

**BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO**

**IN THE MATTER OF CHARGES FILED AGAINST )**  
**POLICE OFFICER ADIS KLINCEVIC, )** **No. 13 PB 2846**  
**STAR No. 18392, DEPARTMENT OF POLICE, )**  
**CITY OF CHICAGO, )**  
**RESPONDENT. )** **(CR No. 1057923)**

**FINDINGS AND DECISION ON REMAND**

On December 4, 2013, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Adis Klinecivic, Star No. 18392 (hereinafter sometimes referred to as “Respondent”), recommending that the Respondent be discharged from the Chicago Police Department for violating the following Rules of Conduct:

- Rule 1: Violation of any law or ordinance.
- Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 6: Disobedience of an order or directive, whether written or oral.

The Police Board caused a hearing on these charges against the Respondent to be had before Jacqueline A. Walker, Hearing Officer of the Police Board, on August 12, August 26, and October 1, 2014. Following the hearing, the members of the Police Board read and reviewed the record of the proceedings and viewed the video-recording of the testimony of the witnesses. Hearing Officer Walker made an oral report to and conferred with the Police Board before it rendered its findings and decision.

On December 11, 2014, the Police Board: (1) granted the Respondent’s Motion to Suppress evidence resulting from a non-random drug test, finding that the Police Department did not have a reasonable suspicion that the Respondent was using illegal drugs, and determining

that the results of the drug test must be excluded as evidence in this case; and (2) found the Respondent not guilty of violating Rules 1, 2, and 6.

The Superintendent filed a petition for administrative review in the Circuit Court of Cook County, Chancery Division, seeking reversal of the Board's Findings and Decision. On September 3, 2015, the Court issued a Memorandum Opinion and Order concluding that although the Board did not err in finding that the Department lacked reasonable suspicion to compel the drug test, the Board's decision to grant the Respondent's Motion to Suppress was contrary to law. The Court remanded the case to the Board with instructions to consider the previously suppressed evidence and any other evidence that the Board deems fit.

### **POLICE BOARD FINDINGS ON REMAND**

The Police Board, as a result of its further consideration of this matter in accordance with the Court's Order, finds and determines that:

1. The Respondent, Police Officer Adis Klinecivic, Star No. 18392, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,

in that the Superintendent proved by a preponderance of the evidence the following charge:

On or about October 22, 2012, Police Officer Adis Klinecivic rendered a urine specimen that contained one or more of the following: nandrolone metabolites, fluoxymesterone metabolites, boldenone metabolites, trenbolone metabolites, drostanolone metabolites, and/or stanozolol metabolites; thus he possessed one or more anabolic steroids on or before October 22, 2012, in violation of Chapter 720 of the Illinois Compiled Statutes, Section 570/402(d).

Expert witness testimony was obtained by the Department from Dr. R. H. Barry Sample, Director of Science and Technology for Employer Solutions of Quest Diagnostics, that no irregularities were noted in the standard operating procedures or policies as to the analysis,

review, or chain of custody of the specimen tested. He testified that the initial testing of the specimen used to detect anabolic steroids was GC/MS. He explained further that this initial GC/MS testing consisted of a gas chromatograph used to separate constituents in the sample, coupled with a mass spectrometer that is used to specifically identify and quantify the drug metabolites that may be in the sample.

Dr. Sample also testified that by using this widely acceptable testing method, the specimen that was identified as belonging to Officer Klinecivic screened positive for the following : Boldenone metabolite; Drostanolone or Dromostanolone and/or its metabolite; Fluoxymesterone metabolite; Nandrolone metabolite; Oxandrolone and/or its metabolite; Stanozolol metabolite and Trenbolone metabolite.

Additional testimony was adduced from Dr. Sample that the anabolic steroid Trenbolone is only used by veterinarians; Boldenone is injected into animals; Drostanolone is not available in the United States, and the remaining steroids that were detected require prescriptions to be obtained.

The Respondent called Dr. Mark H. Levy, as Officer Klinecivic's treating physician, in defense to the charges against Officer Klinecivic. Dr. Levy testified that during the relevant period of time he was treating Officer Klinecivic for a testosterone related problem, and incident to this complaint he prescribed certain medications to Officer Klinecivic.

In response to cross-examination by the Department, Dr. Levy testified that he was adjusting certain levels of steroids that Officer Klinecivic was already taking before Officer Klinecivic sought Dr. Levy's services. He testified additionally that he did not prescribe any of the steroids for which Officer Klinecivic tested positive. He further testified that erectile

dysfunction, the condition for which he was treating Officer Klinecivic, is a symptom that manifests itself when steroids use is being abused.

The totality of Dr. Levy's testimony failed to contradict that of Dr. Sample that Officer Klinecivic's urine specimen when tested indicated the presence of the anabolic steroids noted.

Additionally, the Respondent called Dr. Shirley Ann Conibear as a witness, who testified that she serves as a medical review officer for the City of Chicago. Her testimony revealed that she reviewed a list of supplements provided to her that Officer Klinecivic was taking during the relevant period of time. Dr. Conibear testified further that the report she compiled following the review of these supplements concluded that the use of these supplements could not have resulted in a false reading of the anabolic steroids testing that was conducted by Quest Diagnostics on Officer Klinecivic's specimen.

Again the testimony of the Respondent's witness did not refute that of Dr. Sample as to the results of the testing of Officer Klinecivic's urine specimen and the results indicating the presence of anabolic steroids.

Finally, to bolster the Department's case, Dr. Conibear was called by the Department in rebuttal as an expert witness in the area of occupational medicine. She confirmed that the medication prescribed for Officer Klinecivic by Dr. Levy for his testosterone treatment were United States Pharmacia (UPS) Standard, and therefore were 97% pure and would not have contributed to the positive reading for steroids as found in the testing of Officer Klinecivic's specimen.

The combination of the testimony of both Dr. Sample and that of Dr. Conibear, and the failure of Respondent's witness, Dr. Levy, to counter their testimony, overwhelmingly supports the conclusion that Officer Klinecivic had the noted anabolic steroids in his system during the

relevant period charged, and that Officer Klinecic ingested these steroids in violation of the statute as charged.

2. The Respondent, Police Officer Adis Klinecic, Star No. 18392, charged herein, is **guilty** of violating, to wit:

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

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count I: On or about October 22, 2012, Police Officer Adis Klinecic rendered a urine specimen that contained one or more of the following: nandrolone metabolites, fluoxymesterone metabolites, boldenone metabolites, trenbolone metabolites, drostanolone metabolites, and/or stanozolol metabolites, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

See the findings set forth in paragraph no. 1 above, which are incorporated here by reference.

3. The Respondent, Police Officer Adis Klinecic, Star No. 18392, charged herein, is **guilty** of violating, to wit:

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

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count II: In or around 2012, Police Officer Adis Klinecic ingested and/or used or otherwise absorbed into his body supplements and/or veterinary pharmaceuticals containing metabolic precursors to anabolic steroids and/or anabolic steroids, and/or he ingested and/or used or otherwise absorbed into his body anabolic steroids, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

See the findings set forth in paragraph no. 1 above, which are incorporated here by reference.

4. The Respondent, Police Officer Adis Klinecic, Star No. 18392, charged herein, is **guilty** of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count I: On or about October 22, 2012, Police Officer Adis Klinecic rendered a urine specimen that contained one or more of the following: nandrolone metabolites, fluoxymesterone metabolites, boldenone metabolites, trenbolone metabolites, drostanolone metabolites, and/or stanozolol metabolites, thereby violating Employee Resource E01-09, Section II(B).

See the findings set forth in paragraph no. 1 above, which are incorporated here by reference.

5. The Respondent, Police Officer Adis Klinecic, Star No. 18392, charged herein, is **guilty** of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count II: In or around 2012, Police Officer Adis Klinecic ingested and/or used or otherwise absorbed into his body supplements and/or veterinary pharmaceuticals containing metabolic precursors to anabolic steroids and/or anabolic steroids, and/or he ingested and/or used or otherwise absorbed into his body anabolic steroids, thereby violating Employee Resource E01-09, Section II(B).

See the findings set forth in paragraph no. 1 above, which are incorporated here by reference.

6. The Police Board has considered the facts and circumstances of the Respondent's conduct, the evidence presented in defense and mitigation, and the Respondent's complimentary

and disciplinary histories.

Notwithstanding the Respondent's years of service to the Department, his having no disciplinary history, and his numerous awards (including the Superintendent's Award of Valor and two Life Saving Awards), the Police Board determines that the Respondent must be discharged from his position for possessing and ingesting illegal steroids, for he engaged in the illegal use of drugs in violation of the Police Department's Rules of Conduct and the law of the State of Illinois that he swore to uphold as a Chicago police officer.

Illegal drug use by police officers is inconsistent with the goals of the Police Department, and undermines the Department's ability to carry out its mission to maintain peace and order, and to prevent crime stemming from illegal drug use and drug dealing. The use of illegal drugs by officers increases the risk that they will not have the physical stamina and psychological stability to properly perform their job, and increases the risk that officers will become involved with a person or enterprise engaged in the illegal sale, delivery, manufacture, purchase, or possession of illegal drugs.

The Board finds that the Respondent's conduct is sufficiently serious to constitute a substantial shortcoming that renders his continuance in his office detrimental to the discipline and efficiency of the service of the Chicago Police Department, and is something which the law recognizes as good cause for his no longer occupying his office.

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**POLICE BOARD DECISION ON REMAND**

The Police Board of the City of Chicago, having read and reviewed the record of proceedings in this case, having viewed the video-recording of the testimony of the witnesses, having received the oral report of the Hearing Officer, having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, and having considered this matter in accordance with the Court's Order, hereby adopts the findings set forth herein by the following votes:

By votes of 7 in favor (Lori E. Lightfoot, Ghian Foreman, Melissa M. Ballate, William F. Conlon, Rita A. Fry, John H. Simpson, and Rhoda D. Sweeney) to 0 opposed, the Board finds the Respondent **guilty** of violating Rule 1, Rule 2, and Rule 6.

As a result of the foregoing, the Board, by a vote of 7 in favor (Lightfoot, Foreman, Ballate, Conlon, Fry, Simpson, and Sweeney) to 0 opposed, hereby determines that cause exists for discharging the Respondent from his position as a police officer with the Department of Police, and from the services of the City of Chicago.

**NOW THEREFORE, IT IS HEREBY ORDERED** that the Respondent, Police Officer Adis Klinecivic, Star No. 18392, as a result of having been found **guilty** of all charges in Police Board Case No. 13 PB 2846, be and hereby is **discharged** from his position as a police officer with the Department of Police, and from the services of the City of Chicago.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Lori E. Lightfoot, Ghian Foreman, Melissa M. Ballate, William F. Conlon, Rita A. Fry, John H. Simpson, and Rhoda D. Sweeney.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 19<sup>th</sup> DAY OF MAY, 2016.



Police Board Case No. 13 PB 2846  
Police Officer Adis Klinevic

Attested by:

/s/ LORI E. LIGHTFOOT  
President

/s/ MAX A. CAPRONI  
Executive Director

**DISSENT**

The following members of the Police Board hereby dissent from the Findings and Decision of the majority of the Board.

[None]

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THESE FINDINGS AND DECISION

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

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EDDIE T. JOHNSON  
Superintendent of Police