

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

<b>IN THE MATTER OF CHARGES FILED AGAINST )</b>		
<b>POLICE OFFICER THOMAS D. McNICHOLS, )</b>		<b>No. 24 PB 3038</b>
<b>STAR No. 3051, DEPARTMENT OF POLICE, )</b>		
<b>CITY OF CHICAGO, )</b>		
<b>RESPONDENT. )</b>		<b>(CR No. 1088395)</b>

**FINDINGS AND DECISION**

On March 15, 2024, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Thomas D. McNichols, Star No. 3051 (“Respondent”), recommending that Respondent be discharged from the Chicago Police Department (“Department” or “CPD”) for violating CPD’s Rules of Conduct.

A hearing on the charges against Respondent took place before Hearing Officer Michael Panter on June 9 – 11, 2025. Following this evidentiary hearing, the members of the Police Board who participated in deciding this case read and reviewed the record of the proceedings, including the Hearing Officer’s Report and the Superintendent’s response to this report (Respondent did not file a response), and viewed the video recording of the entire evidentiary hearing. The Hearing Officer made an oral report to and conferred with the Board before it rendered its findings and decision.

During the proceedings of this case, from the filing of charges through the evidentiary hearing, the Hearing Officer made rulings and entered orders. None of the Hearing Officer’s rulings and orders is overruled or reversed.

## **POLICE BOARD FINDINGS**

As a result of its review of the record of proceedings, the Police Board finds and determines that:

1. Respondent was at all times mentioned herein a sworn officer of the CPD in the classified civil service of the City of Chicago.

2. A copy of the charges filed, and a notice stating the date, place, and time the initial status hearing would be held, were personally served upon Respondent on September 30, 2024.

3. At the time Respondent was personally served with the charges, he was presented with the options of electing to have a Police Board hearing or have public arbitration. On October 8, 2024, Respondent elected to have a Police Board hearing.

4. Throughout the hearing on the charges Respondent appeared and was represented by legal counsel.

### **Introduction**

5. In February 2018, CPD's Bureau of Internal Affairs (BIA) received an anonymous letter regarding Respondent's residence. Surveillance of Respondent began later that month. BIA's investigation into Respondent's residency included more than 180 hours and 63 covert surveillance sorties of six to eight officers in covert vehicles as well as documents and data from numerous sources. In July 2018, BIA concluded the investigation. Several years later, according to Respondent's testimony, he was stripped of his police powers after he passed the detective examination and right before he was

scheduled to begin detective training. Nearly six years after BIA concluded the investigation, in March 2024, charges were brought against Respondent.

### **Findings on the Charges Against Respondent**

6. Police Officer Thomas D. McNichols, Star No. 3051, is **not guilty** of violating Rules 1, 2, and 25 in that the Superintendent did not prove by a preponderance of the evidence the following charges set forth in Specification No. 1:

From on or about November 7, 2016, through at least on or about July 13, 2018, or for any period of time therein, Officer McNichols resided at [redacted], Lombard, Illinois. Officer McNichols thereby violated:

- a. Rule 1, which prohibits violation of any law or ordinance, in that he violated the Municipal Code of Chicago, Chapter 2-152, Section 050;
- b. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department; and
- c. Rule 25, which prohibits failure to actually reside within the corporate boundaries of the City of Chicago.

### **Applicable Law**

Section 2-152-050 of the Municipal Code of Chicago states "All officers and employees of the city shall be actual residents of the city." "Residency" is not defined by any rule or statute. Residency is a nuanced determination set out in case law. It is important to note that establishing residency and abandoning residency are two different propositions having differing requirements of proof. *Maksym et al. v. Board of Election Commissioners of the City of Chicago et al.*, an Illinois Supreme Court decision that

is the highest and most widely cited authority on residency, sets forth the following

“well-settled” principles:

First, to *establish* residency, two elements are required: (1) physical presence, and (2) an intent to remain in that place as a permanent home [citations omitted]. Second, once residency is established, the test is no longer physical presence but rather abandonment. Indeed, once a person has *established* residence, he or she can be physically absent from that residence for months or even years without having abandoned it[.] *Maksym et al. v. Board of Election Commissioners of the City of Chicago et al.*, 242 Ill.2d 303 at 319 (2011), quoting *Kreitz v. Behrensmeyer*, 125 Ill. 141, 195 (1888). (All emphasis in the original.) (*Maksym*’s continued reference to short absences is irrelevant to Respondent’s case.)

*Maksym* gives examples such as a Chicago resident who winters in Florida or someone working extensively abroad. Regardless of the amount of time spent away, both are still Chicago residents.

### **Establishment of Residency**

The first question is whether Respondent established residency in the City of Chicago. Respondent, who is 48 years old, was born at the family house at [redacted] in Chicago (“Chicago house”). The neighborhood is close, and all the families know each other. Respondent’s father was a long-serving police officer. Respondent and his younger brother grew up playing with the neighborhood kids. In 2003, Respondent became a police officer. He lived at home and then in a condominium in the city for a few years. In 2009, he had a daughter and became involved in a bitter custody dispute. He could not afford the condominium and surrendered it to the bank. Respondent’s parents had been renting out the top floor of their house in Chicago as a separate

apartment with a separate entrance and they made it available to Respondent. He moved into the top floor of the Chicago house where his grandmother used to live and testified he has never left. Shortly after, he met [K.], who was also embroiled in a custody battle for her daughter. [K.] was living in Villa Park. She had grown up a “military brat” with a father who was often absent, and they moved frequently. She and Respondent hit it off right away and they are still together. Both the other biological parents left, and Respondent and [K.] became mother and father to two young daughters. It is undisputed they maintained separate residences at the Chicago house and in Villa Park.

Respondent and [K.] wanted children of their own. Respondent is a devout Catholic and in 2011 [K.] also became Catholic. They decided they needed to be married before having children. Respondent’s daughter was living with Respondent at the Chicago house and he obtained full custody in 2014 when she was about five years old. After considering the possible living arrangements, Respondent and [K.] decided to try to maintain their separate residences after marriage. Both enjoyed where they were living and felt they could maintain their relationship and co-parent. [K.]’s daughter has special needs that were being met at her local school and her biological father had visitation rights and opposed her moving to the city. [K.] was fine with continuing their separate living arrangement and they were married in 2015. Respondent’s daughter loved living with Respondent at the Chicago house. It is undisputed that Respondent was a Chicago resident from 2003 at least through to 2016.

The Board finds that Respondent established residency in the City of Chicago. He was a Chicago resident when he became a Chicago police officer in 2003 and he continued to be a Chicago resident up to November 2016.

### **Question of Abandonment**

In 2016, [K.] had mold in her apartment and wanted a house. She asked Respondent to help her. Together, they bought 318 North Edgewood in Lombard ("Lombard") in November 2016. Respondent's name is on the mortgage at Lombard.

In light of the Board's finding that Respondent established residency in Chicago and the principles of *Maksym*, Specification No. 1 above, "From on or about November 7, 2016, through at least on or about July 13, 2018, or for any period of time therein, Officer McNichols resided at [redacted], Lombard, Illinois" means the Superintendent must prove by a preponderance of the evidence that Respondent abandoned his Chicago residence and changed his residence to Lombard, not merely that he lived in Lombard or visited for periods of time. The Board finds that the Superintendent did not meet this burden.

It is clear that Respondent visited Lombard often and spent a considerable amount of time there. In 2018, the Superintendent undertook this residency investigation. The surveillance conducted by CPD covers thirty-eight days from February 2018 through July 6, 2018. All surveillance reports offered were admitted into evidence for the Board's review as well as photographs and video recordings.

Surveillance did not distinguish time off. All time, on and off work, and furloughs were surveilled. Those surveillance reports confirm that Respondent drove to and from Lombard on many occasions. His car was seen there and he was seen there. The total amount or the percentage of time Respondent spent at Lombard was never tallied, but it was a lot of time. On a couple of occasions, he went to the mailbox at Lombard. Once he was seen hosing down pavers, and once he sprayed weed killer and once pulled some weeds. Once he brought in food in a red-hot bag. He took in packages a few times. He was seen in the house watching TV in a “white sleeveless t-shirt and red bottoms,” confirmed by video. He was observed pumping gas in Villa Park on his way to work. He stopped at the Dunkin’ Donuts in Elmhurst. Once, he went to a nearby CVS. Sometimes he wore his uniform back and forth. Interactions with his wife and children were recorded. In addition to the surveillance results, the Superintendent noted a decline in electricity usage at the Chicago house after the purchase of the Lombard house.

Respondent’s daughter considered [K.] her real mother and moved into Lombard to live with [K.] and [K.]’s biological daughter. Also in 2016, Respondent and [K.] had a daughter and [K.] quit work. That same year, Respondent’s mother was diagnosed with Leukemia and his father was diagnosed with MS. Both needed Respondent to help with home care at the Chicago house. In 2018, Respondent had one of his seven work-related surgeries. He was placed on Alternative Response for part of that year, and his work schedule was a little less demanding. Respondent and [K.] had a

son in 2019 and Respondent's father needed end-of life care that year. After he died, Respondent's mother continued to live alone in the downstairs apartment at the Chicago house. [K.] and the four children lived and still live at Lombard. Respondent testified he has continued to live at the Chicago house throughout.

Respondent frequently visited the family at Lombard. [K.] and the children came to the Chicago house to be with him at times. They would also meet in between. Now that Respondent's daughter can drive, she no longer has to ask [K.] to take her to her dad's house. Respondent talks and Face-times often with them. Respondent had sufficient seniority to choose his shift, and he chose to work midnights. When he finished his shift, he tried to go to Lombard to see the kids when they got up and sometimes take them to school. During the day, he would sleep, do errands, work out, go to the kids' school activities, and sometimes pick them up. He could return and put them to bed. Some nights he lies down with [K.] and the baby until they fall asleep. Sometimes he had to stop back at the Chicago house to change. He goes to church with the kids. He tried to spend as much time with his family as he could. When not with them, he often had dinner with his parents at the Chicago house. While he wanted to live with his wife and children, and sometimes missed them very much, he also appreciated having his own place. Some nights, he has to work late. Some nights he is exhausted from work and just wants to go home.

[K.] handles the finances and pays two thirds of the family bills from Respondent's income. She has a small business and works at the children's school and



church. Respondent testified that the first part of 2018 was unusual because he had had surgery for a work-related injury and was on Alternate Response. Both his and [K.]’s parents were sick, and [K.] was on medication for depression. Respondent’s disability freed up more of his time and allowed him to visit Lombard more often. He said his schedule went back to normal later that year.

As noted above, according to the Illinois Supreme Court in *Maksym*, once residency is established the issue becomes one of abandonment and physical presence is no longer the test. A person can be physically absent from a residence for an extended period of time without having abandoned that residence. While Respondent visited Lombard often and spent a great deal of time there, the Board finds that the Superintendent has not carried the burden of proving that Respondent abandoned his Chicago residence and changed his residence to Lombard.

Respondent’s home in Chicago is filled with his furniture, appliances, clothing, awards, memorabilia, and “The Nerderly” which is the computer set-up, gaming table, *Warhammer* figurines, and extensive library of video games that he and his friends and brother often play. He calls himself a “degree chaser,” has multiple undergraduate and graduate degrees and needs time to himself to study. He is working on two doctorate degrees. Additionally, he is working to become a deacon in his church, which is demanding of his time and service. Both Respondent and [K.] testified that Respondent has no possessions at Lombard and only brings over a hygiene bag

when he comes. His wife and daughter testified they often visit him at the Chicago house and regular family events are held there.

Both Respondent and his wife acknowledged that their living arrangements are uncommon, and many would not understand how a marriage and family can flourish without living in the same house. [K.]’s father having been in the army, the arrangement with Respondent is similar to how she grew up. Both have friends and relatives with one spouse seldom home. [K.] cites couples with one deployed military personnel, over-the-road trucker, salesman, or executive who has frequent absences. Respondent’s daughter recognizes that her father’s identity is being a Chicago police officer, and she has nothing but pride and respect for what he does and how he takes care of his family, even without living together.

Respondent called several witnesses from the neighborhood who testified that Respondent and his family are well known, and they see Respondent at the Chicago house. Everyone watches out for each other. They hear his loud motorcycle. They know his wife and children, they know Respondent’s family lives in Lombard, and they know the Chicago house to be Respondent’s residence. Another friend who has known Respondent for 25 years has played a lot of *Dungeons and Dragons* at what he knows to be Respondent’s home. He fixed Respondent’s icemaker there. [K.]’s best friend has been at Lombard often and says Respondent has no possessions of any kind in the house. She said Respondent’s home in Chicago is filled with his books, trophies, plaques, “men stuff” and clothes all over the floor. She has also been to the Chicago

house for family events. Lombard is all girls. She helps [K.] there with her daughters.

None of these witnesses was impeached and no witness gave contrary testimony.

Respondent's wife, his mother, his daughter and his brother testified that Respondent lives at the Chicago house and this arrangement works for Respondent's family. [K.] installed his bidet there. His daughter took her drum lessons at the Chicago house. His brother is there often when they play games. His brother testified the home is fully furnished and there is food in the refrigerator. Respondent gave his father end-of-life care and has been taking care of his mother at the Chicago house. Respondent is EMT certified and needs to be at the Chicago house to check on his mother and care for her. His mother hears him walking around upstairs and sees when he "shops" her refrigerator. He uses her dishes and does not wash them. Respondent parks in the driveway right behind her car, requiring her to wake him up to move his car. When Respondent's daughter lived with him, his mother helped take his daughter to school and pick her up.

Respondent's furniture and his personal effects are at the Chicago house. His driver's license, FOID card, tax returns, voter ID, prescriptions and medical records, some bills, insurance, and car and motorcycle registration, and his student loans all show the Chicago house as his address. His mail and his packages come to the Chicago house. He paid rent to his parents until they waived it due to his expenses with the house and baby. His own church is in Chicago, but he will take the children to their

family church in Lombard. Respondent receives and pays some of the bills for his apartment and his mother pays some of the bills for the whole building.

The Superintendent alleged some evidence was untimely, such as photographs taken six years after the investigation, however, the Respondent noted that any “untimeliness” was not due to his fault, but rather to the late filing of charges. The Superintendent argued they had no way to see inside either home to confirm what is shown in the photographs. However, Respondent testified that on receiving the charges, he offered the Superintendent the opportunity to inspect his home in Chicago or to inspect Lombard and even offered photographs, all of which, he says, the Superintendent declined. The Superintendent did not deny those offers were made.

The Department actually did visit Respondent at the Chicago house randomly, without notice in July 2018 to verify his compliance with the restrictions of his medical leave. No notes of the home were made. The Superintendent produced no evidence they could not have visited the Chicago house on as many occasions as they liked. Additionally, if there were no urgency to charge, it might have made more sense to start the investigation closer in time to when it would be heard and then base charges on current data about the Respondent.

Respondent’s personal possessions have always only been at the Chicago house, he played his games only there, painted his action figures only there, flew his dorky flag only there, had his Edgar Allen Poe effects and his life-sized R2-D2 and his full-scale map of “Ravenloft” only there, studied only there, took care of his mother and his

father only there, interacted with his neighbors and friends only there, and listed his residence only as the Chicago house in all government and official documents. His elaborate security system was there. Photographs before and after service of charges show an abundantly furnished home with every sort of personal effect including family photographs and children's effects. All of his neckties are on an automated tie rack, all fully tied. Photographs show the inflatable pool and slide he had for his daughter, and her toys. They show him sleeping with his children, his daughter living with him, and his daughter and wife playing and working in the house. [K.] is seen drinking out of his Viking horn in 2016. The evidence is uncontroverted that Respondent made no changes to Chicago since well before the beginning of the investigation. It is also undisputed that Respondent continued to spend time at Chicago, to study, to sleep, to eat, and to entertain, and play there.

Eight witnesses (four unrelated) testified that Respondent's residence was and is at the Chicago house. None was impeached. No witness testified otherwise. No one said Respondent resided in Lombard. There is no evidence Respondent knew any of the neighbors in Lombard or had anything to do with anyone in Lombard. There is no evidence he had anything to do with the house in Lombard. There is no evidence he had a separate space or any accommodation at Lombard. There is no evidence he was responsible for the yardwork or maintenance in Lombard. There is no evidence he kept as much as a toothbrush at Lombard. Respondent arranged his schedule and chose to work night shifts to maximize his ability for visitation with his family at the house he

helped provide them. It is undisputed that Respondent continued to return to the Chicago house during the surveillance period. The evidence is uncontroverted that the only times Respondent ever went to Lombard and the only reason he ever went to Lombard was to visit with his family. He had to be residing in one of two places and Respondent's counsel noted the unlikelihood of Respondent's ability to claim residency in Lombard.

While some inconsistencies were noted, the Board finds that Respondent and the witnesses who testified to knowledge of Respondent's residence were reasonably credible. That includes Respondent's brother, Steven, also a decorated CPD officer. Notably, the Superintendent called no civilian witnesses from Chicago or Lombard.

It is undisputed that Respondent had established residency in Chicago for at least thirteen years from the time he joined the force in 2003 until at least 2016 when he jointly purchased the Lombard property with his wife. Even then, other than having an ownership interest, no evidence places him physically at the Lombard property until two years later, in February 2018, when surveillance began. Surveillance confirms the undisputed fact that Respondent did spend a lot of time at Lombard after his family moved there. However, the standard of proof is not physical presence, as unequivocally set out by our Supreme Court in *Maksym*. The Superintendent must prove that Respondent abandoned his home in Chicago because, "once residency is established, the test is no longer physical presence but rather abandonment".

After reviewing and considering all of the evidence presented in this case, the Board finds that the Superintendent did not prove by a preponderance of the evidence that Respondent ever abandoned his Chicago residence or changed his residence to Lombard. The Board therefore finds Respondent not guilty of violating Rules 1, 2, and 25.

The Board is concerned that it took nearly six years from the conclusion of BIA's investigation until the charges against Respondent were filed with the Board. After the investigation ended in July of 2018 up until March of last year, the Superintendent decided not to charge or even report its findings to Respondent or anyone else. Instead, the Superintendent chose to allow Respondent and his family to maintain their living situation for an additional six years. Now, by claiming that Respondent was all the while flouting the residency rule, it could be seen as either a waiver or a very dubious belief in charges that were nevertheless filed with the Board and prosecuted. It could be seen as minimizing the importance of the residency rule. It could be seen as unfair to Respondent and to the public.

In addition, the Board is particularly troubled that Respondent's promotion to detective was halted years after BIA's investigation concluded. Respondent testified that soon after he passed the detective examination and right before he was scheduled to begin detective training, he was informed that he was stripped of his police powers and ineligible to complete training and be promoted to detective. This action against Respondent creates the appearance that CPD is holding a cache of charges to be turned

loose at any time, possibly for inappropriate reasons. Respondent and other CPD officers might conclude that this timing was not coincidental and that a years-old investigation was pulled out of a drawer and used to prevent Respondent's promotion.

[The remainder of this page is left blank intentionally.]



### **POLICE BOARD DECISION**

The members of the Police Board who participated in deciding this case hereby certify that they have read and reviewed the record of the proceedings, viewed the video recording of the entire evidentiary hearing, received the oral report of the Hearing Officer, and conferred with the Hearing Officer on the credibility of the witnesses and the evidence. The Police Board hereby adopts the findings set forth herein by the following vote.

The Police Board, by a vote of 8 in favor (Kyle Cooper, Claudia Badillo, Steven Block, Tyler Hall, Kathryn Liss, Arlette Porter, Andreas Safakas, and Cynthia Velazquez) to 0 opposed, finds Respondent **not guilty** of the charges in Specification No. 1, as set forth above.

**NOW THEREFORE, IT IS HEREBY ORDERED** that Police Officer Thomas D. McNichols, Star No. 3051, as a result of having been found not guilty of all charges in Police Board Case No. 24 PB 3038, be and hereby is restored to his position as a police officer and to the services of the City of Chicago, with all rights and benefits, effective October 1, 2024 (the date he was suspended upon the filing of charges).

This decision is adopted and entered by a majority of the members of the Police Board: Kyle Cooper, Claudia Badillo, Steven Block, Tyler Hall, Kathryn Liss, Arlette Porter, Andreas Safakas, and Cynthia Velazquez.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21<sup>st</sup> DAY OF AUGUST 2025.

Police Board Case No. 24 PB 3038  
Police Officer Thomas D. McNichols  
Findings and Decision

Attested by:

/s/KYLE COOPER  
President

/s/MAX A. CAPRONI  
Executive Director

---

RECEIVED A COPY OF

THESE FINDINGS AND DECISION

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025.

---

LARRY SNELLING  
Superintendent of Police