

BEFORE THE HEARING BOARD
OF THE
ILLINOIS ATTORNEY REGISTRATION
AND
DISCIPLINARY COMMISSION

FILED
6/24/2022 10:07 AM
ARDC Clerk

In the Matter of:)	
ALISON MARIE YOHANNA,)	
)	
Attorney-Respondent,)	Commission No. 2022PR00049
)	
No. 6298166.)	

RESPONDENT ALISON MARIE YOHANNA ANSWER TO COMPLAINT

Now comes, Respondent, Alison Mari Yohanna by and through his attorney, Elizabeth A. Granoff, who admits that she was licensed to practice law in the State Illinois on April 21, 2009, but denies the conclusory portions of the remaining allegations of the prefatory paragraph and answers as follows:

ANSWER

(Each allegation of the Complaint is restated first, then Respondent's Answer)

ALLEGATIONS COMMON TO ALL COUNTS

1. In July of 2017, after completing a six-week training program, Respondent began her employment as an investigator for the Civilian Office of Police Accountability (“COPA”), then known as the Independent Police Review Authority (“IPRA”)¹, which served as the oversight agency of the Chicago Police Department (“CPD”). COPA was responsible for receiving and investigating complaints against CPD members alleging domestic violence, excessive force, coercion, or verbal abuse.

¹ On October 5, 2016, the Chicago City Council passed an ordinance to establish COPA, which officially replaced the IPRA in September of 2017.

Answer: Respondent admits the allegations contained in Paragraph One.

2. COPA investigators, while performing their duties, had access to COPA's Citizen and Law Enforcement Analysis and Reporting ("CLEAR") database, a criminal justice information system that automates reports generated by CPD personnel, the access to which CPD grants to various agencies in Illinois.

Answer: Respondent admits the allegations contained in Paragraph Two.

3. At the time Respondent became a COPA investigator, she signed an Employment Agreement, which included COPA's Confidentiality and Non-Disclosure Agreement, its Conflict of Interest and Recusal Policy and Statement, and the CLEAR User Policy. COPA's Confidentiality and Non-Disclosure Agreement provided, in pertinent parts:

Each member of the Civilian Office of Police Accountability (COPA) is responsible for ensuring the confidentiality of all matters investigated by COPA and any and all information and material generated by COPA, obtained or reviewed pursuant and related to those matters, and COPA's duties and responsibilities to provide oversight of the Chicago Police Department (CPD)...

...These responsibilities require that **ALL** information gathered during the course of a **COPA** investigation **MUST** remain confidential and **MUST NOT** be disseminated to persons not entitled to receive such information...

...A breach of these policies can call into question the integrity of a particular investigation and COPA as a whole. (emphasis in original)

The Conflict of Interest and Recusal Policy and Statement provided, in pertinent part:

I understand and acknowledge that I must immediately disclose in writing to my supervisor and COPA's Ethics Officers the acquisition, development or discovery of any actual or potential conflict of interest of the nature listed in paragraph (2) above. (emphasis in original)

The CLEAR User Policy provided, in pertinent parts:

A. I will use CLEAR exclusively and strictly for COPA business purposes only, including but not limited to:

- i. Activity meant to further the investigative work of COPA;
- ii. Accessing necessary CPD records relating to a COPA investigation;
- iii. Accessing a CPD member's contact information in order to notify the member of a scheduled interview or to search a CPD member's disciplinary background;
- iv. Maintaining and updating COPA electronic investigative files;
- v. To comply with a subpoena, FOIA request or info request served on COPA; and
- vi. To obtain and supply information necessary for COPA operations, such as complaint volume or investigation caseloads.

Answer: Respondent admits the allegations contained in Paragraph Three.

4. As an employee of the City of Chicago, Respondent was a public employee and was subject to the City of Chicago's Personnel Rules. At all times relevant to this complaint, the following City of Chicago Personnel Rules were in effect:

The City's Personnel Rule XVIII, Section I, prohibits the following conduct:

Subsection 15: Engaging in any act or conduct prohibited by the Municipal Code of the City of Chicago, the Illinois Compiled Statutes, and applicable laws of other states, or federal statutes.

Subsection 19: Theft or unauthorized possession of City of Chicago or other public property, or use of such property for unauthorized purposes; having other City employees perform services or directing other City employees to perform services for

unauthorized purposes or accepting the benefits of such performance.

Subsection 20: Retaliation against an employee who reasonably and in good faith has filed a grievance, charge or complaint regarding the terms and conditions of employment; and/or against an employee who has properly testified, assisted or participated in any manner in an investigation, proceeding or hearing regarding such grievance, charge or complaint.

Subsection 33: Interfering with others on the job.

Subsection 44: Violation of confidentiality of personnel records of City employees or other municipal records.

Subsection 48: Violating any departmental regulations, rules or procedures.

Subsection 50: Conduct unbecoming an officer or public employee.

Answer: Respondent admits the allegations contained in Paragraph Four.

COUNT I

(Unauthorized access and improper use of the CLEAR database)

5. At the time Respondent began her employment at COPA, she was in a romantic relationship with CPD officer Joseph Rasso (“Officer Rasso”).

Answer: Respondent admits the allegations contained in Paragraph Five.

6. Between December 2017 and December 2018, while still in a romantic relationship with Officer Rasso, Respondent searched and accessed the CLEAR database records pertaining to investigations into Officer Rasso 32 times without authorization.

Answer: Respondent admits that she was in a romantic relationship with Officer Rasso and admits accessing the CLEAR database records pertaining into investigations allegations but denies the amount of times alleged and requires strict proof thereof.

7. Respondent’s access into Officer Rasso’s records in CLEAR represented a conflict of interest, which she did not disclose to her supervisor or to any COPA Ethics Officer as required by COPA’s Conflict of Interest and Recusal Policy and Statement.

Answer: Respondent admits the allegations contained in Paragraph Seven. .

8. Between December 2017 and December 2018, Respondent also searched and accessed in the CLEAR database other CPD officers with the last name “Rasso” 23 times, including accessing records related to Officers James Rasso and Mary Rasso, eight and four times, respectively.

Answer: Respondent admits searching the CLEAR database other CPD officers with the last name “Rasso” but denies that amount of time alleged and requires strict proof thereof.

9. Between December 2017 and December 2018, Respondent searched for her brother, also a CPD police officer, in the CLEAR database 13 times and accessed his records pertaining to investigations into him 10 times.

Answer: Respondent admits searching the CLEAR database for her brother, also a CPD police officer, but denies that amount of time alleged and requires strict proof thereof.

10. Respondent's access into her brother's records in the CLEAR database represented a conflict of interest, which she did not disclose to her supervisor or to any COPA Ethics Officer as required by COPA's Conflict of Interest and Recusal Policy and Statement.

Answer: Respondent admits the allegations in Paragraph 10.

11. Respondent was not assigned the investigations involving any of the officers described in paragraphs 5 to 10, above, and did not have any official purpose to search and access those records. Her access to those records was in violation of the COPA Confidentiality and Non-Disclosure Agreement, the Conflict of Interest and Recusal Policy and Statement, and the CLEAR User Policy.

Answer: Respondent denies that she was not assigned to investigations of these officers and demands strict proof thereof but admits the remaining statements in paragraph Eleven.

12. Respondent knew that it was a violation of the COPA Confidentiality and Non-Disclosure Agreement, the Conflict of Interest and Recusal Policy and Statement, and the CLEAR User Policy for her to search and access the records pertaining to the CPD officers described in paragraphs 5 to 10, above, at the time she searched and accessed them because she was not assigned as part of the investigative staff to cases involving those officers.

Answer: Respondent admits the allegations contained in Paragraph Twelve.

13. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, by conduct including searching for, and accessing, records in the CLEAR database in cases pertaining to CPD officers to which she was not assigned, including cases involving her then-boyfriend and her

brother, in violation of COPA's Confidentiality and Non-Disclosure Agreement, the Conflict of Interest and Recusal Policy and Statement, the CLEAR User Policy, and in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

Answer: Respondent denies each and every allegation in Paragraph 13 (a). These statements are not allegations of fact but are conclusions of law which the Administrator must prove to the Hearing Board by clear and convincing evidence.

COUNT II

(Making a false mass shooting report against a co-worker)

14. The Administrator re-alleges and incorporates paragraphs 1 through 12 above.

Answer: Respondent admits that the Administrator realleges the allegations in Paragraph 1 through 12 above.

15. During the events described in this count of the complaint, there was a statute in effect in Illinois, 720 ILCS §5/26-1(a)(4), that made it a crime for a person to commit disorderly conduct by transmitting or causing to transmit in any manner to any peace officer, public officer or public employee a report to the effect that an offense will be committed, is being committed, or has been committed, knowing at the time of the transmission that there is no reasonable ground for believing that the offense will be committed, is being committed, or has been committed.

Answer: Respondent admits the allegations contained in Paragraph Fifteen.

16. During the events described in this count of the complaint, there was a statute in effect in Illinois, 720 ILCS §5/33-3(a)(2), that made it official misconduct for any public employee to knowingly perform an act which he knows he is forbidden by law to perform.

Answer: Respondent admits the allegations contained in Paragraph Sixteen.

17. Between July 2018 and December 2018, Respondent improperly accessed 12 times in the CLEAR database case log #1087843², which was an investigation into Chicago Police Department (“CPD”) officers who responded to an incident at a bar during which an off-duty CPD officer was involved in an altercation with two other patrons. One of the officers dispatched to the bar was Respondent’s then-boyfriend, Officer Joseph Rasso (“Rasso”).

Answer: Respondent admits improperly accessing CLEAR data base. Respondent has insufficient evidence to determine if that was log #1087843 but denies the amount of times and demands strict proof thereof. Respondent admits the other statements in Paragraph 17.

² The improper access of these records is incorporated into Count I of this complaint, detailed in paragraphs 5 to 10.

18. Respondent was not among the investigative staff assigned to case log #1087843.

Answer: Respondent has insufficient evidence to admit or deny whether she was assigned to this case log.

19. COPA concluded its investigation of case log #1087843 and issued a summary report of its findings on October 25, 2018 (“Summary Report”)³.

Answer: Respondent has insufficient evidence to admit or deny the allegations in Paragraph Nineteen.

20. On or about November 14, 2018, Respondent accessed and read the Summary Report and discussed its findings with her co-worker, COPA investigator Garrett Schaaf (“Schaaf”).

Answer: Respondent has insufficient evidence to admit or deny the allegations in Paragraph Twenty.

21. Sometime in late November 2018, after November 14, 2018, Schaaf discussed the findings of the COPA’s Summary Report in case log #1087843 with COPA Supervising Investigator Matthew Haynam (“Haynam”). Haynam knew that Schaaf was not among the investigative staff assigned to log #1087843 and inquired as to how Schaaf had come to learn of the findings of the Summary Report. Haynam learned from Schaaf that Respondent provided a copy of the Summary Report for Schaaf to read. Haynam also learned from Schaaf that Respondent was, at the time, involved in a romantic relationship with one of the officer under investigation, Officer Rasso.

Answer: Respondent has insufficient evidence to admit or deny the allegations in Paragraph Twenty One.

22. Haynam subsequently reported the information he learned from Schaaf to Respondent’s supervisor, Loren Seidner, and his own supervisor, Deputy Chief Andrea Kersten.

³ The Summary Report recommended a five-day suspension be issues against Officer Rasso, a recommendation with which Respondent disagreed.

Answer: Respondent has insufficient evidence to admit or deny the allegations in Paragraph Twenty Two.

23. On December 14, 2018, COPA's general counsel referred Respondent's improper access to the CLEAR database to the Office of Inspector General ("OIG") requesting that an investigation be conducted. On that same day, Respondent was notified of the existence of the OIG's investigation and reassigned to administrative duty on a different floor of COPA's office.

Answer: Respondent has insufficient evidence to admit or deny the first sentence in Paragraph Twenty Three. Respondent admits that she was notified of OIG's investigation and reassigned to administrative duty on a different floor of COPA's office.

24. By December 28, 2018, Respondent had not yet been informed of the nature of the OIG's investigation but had suspected that Schaaf was the person who reported her to the OIG. As a result of her suspicion, Respondent became angry with Schaaf.

Answer: Respondent has insufficient evidence to admit or deny the allegations in the first sentence of Paragraph 24. Respondent admits the last sentence of Paragraph 24.

25. On December 28, 2018, Respondent submitted an anonymous complaint to OIG from her work computer which stated the following:

COPA Investigator Garrett Schaaf has been carrying a firearm to the office. He is not allowed to have a gun at the office. Even if he is legally registered. He has been planning on carrying out a mass shooting here. He has also told me that he plans on shooting everyone in the Intake area first because of the way the office is designed. The people that work in that section would have no way to escape. He last told me about his plan on Christmas Eve.

In that complaint, Respondent listed another COPA investigator, Emily Pierce ("Pierce"), as a witness.

Answer: Respondent admits the allegations in Paragraph 25.

26. As a result of Respondent's anonymous complaint, the OIG called 911. Police units were dispatched to both the COPA office and the OIG's office. After interviewing witnesses at the scene, including Pierce and Schaaf, the responding units determined the area to be safe.

Answer: Respondent has insufficient evidence to admit or deny the allegations in Paragraph Twenty Six.

27. Respondent's statements to the OIG in her anonymous complaint in paragraph 25, above, were false and Respondent knew they were false because Schaaf never told Respondent that he had planned on shooting anyone in the office, and she had never observed Schaaf with a firearm.

Answer: Respondent admits the allegations in Paragraph Twenty Seven.

28. At the time she submitted the anonymous complaint to the OIG, Respondent did not have reasonable grounds to believe that a mass shooting was about to be committed.

Answer: Respondent admits the allegations in Paragraph Twenty Eight.

29. On January 17, 2019, the OIG concluded its investigation into Respondent's conduct and, in its report, found that Respondent had committed disorderly conduct, official misconduct, retaliation toward a coworker for cooperating with an OIG investigation, and violated certain provisions of the City of Chicago Personnel Rules⁴. The OIG also concluded that Respondent searched the CLEAR database and accessed certain records without authorization or permission.

Answer: Respondent admits the allegations in Paragraph Twenty Nine.

30. On February 13, 2019, a Cook County Grand Jury indicted Respondent on three felony counts: official misconduct by committing disorderly conduct, in violation of 720 ILCS §33-3(a)(2); official misconduct by committing an act in excess of her lawful authority, in violation of 720 ILCS §33-3(a)(3); and disorderly conduct, in violation of 720 ILCS §26-1(a)(4). The Clerk of the Circuit Court of Cook County docketed that matter as People v. Yohanna, 19 CR 2254.

⁴ See ¶ 4 of Common Allegations.

Answer: Respondent admits the allegations in Paragraph Thirty.

31. In March of 2019, Respondent received notification of termination of her employment due to her unauthorized access to the COPA computer system and was offered the opportunity to voluntarily resign.

Answer: Respondent admits the allegations in Paragraph Thirty One.

32. In April of 2019, Respondent resigned from her employment at COPA.

Answer: Respondent admits the allegations in Paragraph Thirty Two.

33. On January 22, 2020, Respondent entered into a deferred prosecution agreement with the State in case number 19 CR 2254. As part of the agreement, the State dismissed two of the three charges in case number 19 CR 2254.

Answer: Respondent admits the allegations in Paragraph Thirty Three.

34. On September 9, 2020, the Court dismissed the final charge pending against Respondent in case number 19 CR 2254.

Answer: Respondent admits the allegations in Paragraph Thirty Four.

35. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. committing criminal acts that reflect adversely on her fitness to practice law, by committing disorderly conduct by transmitting a report to the OIG that a mass shooting will be committed without reasonable grounds for believing so, and by committing official misconduct as a public employee to perform an act which she knew she was forbidden by law to perform, in violation of 720 ILCS §5/26-1(a)(4) and 720 ILCS §5/33-3(a)(2) of the Illinois Criminal Code and in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010);
- b. engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, by conduct including submitting a false mass shooting threat to the OIG against Schaaf when she knew that Schaaf, at no point, told her that he planned to shoot anyone at the office, in violation of City of Chicago's

Personnel Rules and in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010); and

- c. conduct that is prejudicial to the administration of justice, by conduct including reporting a false mass shooting threat to the OIG against Schaaf, causing police to be dispatched, and causing the state to file criminal charges against her, in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

Answer: Respondent denies each and every allegation in Paragraph 35 (a)- (c). These statements are not allegations of fact but are conclusions of law which the Administrator must prove to the Hearing Board by clear and convincing evidence.

WHEREFORE, the Administrator respectfully requests that this matter be assigned to a panel of the Hearing Board, that a hearing be held, and that the panel make findings of fact, conclusions of fact and law, and a recommendation for such discipline as is warranted.

Very Truly Yours,



Elizabeth A. Granoff