Moore he had no prior contact with Morgan, did not know him, and was not aware of him until that meeting. Deputy Chief Moore said that he indeed did go to the Kroger store with the expectation that he may have had to make an arrest. He claimed, however, he was not up to speed with regard to Kroger's policies and the policies of the police department with regard to making arrests for retail theft.

Moore indicated that in his discussions with Aaron Morgan, with regard to how to dispose of the Brigid Sweeney matter, there was no one twisting his arm to handling the matter in any particular way. After he talked to Morgan about what Morgan did intend to do with regard to Brigid, Deputy Chief Moore

Deputy Chief Moore said this was a first time experience for him and it was one that he did not particularly have a playbook for.

I asked him about his conversation with Sgt. Brian Cleary the day following in Incident. He said Sergeant Cleary was his juvenile detective sergeant at the time, and he knew that Sergeant Cleary was also the brother of Brigid Sweeney. And he said the conversation was about Cleary's sister's welfare and how things were going at that time on the domestic front.

Also during the interview Moore commented at one point after being questioned by Mr. Tyus that someone might have told Morgan to apply for the Decatur Police Department. He said they were often telling people to do that because they promoted the department. But he said it was not told to Morgan in the context of this conversation at the Kroger store or at that time.

In hindsight, Deputy Chief Moore said he might have or should probably have put in a detail in the CAD system for this call and it could have indicated that he was there at the time. He said he did not do it, but would've done this if he could have done it over again.

Moore said he's asked himself since that time why the security guard at Kroger didn't simply just call for a squad car at the time. Now he thinks that it was possibly just for the fact that the security guard wanted to cover himself in the situation and not have to be potentially exposed for detaining the relative of a high level official.

Moore then went into a discussion about a couple of things that occurred and seemed strange since the time of the notification that he was under investigation by the state police. He said that Tim Wittmer was "promoted" to the investigations bureau, and he said the decision was made by Chief Sweeney on or about January 21, 2016.

He also said that Andy Wittmer received the "key drug bust award" at this same time for a drug bust that, in the opinion of most of those who reviewed it, wasn't as well executed and documented as the drug bust made by another officer who was overlooked for the award. Both of these things were decisions made by Chief Sweeney. Deputy Chief Moore said he would provide both a copy of the memo on the key drug bust award and the department letter with regard to the appointment of Tim Wittmer. They should be attached to this file.

We discussed the role of policy in this matter. Cody acknowledged that he was not aware of any departmental policy or city policy that would address procedures in a case like this. When asked if a policy would make a difference in a case like this, he indicated it might, but he was not sure what kind of a policy might be applicable. He said he guessed policy could be written for about any kind of situation, but he was not sure if all situations of such a nature could be anticipated.

Cody reiterated during the discussion that he was going to the scene that evening in order to make a positive identification to ensure that someone wasn't just simply trying to get over on the security guard at Kroger. And also because he expected to have to potentially make an arrest at the time.

INTERNAL INFORMAL INQUIRY

CITY OF DECATUR

Incident: Sweeney Detention 04/12/15

Interviewee: Interim Police Chief Jim Getz

Interviewers: Billy Tyus, Jerry Bauer

Recorder: Jerry Bauer

Date: Tuesday, February 16, 2016, 9:00 a.m. – 10:20 a.m.

The following is a written record of the interview of Interim Chief Jim Getz by Billy Tyus and Jerry Bauer on Tuesday, February 16, 2016, at 10 AM, at the Decatur Civic Center regarding the events surrounding the incident of April 12, 2015, at the Kroger store in South Shores shopping center involving Brigid Sweeney. This interview was not audio-recorded, but the Interim Chief consented to Bauer and Tyus taking notes during the interview. These notes reflect only the general discussion during the interview, with questions being asked throughout by Mr. Tyus and Mr. Bauer.

The interview commenced with Mr. Bauer asking Getz to recount the details of the police bulletin he generated February 10, 2016. Getz then engaged in a discussion of the details of the incident and, as the discussion progressed, answered questions when interjected by both Mr. Bauer and Mr. Tyus.

Getz indicated his presence at the scene was requested by Deputy Chief Cody Moore as a witness for whatever might occur there. He said when he arrived on scene he was not dressed so as to identify himself as a police official. He verbally identified himself to Aaron Morgan, security detail for Kroger, as a Decatur deputy police chief, but did not display a badge or gun.

He believes the reason Morgan called his Chief in Moweaqua was because Morgan was unsure of what to do with the situation.

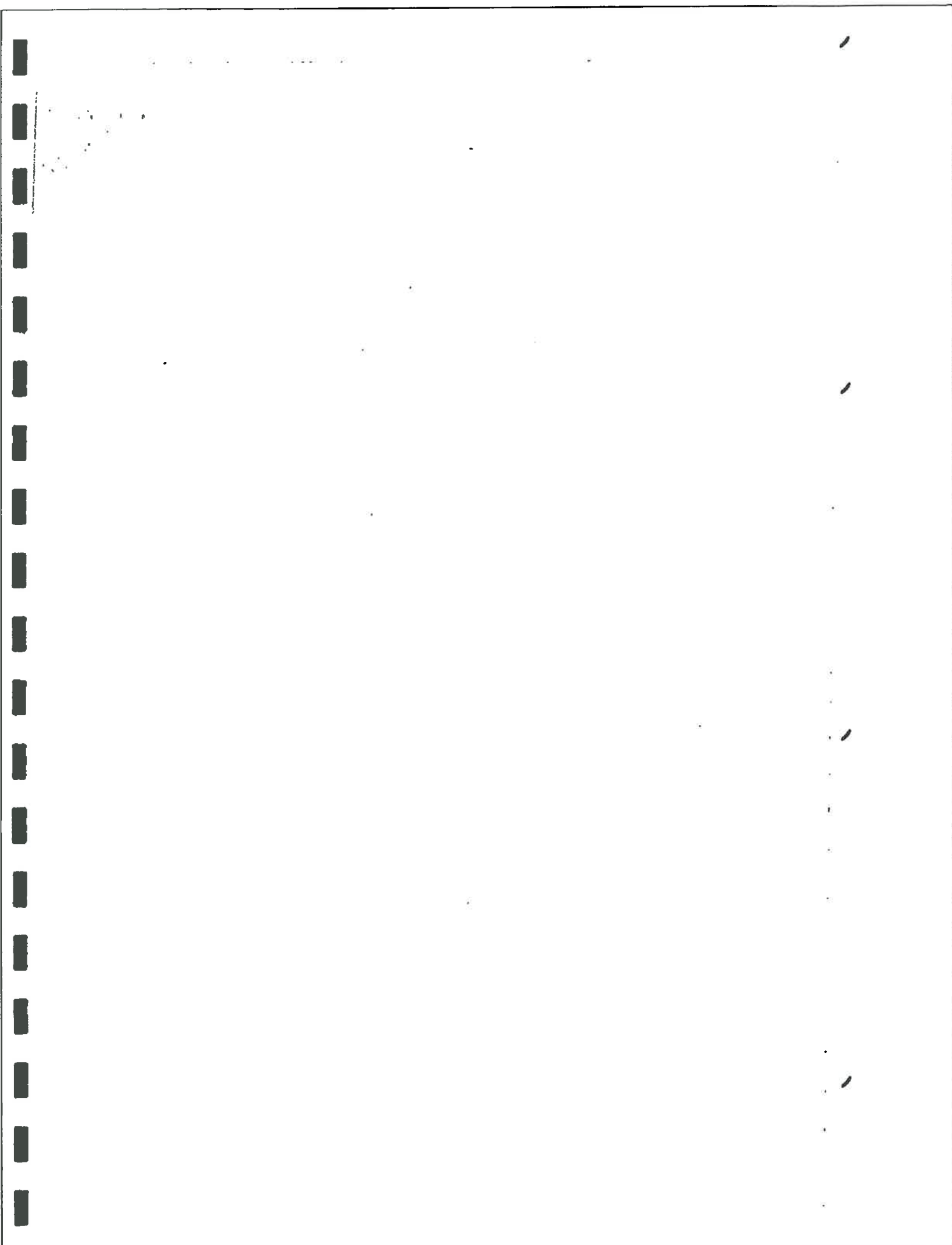
Getz was able to positively identify Brigid Sweeney at the scene as the wife of the Decatur Police Chief. After doing so, he claims both he and DC Moore affirmatively told Morgan to handle the situation as he would any other detention for retail theft, and not to provide any preferential treatment based on her identity. He said Morgan vacillated over barring her from the store, but eventually came to that conclusion and decision on his own.

Before leaving the store, Getz checked on Brigid's welfare. He said he did not detect the odor of alcohol on her breath, and he did not recall that she appeared impaired, but he said he was not particularly looking for those signs, either. She was only embarrassed and apologetic, as far as he could tell.

Getz claimed he had no prior knowledge of the situation in the Sweeney household, but he was told by Brigid that she was not going home that night because Brad would be upset with her.

Getz also indicated that since the termination of Chief Sweeney, he (Sweeney) has called the president of the PBLA Labor Committee, Todd Cline, and asked for support from the Union regarding his position in the matter of the termination.

This summarizes the contents of our discussion, and is not a verbatim recollection of the conversation. Our interview with Interim Chief Getz concluded at about 10:20 a.m. with both Mr. Tyus and Mr. Bauer taking notes throughout the entirety of the conversation.



Subject: Police Bulletin of Lt. Brian Cleary

Dated: February 16, 2016

Received by: J Bauer 02/17/2016, 1:50 p.m., from DC Dave Dickerson, hand delivered, sealed envelope

Pages: 5

POLICE BULLETIN
DECATUR POLICE SERVICES DIVISION

To: Assistant City Manager Bauer
Assistant City Manager Tyus

From: Lieutenant Brian Cleary

Re: Kroger Store Incident

Date: 02/16/16

I will start this bulletin by saying that Brad Sweeney is currently married to my Sister, Brigid (Cleary) Sweeney. He has been married to her for approximately the last 16 to 17 years. Prior to the incident at Kroger in April, I had not had regular contact with Brad for several years prior to that day. He had cut most ties with my family to include me, my wife and children and my parents. We still had some regular contact with my sister and my niece and nephews at family functions, holidays, birthdays and similar events. I did not have any regular contact with him at work either as we were assigned to different divisions within the department. I was assigned as the Juvenile Investigations Sergeant at the time and he was in Professional Standards, then became Chief.

I do not recall the exact night in April, but I received a call at home, on my Department issued phone, from Brad. I believe he called me sometime between 2000 hrs and 2200 hrs. I was surprised to see his name show on the caller ID. I answered the call believing it was a work related issue that may need my attention.

Brad immediately told me that Brigid had been stopped for shoplifting by South Shores Kroger Security. He told me that he wanted me to hear it from him, before I heard it from someone else through rumors or other means. Brad immediately started stating that he did not know why she had stolen from Kroger, but said that she had tried to take some lunch meat and other items. He began defending himself saying that she had money with her and credit cards to pay for the items. Brad did not seem concerned for her wellbeing at that time. He struck me as only concerned with himself.

Brad then told me that he had received a phone call telling him that Brigid had been stopped. I do not remember who (or if he said who) called him to tell him. Brad told me that he did not go down to Kroger, but he did go out to his take home unmarked squad car. He told me that he turned on the mobile computer system in the car to see if there was a detail entered for the incident. He said he monitored the situation for some period of time, but realized that no incident had been created.

Brad told me that Deputy Chief Cody Moore and Deputy Chief Jim Getz had responded to Kroger. He said he did not tell them to respond, but he was told by Cody that he (Cody) was going to go down to Kroger to make sure Brigid was doing OK and was being treated OK. Brad told me that Cody decided that he didn't want to respond alone, so there would be no appearance of impropriety, so Cody called Deputy Chief Jim Getz and had Jim respond with him to Kroger.

POLICE BULLETIN

DECATUR POLICE SERVICES DIVISION

Brad told me that Kroger did not wish to pursue charges against Brigid at this time due to the small total of the items stolen. Kroger only barred Brigid from the store property at that time, and she was released. Brad told me upon Brigid's arrival home, he called my father and told him he needed to come and get Brigid and take her back to my parent's house before there was a fight between the two of them. Brad told me my dad had come and picked Brigid up and taken her back to my parent's house.

Brad continued to speak to me for about half an hour, portraying himself as the victim in this matter, calling my sister crazy, saying she was crazy like my mother. He made a point of telling me that he had never hit or laid a hand on my sister, and he had never cheated on her. He told me that he gave her everything she needed. He asked me why I thought she would do this. I told him that I had no idea and that he knew her better than I do as he had lived with her for the last 16 years.

Brad ended the conversation by asking me what I thought he should do. I told Brad at that time that he should let the City Manager know what had happened. He told me he didn't think he would do that because it was a personal matter. I told him the choice was his and we ended the conversation.

The following day at work, I spoke to Cody Moore about the incident. Cody was the Deputy Chief of Investigations and was one of my superior officers at the time. I wanted to speak to Cody about what had happened, and make sure that Brigid was OK, as she would not return any calls or text messages from my wife or me the previous night.

In speaking with Cody, I believe he told me that he had received a call from the Chief of Police in Moweaqua. The Chief from Moweaqua relayed that one of his officers was working off duty as loss prevention at Kroger in South Shores and had stopped Brigid for shoplifting. He said Brigid identified herself and further stated that her husband was the Decatur Police Chief.

Cody said that he called Brad and told him that he (Cody) would respond down to Kroger to make sure Brigid was OK and that she was being treated OK. He said he didn't want to respond alone, so he called Deputy Chief Getz and they both responded together. Cody told me that Brigid was treated OK and that Kroger didn't wish to pursue charges against her. He told me that he made sure that he told Kroger that they needed to follow their policy regarding calling the police or pursuing charges. Kroger personnel advised due to the amount they would not be calling the police, they would just be barring Brigid from returning to the store. He told me that Brigid left to return home and seemed fine at that time.

I don't recall having any further conversations with Cody after that initial conversation. There may have been a brief discussion here or there as to how Brigid was doing, but I don't remember any specifics after the conversation the day after the incident.

Sometime after my conversation with Cody, Brad came to my office and closed the door. We had a conversation similar to the previous night. Brad told me that he had kicked Brigid out of the house and had told his kids what she had done. I asked Brad why he told the kids. He

POLICE BULLETIN

DECATUR POLICE SERVICES DIVISION

said that he wanted them to hear it from him and not from some rumor at school. Brad continued for a time making personal accusations about Brigid, as well as my parents. He called them crazy, weak, enablers among other things.

He again asked me what I thought he should do. I told him that he needed to tell the city manager what had happened. He said it was a personal issue and he didn't think he needed to inform the City Manager. I told him at that time I agreed that it was a personal issue, but he was the Chief of Police and if word leaked out to the community that it would look bad in multiple ways. I further told him that the likelihood that this incident was going to be just go away were slim and none because people talk, and multiple people outside the department knew what happened and if thought they were not going to tell people he was kidding himself. I further told him that he told his kids what happened because he thought they would hear at school what Brigid had done. Brad and I had a short further discussion, he then left.

Later that afternoon, he called me to his office. He again asked me what I thought he should do. He asked me if I thought that he should resign over this. He told me that this was an embarrassment and didn't know what to do. I again told him that he should discuss with the City Manager what had taken place. I told him that I understood it would be embarrassing, but at least everyone who needed to know what happened would know, and the matter could be looked into internally if necessary. He ended that meeting by telling me he would probably inform the City Manager what had happened.

A day or two later, Brad again called me into his office. He told me that he had gone down to Kroger and apologized to everyone down there for what had happened. He said that everyone down at Kroger seemed understanding. He further told me that the loss prevention officer at Kroger told him that he was applying to become a Decatur Police Officer. Brad said that the loss prevention officer sort of joking said that he hoped that this incident would not have a negative impact on his job chances. I then told Brad well at least you decided to tell the City Manager what had happened, and at least he could be relieved that was over. Brad told me that he did not tell the City Manager what had happened. He told me that he had driven down to the Civic Center, but couldn't go through with telling him. I again told him he should reconsider.

Brad and I had several conversations over the next few weeks regarding what had happened. The conversations were all similar to those described above. At the end of a several weeks Brad asked me if I had heard any rumors about what had happened. I told him that I had not. He asked me if I thought the matter would go away for good. I told him that I did not think it was gone for good. I told him that a lot of people know what happened and someone eventually was going to say something to the wrong person and everyone would be talking about it. Brad told me he thought it was done and left it at that.

Sometime around this time, Brad told me that he had allowed Brigid back into the house, and they were working on things. He told me that he loved her and the kids missed her.

Over the next several months Brad and I didn't really have any discussions over the matter. At some point in early January, after a union meeting, I was in the locker room at Police

POLICE BULLETIN

DECATUR POLICE SERVICES DIVISION

Headquarters. I could hear two officers in the back of the locker room talking. I heard one of the officers say to the other something similar to, I heard last night at the union meeting that the Chief's wife got arrested for shoplifting and he covered it up. I did not go back to see what officers were speaking, I just exited the locker room at that time.

After overhearing the conversation, I went and told Brad that I had overheard two officers speaking about the incident at Kroger. I told him that it appeared there was some discussion about it at the union meeting. I told him I didn't know in what context the matter had been discussed at the meeting. I didn't know if it was open discussion, or just conversation around tables. I told him that regardless everyone was soon go be talking about this and he needed to inform the City Manager. He said he didn't think that was necessary as this was a private, personal matter and the City Manager didn't need to know. He then said something similar to "if this was just a regular officer this wouldn't be a big deal. Why should it be a big deal because it's me?" I told him he was right, if it was just an officer it wouldn't be as big a deal, but we would have looked into what had happened. He would have looked into what had happened. I told him that he was right that it was a bigger deal because he was the Police Chief.

Throughout the month of January and into early February, Brad came into my office and called me into his office numerous times. Each time he would close the door and discuss various aspects of the matter, from why did she do it, to why did it just come out now, and on to what should he do.

I told him that I did not know why it came out now. I also told him that Brigid had never been willing to tell me, my wife or my parents why she had stolen from Kroger. I told him that I had my opinions, but I did not know for sure. He told me on multiple occasions that she was crazy and she had what my mom has. He told me several times that my dad was weak and my parents were enablers. Because he was the Chief and held a position over me I never felt I could respond to his accusations and allegations for fear what he may do.

At the beginning of February, Brad called me into his office and had a few closed door meetings. He told me that he believed the City Manager was going to fire him. He told me that there had been some discussions where he and the City Manager had exchanged words. He said that he did not have to put up with the City Manager speaking to him like that. He made mention of the meeting he and other department heads had with the City Manager after the City Council Meeting. He said that budget items were discussed. He told me that the City Manager asked for input on possible revenue sources. Brad told me that he presented his idea for expanding dispatch capabilities and charging to dispatch for other counties and municipalities. He said that the City Manager and he then exchanged words over the issue and the City Manager threw him out of the meeting.

Brad asked me on at least two occasions in February whether or not I thought he should resign. I told him I did not know. He told me that he was thinking about just retiring. He told me that he was tired and he had been mistreated his entire career. Brad then showed me a short letter that was in his zipper folder. It was two lines long, signed by him. He told me that it was his retirement letter and that he was just going to retire because he thought he was going to be

POLICE BULLETIN

DECATUR POLICE SERVICES DIVISION

fired. I told him that only he knew what had happened during the meetings and his interaction with the City Manager. I told him that only he could decide if this should be the end of his career, and only he knew the facts surrounding the issue.

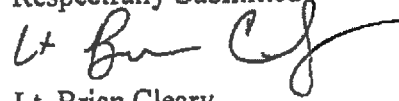
Brad told me that he believed the City Manager had screwed up the investigation regarding the incident at Kroger. He said he should have never called an outside agency to perform the investigation. He further told me that he believed the investigation was complete, and that the City Manager was purposefully withholding the information from him. I tried to explain to Brad that having an outside agency investigate the matter adds credibility to the findings, since the allegations were there was a cover-up and misconduct. Brad further advised he was angry because he believed an outside agency was going to conduct our internal probe and that would cause him and the Department further embarrassment.

The last meeting I had with Brad was the morning he was terminated. He told me that morning that he had a 10 o'clock meeting with the City Manager and he believed he was going to be fired. He told me that he believed that the Wittmer brothers had done this to him, that they had the video and were using for personal gain. He told me that he felt that they should be held accountable because they should not have had the videotape of the incident. He told me he thought they would be protected because they would be seen as whistleblowers and would be protected as such.

The next conversation I had with Brad was at about 1030 a.m. He called me on the phone and told me at that time he had been fired.

Since his termination I have had little contact with Brad. I did see him for a short period of time on Super Bowl Sunday at my parent's house, but we did not discuss anything work related. He did leave a message with my wife this past week asking her to get a message to me asking if I would get him the AVL from the squad car that took the City Manager to St. Louis. My wife told Brad that I would not do that for him, and if he wanted it, he could just subpoena the record as part of his lawsuit.

Respectfully Submitted


Lt. Brian Cleary



INTERNAL INFORMAL INQUIRY

CITY OF DECATUR

Incident: Sweeney Detention 04/12/15

Interviewee: Police Patrol Officer Andrew Wittmer

Interviewers: Billy Tyus, Jerry Bauer

Recorder: Jerry Bauer

Date: Wednesday, February 17, 2016, 2:30 p.m. - 4:00 p.m.

The following is a written record of the interview of Police Patrol Officer Andrew (Andy) Wittmer by Billy Tyus and Jerry Bauer on Wednesday, February 17, 2016, at 2:30 PM, at the Decatur Civic Center regarding the events surrounding the incident of April 12, 2015, at the Kroger store in South Shores shopping center involving Brigid Sweeney. This interview was not audio-recorded, but Off. Wittmer consented to Bauer and Tyus taking notes during the interview. These notes reflect only the general discussion during the interview, with questions being asked throughout by Mr. Tyus and Mr. Bauer.

Also present for the meeting, at the invitation of Off. Wittmer, was Brandon Rolfs, representative of the Decatur PBPA Labor Committee, and PBPA/LC executive board member.

The interview commenced with Mr. Bauer asking Wittmer to recount the details of the police bulletin he generated January 12, 2016. Wittmer then engaged in a discussion of the details of the bulletin and, as the discussion progressed, Wittmer answered questions as interjected by both Mr. Bauer and Mr. Tyus.

Wittmer started by recounting his contact with Kroger security employee, Aaron Morgan on the evening of April 12, 2015, after Morgan detained and eventually released Brigid Sweeney, wife of Chief Brad Sweeney, for shoplifting. Mr. Tyus asked if it were possible for an officer to make an arrest without the victim filing a complaint, and Wittmer responded that it was, but he only did so on one or two occasions in his career. It was not common.

Wittmer commented that he felt the report of the incident from Morgan indicated some deviations from normal protocol on the part of Deputy Chiefs Cody Moore and Jim Getz that responded to the scene. For a retail theft, the normal call for service would have been responded to with a Patrol Officer and a Sergeant for back up.

Wittmer was concerned that somehow Morgan might have been pressured into providing the Chief a favor regarding the processing of his wife's theft at the store without an arrest. Wittmer thought that for a call of this nature, a uniform officer should have responded, or perhaps an officer from an outside agency such as the State Police.

When Wittmer contacted Morgan that evening and talked to him about the situation, he advised him to do his normal follow up on the incident, because he felt that this was not going to look good if viewed

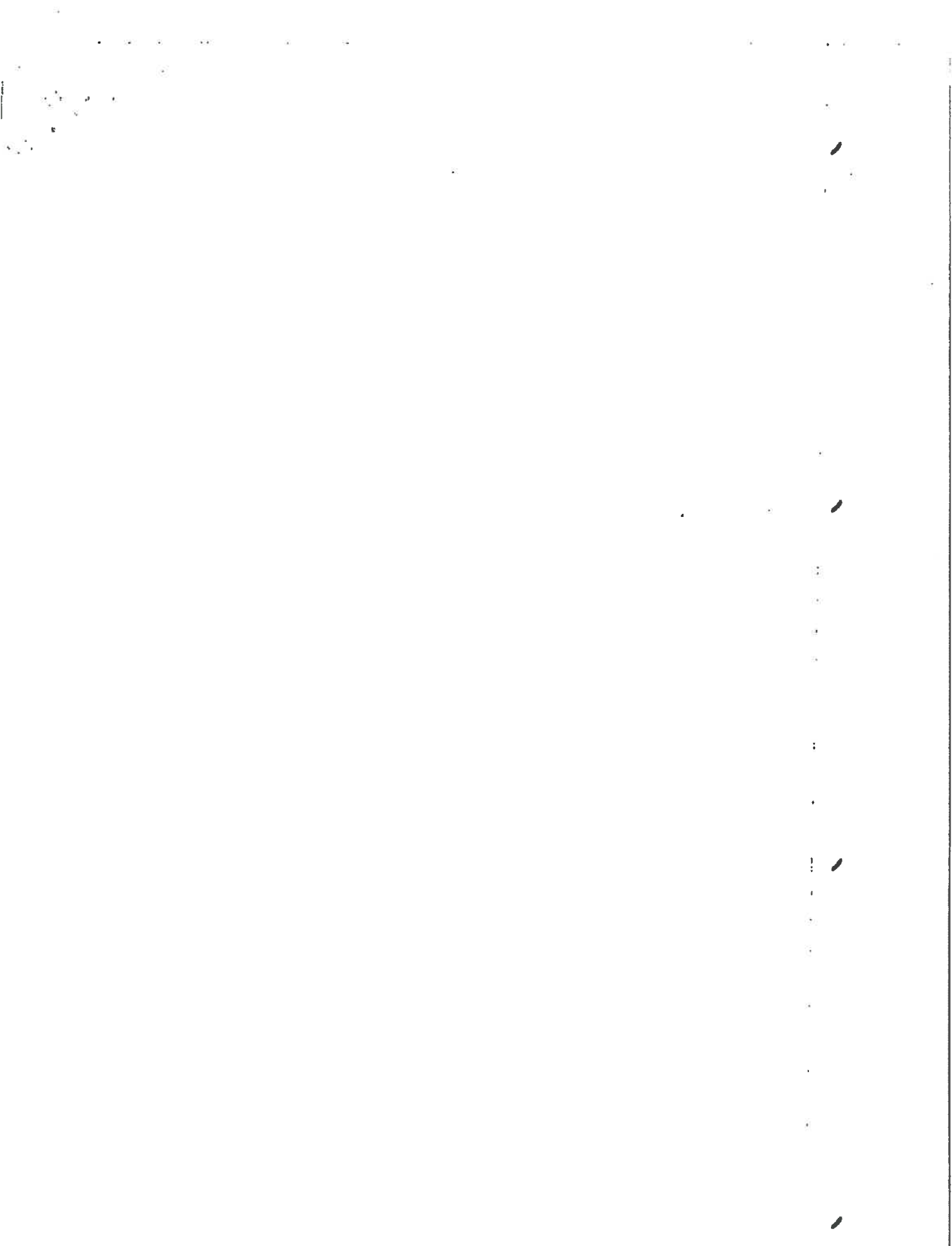
Mr. Tyus followed up on Wittmer's comment about the response to the incident not passing the smell test by asking Wittmer what he felt was not right about the situation. Wittmer responded by saying that he could think of a number of scenarios that might implicate the senior command, and he is trained to jump to the worst possibilities, and this is what he was referencing in his response.

Wittmer was then given the opportunity to expand on his comment about past retribution he and his brother suffered in the Department at the hands of commanding officers. He mentioned the fact that there was nothing done about him filing a workplace violence complaint against Sgt. Toby Williams when challenged by Williams at headquarters to engage in a fight. He talked about the incident in which his brother Tim was given discipline for insubordination in an ERT raid where Tim made physical contact with Deputy Chief Moore and tried to call him off of a subject whom Moore was physically restraining at the time. He mentioned that he and his brother Tim were passed over for promotions and assignments on various occasions for which they qualified (e.g., Field Training Officer three times, Firearms Instructor, Adult Detective, Street Crimes Unit member). Finally, he recounted being publicly berated by Chief Sweeney and threatened with discipline for insubordination one day last summer in the commons area of headquarters for parking in the Key Drug Bust Award honoree's parking space, until two sergeants intervened with the Chief on his behalf. He said it was generally known in the Department that one would not want to get on the "bad side" of Chief Sweeney, because those who did were dead to him. Wittmer said for this reason he was not going to "pick a fight" with administration without having the "ammo" to win it.

When asked how long he has been on the Department, Wittmer replied that it was 5 years in January. Brandon Rolfs offered that Wittmer's brother Tim was a class mate of his, and they have been officers for about eight and a half years.

Wittmer was given the opportunity to tell Bauer and Tyus about anything else he felt they should know but had not discussed with him. He mentioned that a second reason the incident didn't pass the smell test for him was because the response to the incident involved two high level Police officials, who could easily have intimidated Morgan, even if unintentionally, into making the decision not to press charges against Mrs. Sweeney. He knows Morgan has been trying to get a job with the Decatur Police Department, and the presence of two Deputy Chiefs could have influenced his thinking, even inadvertently, about how to curry favor or at least deflect disfavor, in seeking consideration for work with the City. Wittmer did say that Morgan never indicated that he felt pressured in any direction regarding disposition of the Sweeney matter, but he felt that his friend Morgan got a raw deal in having to be in that situation.

Wittmer said that even if the response by the Chiefs and their presence on the scene involved no intentional acts of misconduct, it would have appeared more impartial and put more distance between the Department and the incident to have asked an outside agency to respond in that case. He felt it would have been better for Morgan and for the public's perception. Wittmer admitted these were his opinions and Aaron Morgan had not said that to him.



Subject: Police Bulletin of Detective Ron Borowczyk

Dated: February 19, 2016

Received by: J Bauer 02/19/2016, 11:30 a.m., from DC Dave Dickerson, hand delivered, sealed envelope

Pages: 2

Police Bulletin
Decatur Police Department

To: Deputy Chief D. Dickerson

Assistant City Manager B. Tyus

Assistant City Manager G. Bauer

From: Detective Ronald A. Borowczyk #473

Date: February 19th 2016

Ref: Command Request

Sir;

On this date I was ordered to complete a bulletin reference a conversation that I had with Officer Andrew Wittmer of the Decatur Police Department. It is my belief that the conversation in question occurred during the overnight hours of the Decatur Celebration in August of 2015.

I was working a roving patrol with Detective Todd Koester of the Decatur Police Department in a "hire back" status. My assigned hours of duty this particular day were from 2300 hrs. (11:00pm) to 0700 hrs. (7:00am) the following morning. While patrolling the central park area with Detective Koester, we came across Officer A. Wittmer and Detective Troy Phares of the Decatur Police Department on a golf cart.

A conversation was started with Office A. Wittmer advising of the following; Officer A. Wittmer advised that he "knew" the real reason Lt. B. Cleary had been promoted to his rank at the time. Officer A. Wittmer continued speaking in a cryptic tone never advising actually what knowledge he had to prove why Lt. B Cleary had been promoted.

Officer A. Wittmer continued to make a statement that if the department "tried to come after him", he had a "bomb" that he would drop on them. I didn't believe that Officer A. Wittmer was referring to physical violence, but that he had information that he was choosing not to divulge to the group of people he was conversing with, would put the Decatur Police Department in bad light.

Having been with the Decatur Police Department for over twenty years, I have heard many officers and other employees, through the years at points in their individual careers voice dissatisfaction with their individual employment and make statements about the information that they have and how it will bring about individual satisfaction to themselves and bring some discredit to the police department if it becomes general knowledge.

It was known to several people that Officer A. Wittmer was not entirely happy with path that his police career with the City of Decatur had been going, and I thought he was yet another voice in the crowd who was unhappy and voicing his displeasure about his current situation.

At no time did Officer A. Wittmer disclose during the Decatur Celebration weekend the information that he was in possession of or the date of occurrence around this information.

I did encounter Officer A. Wittmer at the Decatur Police Department after he indicated to me that he had been interviewed by the Illinois State Police in reference to what had become a very visible rumor throughout the Decatur Police Department that something had occurred at the Kroger Store in South Shores, Decatur Illinois.

Officer A. Wittmer advised that he did not like the way that he had been treated by the State Police, indicating that he felt like he was the subject who had done something wrong. It was at this point that Officer A. Wittmer indicated to me that he had come into possession of a video of an incident that had occurred at Kroger in South Shores. Officer A. Wittmer did not disclose to me what the contents of the video where. I did not ask Officer A. Wittmer what the video contained or any of the details surrounding the incident that lead to his interview.

Respectfully Submitted

A handwritten signature in dark ink, appearing to read "Ronald A. Borowczyk", is written over a horizontal line.

Detective Ronald A. Borowczyk #473



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Subject: Police Bulletin of Detective Troy Phares

Dated: February 19, 2016

Received by: J Bauer 02/19/2016, 11:30 a.m., from DC Dave Dickerson, hand delivered, sealed envelope marked "EVIDENCE", with Phares' signature over seal

Pages: 2

POLICE BULLETIN

DECATUR POLICE SERVICES DIVISION

To: Assistant City Manager Jerry Bauer
Assistant City Manager Billy Tyus
Deputy Chief Dickerson

From: Detective Troy A. Phares #234

Date: February 19, 2016

Re: Response to request made by Jerry Bauer regarding my knowledge of a previous conversation with Officer Andrew Wittmer regarding events that led to the promotion of Lt. Brian Cleary.

Sirs,

I received an email from Deputy Chief Dickerson to comply with a request from Assistant City Manager Jerry Bauer regarding a conversation that Officer Andrew Wittmer indicated had taken place between myself and Officer Andrew Wittmer. The email stated that the content of the conversation was about the reason that Brian Cleary was promoted to Lieutenant and events that occurred on April 12, 2015 involving Brad Sweeney's wife at the South Shores Kroger Store. I am writing this bulletin in response to the request and interpret this as an order to complete the bulleting regarding the ongoing internal investigation.

During the Decatur Celebration in August of 2015, I was paired with Officer Andrew Wittmer for a security assignment within the Decatur Celebration grounds. We were positioned at the corner of Franklin Street and South Park when the conversation took place.

Officer Andrew Wittmer asked me if I wanted to know the reason why Brian Cleary had been promoted to Lieutenant. He stated he had video evidence, that he had recently obtained, that could have something to do with the promotion but he wasn't going to reveal what was on the video. He stated he and his brother, Officer Tim Wittmer, had put in for several different positions within the department, detective assignment and K-9 assignment were mentioned, that he felt they were deserving of. He stated if they did not get the consideration they both deserved, he would use the video evidence as leverage for those positions. He stated he wanted me to tell people in the department that he had obtained this video and knew the reason behind the appointment and promotion of Brian Cleary. At that point the conversation ended between myself and Officer Andrew Wittmer.

A short period of time later, Detective Borowczyk and Detective Koester had pulled up beside myself and Officer Andrew Wittmer. Officer Andrew Wittmer spoke to them about what had been told to me earlier.

Officer Andrew Wittmer did not disclose the events that were on the video that he allegedly possessed. He did not produce any video or any device that would contain the alleged video. He did not disclose who or what was portrayed on the video and did not mention any names of persons or circumstances except Brian Cleary as mentioned above. He did not mention Brad

POLICE BULLETIN

DECATUR POLICE SERVICES DIVISION

Sweeney or his wife during the conversations. I have not had any conversations with Officer Andrew Wittmer regarding the content of the video that he allegedly possessed.

Respectfully Submitted,

 #234

Troy A. Phares #234



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Subject: Police Bulletin of Detective Todd R. Koester

Dated: February 22, 2016

Received by: J Bauer 02/22/2016, 10:00 a.m., from Lt. Shane Brandel, hand delivered, sealed envelope

Pages: 2

Police Bulletin

Decatur Police Department

To: Assistant City Manager Jerry Bauer
Assistant City Manager Billy Tyus
Deputy Chief David Dickerson

From: Detective Todd R. Koester #512

Date: 02/22/16

Reference: Internal Investigation

On this date, I was directed to complete a bulletin in reference to a conversation that occurred in which Officer Andy Wittmer made comments about having some "damning information" against Former Chief Brad Sweeney and the reasoning for the promotion of Lieutenant Brian Cleary.

During the weekend of the Decatur Celebration I was working a hire-back patrolling the celebration grounds. I was paired with Detective Borowczyk in a golf cart during this hire-back. We were assigned a specific quadrant of the celebration grounds along with Detective Phares and Officer A. Wittmer. At some point during our patrolling duties, Detective Borowczyk and I pulled up on a golf cart near Central Park where we made contact with Detective Phares and Officer A. Wittmer. While the four of us were engaging in conversation, Officer A. Wittmer made a comment about "having dirt" on Brad Sweeney. I am not positive who asked Officer A. Wittmer, but somebody asked him what "dirt" he had. Officer A. Wittmer then said something similar to "I am not telling any of you guys; I am saving it for when I need it". I took this to mean that Officer Andy Wittmer was going to save his "damning information" to use as leverage against the Department or Brad Sweeney at a later date and time.

Officer Wittmer never actually told any of us what his "dirt" was, and it was not until sometime after the first of the year (2016) when I heard the rumors of Brad Sweeney's wife getting detained at Kroger in South Shores for shoplifting, and that Officer A. Wittmer had a video of this incident. It was at this point that I realized that this is probably what Officer A. Wittmer was referring to when he said what he did during the Decatur Celebration.

When Officer A. Wittmer made his comments during the Decatur Celebration I did not think much of it. Officer A. Wittmer has been known to be disgruntled and operates routinely in an abrasive manner. I assumed his conversation during the Decatur Celebration was just some other rumor with no validity. At no time did I take Officer Andy Wittmer seriously in regards to his comments.

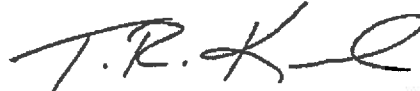
I do not recall or was not even present during the conversation that occurred in which Officer Andy Wittmer made comments about knowing the real reason why

Police Bulletin

Decatur Police Department

Lieutenant Brian Cleary got promoted. I only recall the conversation in which he mentioned having dirt on Brad Sweeney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "T.R. Koester", with a stylized flourish at the end.

Detective Todd R. Koester #512



7-10-12

1

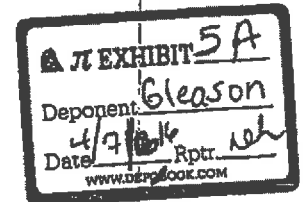
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David Dickerson
Deputy Chief - Administrative Operations
Decatur Police Department
707 West South Side Drive
Decatur, Illinois 62521
217/542-3404 Office
ddickerson@decaturil.gov



Police Bulletin

To: City Manager Tim Gleason
Date: 3/9/2016
Re: Administrative Review (Admin Op's Opinion) - Brigid Sweeney Incident

Per your request, I have reviewed the investigation completed by Asst. City Manager's Bauer and Tyus regarding the DPD handling of the alleged shoplifting by Brigid Sweeney, as well as the circumstances which occurred subsequent to that incident.

The most important focus of this review is regarding three things:

- 1) The police handling of the alleged retail theft.
- 2) The lack of reporting the alleged retail theft to the City Manager.
- 3) The lack of reporting police officer behavior, which was believed to be potential criminal misconduct or policy violation.

Regarding the handling of the alleged retail theft by DC Moore and DC Getz, it is not unusual for command officer(s) to be charged with the investigation of a potential criminal offense. Those investigations are generally reserved for situations in which a police officer, civilian city worker or a dignitary are alleged to have committed an offense. In most cases, a Detective Sergeant or Detective Lieutenant will investigate potential criminal wrongdoing.

This case is distinctly different in that DC Moore was contacted about this incident not through dispatch, rather through another Law Enforcement official. There appeared to be a question as to the veracity of information being relayed to Loss Prevention, by the suspect, pertaining to identity. Even though the information presented within this investigation appears to negate the possibility that DC Moore and DC Getz intimidated or otherwise influenced the eventual outcome of the incident involving Brigid, the handling of the incident by DC Moore and DC Getz leaves question as to the possibility of bias by outside viewers.

The problem is that the mere presence of two Deputy Chiefs at the scene of a retail theft, whether or not they purposely intended to change or alter the outcome of that simple retail theft, could have possibly done just that. This is especially true when the loss prevention officer had previously attempted to gain employment through the exact agency with which the two Deputy Chiefs were employed and quite possibly may have gone through that hiring process again in the future. More thought should have been placed into the handling of this situation from a liability and/or future perception standpoint. Part of

that blame rests squarely on the shoulders of Former Chief Sweeney, who should have ordered DC Moore to either contact dispatch to place a general retail theft detail into the system or to contact the Macon County Sheriff's Office to respond and handle the matter. He failed to do that and therefore left DC Moore in a rather precarious position.

The below policies (All within A-26) are provided for your review regarding the actions of DC Moore and DC Getz on the day Brigid Sweeney was detained:

IV. PERSONAL CONDUCT

A. Duty to Abide by All Statutes, Laws and Ordinances

1. All Department personnel shall obey and follow all statutes, laws, and ordinances. Any alleged violation may be cause for an administrative inquiry. Sanctions, up to and including termination, may result irrespective of any criminal proceedings.

B. On Duty and Off Duty Conduct

1. Officers and civilians shall conduct themselves in their private and in their professional lives in such a manner as to avoid bringing discredit to themselves or the department.

2. Command Staff, officers, trainers, and civilians shall not date or become unduly familiar with police applicants, probationary officers, student interns or ride-along participants during the period of time such individuals are continuing to participate in the specific program that involves them with the Department.

3. Officers and civilians shall maintain their personal finances in such a manner as to avoid bringing discredit to themselves or the department, or to interfere with department operations.

C. Maintaining a Good Public Image

1. It is the policy of the Department that police officers and civilian personnel shall strive to gain public support by being efficient, unbiased, and professional.

V. PERFORMANCE

A. Duties of Officers

1. Officers of the department shall be charged with the enforcement of all federal, state, and local laws and ordinances; the preservation of the public peace; the protection of life and property; the prevention of crime; and the detection, apprehension, and prosecution of violators of the law.

B. To be Firm and Impartial

1. Officers shall discharge their duties in a firm, impartial and efficient manner. They shall act promptly and decisively at scenes of crimes, disorders, accidents, disasters, and all other situations that require police attention.

C. Off Duty Actions/Arrests

1. Officers who are off duty, within the jurisdiction of the City of Decatur, are not relieved from the responsibility of taking proper police action on any matter coming to their attention. Officers shall only

take off duty action for a serious felony incident or when death or great bodily harm is imminent. Off duty officers shall not concern themselves with minor incidents or traffic violations.

I believe that one must take into account the fact that DC Moore and DC Getz, as well as Lt. Cleary, were lead to believe that Former Chief Sweeney had reported the alleged retail theft incident, involving his wife, to the City Manager. Even though common sense would dictate that the City Manager should be advised if the Police Chief's wife is detained for shoplifting, there is not specific policy indicating that this must be reported. They should have ensured that this had been done to protect the image of the City and the image of the Decatur Police Department. They believed that the Police Chief had informed the Manager.

DC Moore and DC Getz, according to their accounts of the interaction with Loss Prevention at Kroger, and the account of the Kroger Loss Prevention officer himself, handled the incident in what they believed was an appropriate and normal manner. There was, in hindsight, nothing normal about the situation. With that being said, the only issue remaining is how Officer A. Wittmer handled himself during this situation.

Officer Wittmer eventually reported the two Deputy Chief's handling of the alleged retail theft, however only after being ordered to do so by Sgt. Maxwell. He sought out information / evidence from Kroger Loss Prevention and even came into possession of a video purported to be that of the retail theft incident. By A. Wittmer's own account in his bulletin, he reported, "I told Aaron it seemed very inappropriate that two officers of such high rank had shown up to that type of detail, and that no call for service/detail had been entered in our CAD system." This statement indicated that Officer A. Wittmer suspected wrongdoing on the part of other police officers, namely DC Moore, DC Getz or Chief Sweeney. He should have reported this information on his own accord, not being ordered to do so by a Patrol Sergeant many months after the incident took place.

It is not the position of Officer Wittmer to conduct his own internal inquiry or criminal investigation into a matter which he perceives as potential officer misconduct. That is the duty of DPD Administrative Operations, City Administration or an outside investigating body to decide if potential misconduct is indeed substantiated or not. What is even more troubling is the potential "ace in the hole" mentality, whereby the information of suspected wrongdoing is held for a time when A. Wittmer could "drop the bomb". I am also not ill-advised of the perception some officers have, regarding retaliation, when providing potentially damning information about a police officer of higher rank. It still remains that police officers are hired and entrusted to do the right and ethical thing at all times, regardless of the condemnation that they may face by their peers or others.

The below policies are provided for your review regarding the actions of Officer A. Wittmer during this situation:

A-9, III, D, 5

When personnel observe conditions of conduct that warrant inquiry or investigation, they shall make a report, either through the officer's chain of command to the Chief of Police, or the Administrative Operations Deputy Chief, or their designee.

A-26, II, I, 1

Reporting Known Misconduct

Just as officers and civilians are required to report unlawful, unjust, or improper orders, they are also bound by ethics, morals and pride in themselves and the Department to immediately report any misconduct on the part of fellow employees or officers that they become aware of. Employees who knowingly fail to immediately report such misconduct discredit themselves and the Department.

Duty to Report All Crimes, Incidents, Information

Officers receiving or possessing facts or information relative to a criminal offense or case, shall not retain such facts or information because of improper motives, desire for personal credit, or aggrandizement, but shall report such facts or information promptly through official channels.

I do believe that this entire matter could have easily been avoided had Former Chief Sweeney advised the City Manager of what had transpired back in April of 2015. The fact that it was not reported and that it was kept as secret as possible from City Administration and Administrative Operations (Internal Affairs) is what truly leads to doubt regarding the handling of the situation.

I agree with Asst. City Manager Bauer's recommendation on policy implementation to cover incidents such as these in the future. There should be specific rules not only regarding the reporting of suspected misbehavior of Patrol Officers, however also suspected misbehavior by Supervisors, Command Officers and the Chief of Police.

In Recommendation #2 by Asst. City Manager Bauer, I would also add language similar to the following:

"If the allegation of suspected misconduct or criminal law violation involves the ranking officer of the Administrative Operations Division, the information should be reported to an alternate Deputy Chief and the Chief of Police. Nothing shall prohibit a member of the Police Department from making report of suspected criminal violation or policy violation, on the part of an officer or civilian, directly to the City Manager's Office."

I would additionally add a City Wide Administrative Policy regarding those situations in which an employee has information which could be viewed as having the potential to negatively impact the image of the City or the Department for which they work. This information should be reported to the Manager's Office via the employees' Chain of Command, unless the information is pertaining to an employee who is within that Chain of Command, in which case direct reporting to the City Manager's Office is authorized.

It is my opinion that DC Moore and DC Getz should receive Counseling regarding their handling of the alleged Retail Theft situation involving the Chief's spouse, considering the policies I quoted. They both had good intentions, in my opinion, to help identify the female in custody and in informing the Loss Prevention Staff to handle the situation according to their normal protocol. Had they, however, contacted the Emergency Communications Center to have a Call for Service entered into CAD, had a patrol officer been detailed and had they let the patrol officer handle the situation as a matter of routine, any accusation of impropriety could have certainly been eliminated. They could have also summoned a Deputy from the MCSO to handle the incident as well to avoid any implication of impropriety.

It is my opinion that Officer A. Wittmer should receive a Department Letter of Reprimand for his handling of this situation, considering the above policies I quoted. Officer Wittmer obtained word of mouth information from Kroger Loss Prevention, as well as a surveillance video, regarding an alleged retail theft committed by the Chief's wife. He knew her to not be arrested for the incident.

In his own words, Officer Wittmer considered DC Moore and DC Getz' handling of the retail theft as potentially "inappropriate" or misconduct. He failed to report this information in a timely manner, instead he held onto the information for months in an attempt to investigate the situation himself and/or to have a "bomb" he could drop if needed. He also insinuated to fellow officers that he had information concerning misconduct by high ranking police officials, rather than simply report what he had so that it could be investigated.

Respectfully Submitted,

David T. Dickerson

David Dickerson

Deputy Chief - Administrative Operations