

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER HAROLD RODRIGUEZ, STAR #14532) NO. 00-2402
DEPARTMENT OF POLICE, CITY OF CHICAGO) CR#254286

FINDINGS & DECISION

On February 23, 2000, the Superintendent of Police filed charges with the Police Board of the City of Chicago against Police Officer Harold Rodriguez, Star #14532, (hereinafter sometimes referred to as "Respondent") for violating the following Rules:

Rule 38: Unlawful or unnecessary use or display of a weapon.

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.

Rule 14: Making a false report, whether written or oral.

The Police Board of the City of Chicago caused a hearing on these charges against Police Officer Harold Rodriguez to be held before Michael G. Berland, Hearing Officer of the Police Board of the City of Chicago, on August 2, 2000 and August 22, 2000.

Following the hearing, the members of the Police Board read and reviewed the certified transcription of the proceedings of the hearing. Michael G. Berland, Hearing Officer, made an oral report and conferred with the Police Board before it rendered a decision.

The Police Board of the City of Chicago, as a result of its investigation of the charges, finds and determines that:

1. The Respondent was at all times a Police Officer employed by the Department of Police of the City of Chicago.

2. The charges were filed in writing and a Notice, stating the time, date and place, when and where a hearing of the charges was to be held, together with a copy of the original charges, was served upon the Respondent more than thirty (30) days prior to the hearing on the charges.

3. The hearing was conducted before Michael G. Berland, Hearing Officer of the Police Board of the City of Chicago on August 2, 2000 and August 22, 2000.

4. Throughout the hearing the Respondent did appear in person and was represented by counsel of his choice.

5. The Respondent Police Officer Harold Rodriguez, Star #14532, charged herein, contrary to the Rules and Regulations, is not guilty of violating, to wit:

Rule 38: Unlawful or unnecessary use or display of a weapon.

A. On or about June 13, 1999, Officer Rodriguez, while off duty and in the vicinity of Damen and Ogden, fired his weapon with justification and did not unlawfully use his weapon.

6. The Respondent Police Officer Harold Rodriguez, Star #14532, charged herein, contrary to the Rules and Regulations, is not 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.

A. On or about June 13, 1999, Officer Rodriguez, while off duty and in the vicinity of Damen and Ogden, fired his weapon with justification and did not impede the Department's efforts to

achieve its policy and goals or bring discredit upon the Department.

7. The Respondent Police Officer Harold Rodriguez, Star #14532, charged herein, contrary to the Rules and Regulations, is not guilty of violating, to wit:

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

A. On or about June 13, 1999, Officer Harold Rodriguez, while off duty and in the vicinity of Damen and Ogden, did not fire his weapon at a fleeing vehicle in violation of General Order 86-8.

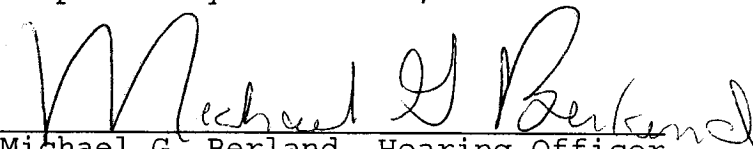
8. The Respondent Police Officer Harold Rodriguez, Star #14532, charged herein, contrary to the Rules and Regulations, is not guilty of violating, to wit:

Rule 14: Making a false report, whether written or oral.

A. On or about September 28, 1999, Officer Rodriguez did not give a false statement.

By reason of the fact that Police Officer Harold Rodriguez is not guilty of violating Rules 38, 2, 6, and 14, cause exists for the immediate reinstatement of Respondent Police Officer Harold Rodriguez, Star #14532, to his position as a Police Officer with the Department of Police of the City of Chicago with restoration of all rights and benefits retroactive to February 23, 2000.

Respectfully submitted,


Michael G. Berland, Hearing Officer

D E C I S I O N

The members of the Police Board, having read and reviewed the certified copy of the transcription of the hearing, having received the oral report of the Hearing Officer, Michael G. Berland, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence; and

IT IS HEREBY ORDERED that the respondent, Police Officer Harold Rodriguez, Star # 14532, as a result of having been not found guilty of the charges in Police Board Case 00-2402, is hereby restored to his position as a Police Officer and to the services of the City of Chicago, effective February 23, 2000.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS
DAY OF September 2000.

27th

James J. Conroy
William C. Kuflik
Phyllis Spillman

[Signature]
Executive Director of the Police Board

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D I S S E N T

The following members of the Police Board hereby dissent from the decision of the majority of the Board. Board Member Mr. Victor Gonzalez limits his dissent, and supports a finding of guilty relative to a violation of Rule 2 only.

Ray J. Miller
Victor Gonzalez
Swaf. Davis

RECEIVED A COPY OF THIS COMMUNICATION

THIS _____ DAY OF _____, 2000.

SUPERINTENDENT OF POLICE