

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST )  
POLICE OFFICER RONALD BAEZ ) Case No. 00-2407  
STAR NO. 5214, CR# 241464 )

**FINDINGS AND DECISION**

On March 9, 2000, the Superintendent of Police filed charges with the Police Board of the City of Chicago against Police Officer Ronald Baez, Star No. 5214 (hereinafter sometimes referred to as "Respondent"), for violating the following rules:

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 any order or directive, whether written or oral.

Rule 22: Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.

Rule 40: Failure to inventory and process recovered property in conformance with department orders.

The Police Board of the City of Chicago investigated these charges and caused a hearing on these charges against Police Officer Ronald Baez to be had before Thomas E. Johnson, Hearing Officer of the Police Board of the City of Chicago, on October 4, 2000 and October 5, 2000.

Following the hearing, the members of the Police Board read and reviewed the certified transcription of the proceedings of the hearing. Thomas E. Johnson, 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 employed as a police officer 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 five (5) days prior to the hearing on the charges.

3. The hearing was conducted before Thomas E. Johnson, Hearing Officer of the Police Board of the City of Chicago, on October 4, 2000 and October 5, 2000.

4. Throughout the hearing, Police Officer Ronald Baez was present and was represented by counsel.

5. The Respondent Police Officer Ronald Baez, Star No. 5214, charged herein, contrary to the Rules and Regulations, is not guilty of violating to wit:

Rule 1: **Violation of any law or ordinance**, in that:

Count I: The Superintendent did not establish that on or about November 7, 1997, while in the vicinity of 8427 South Brandon or 8400 South Baker, Chicago, Illinois, Police Officer Ronald Baez, aided Officer Reyes Moran III in soliciting or receiving or retaining or agreeing to accept a bribe or that Office Moran solicited or received or retained or agreed to accept firearms pursuant to an understanding that Officer Moran would improperly influence or attempt to influence the performance of any act related to his

employment as a police officer, thereby violating 720 ILCS 5/5-2(c).

Count II: The Superintendent did not establish that on or about November 7, 1997, or for sometime thereafter, Police Officer Ronald Baez, a public employee, committed the offense of Failure to Report a Bribe, in that he failed to report that Officer Reyes Moran III solicited or received or retained or agreed to accept firearms pursuant to an understanding that Officer Moran would improperly influence or attempt to influence the performance of any act related to his employment as a police officer, thereby violating 720 ILCS 5/33-2.

Count III: The Superintendent did not establish that on or about November 7, 1997, while in the vicinity of 8427 South Brandon or 8400 South Baker, Chicago, Illinois, Police Officer Ronald Baez committed the offense of Official Misconduct in that he, a public employee in his official capacity, knowingly performed an act which he knew he was forbidden by law to perform, in that he aided Officer Reyes Moran III in soliciting or receiving or retaining or agreeing to accept a bribe or that Officer Moran solicited or received or retained or agreed to accept firearms pursuant to an understanding that Officer Moran would improperly influence or attempt to influence the performance of any act related to his employment as a police officer, thereby violating 720 ILCS 5/33-3(b).

Count IV: The Superintendent did not establish that on or about November 7, 1997, or for sometime thereafter, Police Officer Ronald Baez committed the offense of Official Misconduct in that he, a public employee in his official capacity, knowingly performed an act which he knew he was forbidden by law to perform in that he committed the offense of Failure to Report a Bribe, in that he failed to report that Officer Reyes Moran III solicited or received or retained or agreed to accept firearms pursuant to an understanding that Officer Moran would improperly influence or attempt to influence the performance of any

act related to his employment as a police officer, thereby violating 720 ILCS 5/33-3(b).

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:**

Count I: The Superintendent did not establish that on or about November 7, 1997, while in the vicinity of 8427 South Brandon or 8400 South Baker, Chicago, Illinois, Police Officer Ronald Baez aided Officer Reyes Moran III in soliciting or receiving or retaining or agreeing to accept a bribe or that Officer Moran solicited or received or retained or agreed to accept a 9mm Hi-Point Semi-Automatic Pistol Serial Number P014859 and two other firearms pursuant to an understanding that Officer Moran would improperly influence or attempt to influence the performance of any act related to his employment as a police officer, thereby violating 720 ILCS 5/5-2(c).

Count II: The Superintendent did not establish that on or about November 7, 1997, or for sometime thereafter, Police Officer Ronald Baez, a public employee, committed the offense of Failure to Report a Bribe, in that he failed to report that Officer Reyes Moran III solicited or received or retained or agreed to accept a 9mm Hi-Point Semi-Automatic Pistol Serial Number P014859 and two other firearms pursuant to an understanding that Officer Moran would improperly influence or attempt to influence the performance of any act related to his employment as a police officer, thereby violating 720 ILCS 5/33-2.

Count III: The Superintendent did not establish that on or about November 7, 1997, while in the vicinity of 8427 South Brandon or 8400 South Baker, Chicago, Illinois, Police Officer Ronald Baez committed the offense of Official Misconduct in that he, a public employee in his official capacity, knowingly performed an act which he knew he was forbidden by law to

perform, in that he aided Officer Reyes Moran III in soliciting or receiving or retaining or agreeing to accept a bribe or that Officer Moran solicited or received or retained or agreed to accept a 9mm Hi-Point Semi-Automatic Pistol Serial Number P014859 and two other firearms pursuant to an understanding that Officer Moran would improperly influence or attempt to influence the performance of any act related to his employment as a police officer, thereby violating 720 ILCS 5/33-3(b).

Count IV: The Superintendent did not establish that on or about November 7, 1997, or for sometime thereafter, Police Officer Ronald Baez committed the offense of Official Misconduct in that he, a public employee in his official capacity, knowingly performed an act which he knew he was forbidden by law to perform in that he committed the offense of Failure to Report a Bribe, in that he failed to report that Officer Reyes Moran III solicited or received or retained or agreed to accept a 9mm Hi-Point Semi-Automatic Pistol Serial Number P014859 and two other firearms pursuant to an understanding that Officer Moran would improperly influence or attempt to influence the performance of any act related to his employment as a police officer, thereby violating 720 ILCS 5/33-3(b).

Rule 6: **Disobedience of any order or directive, whether written or oral,** in that the Superintendent did not establish that on or about November 7, 1997, Police Officer Ronald Baez, after aiding Police Officer Reyes Moran III in recovering a 9mm Hi-Point Semi-Automatic Pistol Serial Number P014859 and two other firearms from Anthony Bonilla, failed to inventory the firearms in violation of General Order 81-1, 11 A.

Rule 22: **Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is**

**contrary to the policy, orders or directives of the Department,** in that the Superintendent did not establish that on or about November 7, 1997, or for sometime thereafter, Police Officer Ronald Baez, a public employee, failed to report that Officer Reyes Moran III solicited or received or retained or agreed to accept a bribe or that Officer Moran solicited or received or retained or agreed to accept a 9mm Hi-Point Semi-Automatic Pistol Serial Number P014859 and two other firearms pursuant to an understanding that Officer Moran would improperly influence or attempt to influence the performance of any act related to his employment as a police officer.

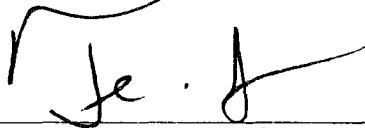
Rule 40: **Failure to inventory and process recovered property in conformance with department orders,** in that the Superintendent did not establish that on or about November 7, 1997, Police Officer Ronald Baez, after aiding Police Officer Reyes Moran III in recovering a 9mm Hi-Point Semi-Automatic Pistol Serial Number P014859 and two other firearms from Anthony Bonilla, failed to inventory the firearms in violation of General Order 81-1, 11 A.

By reason of the findings of fact, the Respondent is not guilty of violating Rules 1, 2, 6, 22, and 40. Cause does not exist for the separation of the Respondent Police Officer Ronald

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Star No. 5214

Baez, Star No. 5214, from the Department of Police and from the services of the City of Chicago.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T.E. Johnson', written over a horizontal line.

THOMAS E. JOHNSON  
Hearing Officer

D E C I S I O N

In this case, the Superintendent charged Officer Ronald Baez with aiding Officer Reyes Moran in soliciting and/or receiving firearms in exchange for an agreement by Officer Moran to improperly influence or attempt to influence the prosecution of criminal charges against criminal defendants Kitwana Knox, Lloyd Grant and a third individual, Anthony Bonilla. Some of the charges specify that this unlawful conspiracy involved a particular 9mm Hi-Point Semi-Automatic Pistol and other guns. In addition to this core charge, Officer Baez is charged with failing to report this bribe and failing to inventory the firearms in question.

Officers Baez and Moran were partners on the night in question here (though not ordinarily partners). Along with other officers, they raided 8427 S. Brandon in Chicago on November 7, 1997, and arrested Kitwana Knox and Lloyd Grant. The Superintendent, however says that Anthony Bonilla was also arrested. The Superintendent alleges that Officer Moran (according to Mr. Knox's original statement to IAD) or Officer Baez (according to Mr. Grant) then hatched a plot in which he told Messrs. Knox, Grant and Bonilla that the officers would release all three if Mr. Bonilla went and obtained three guns and delivered them to the officers. The Superintendent claims that the officers released Mr. Bonilla so that he could secure the guns. When he did not return on time with the guns, the officers took Messrs. Knox and Grant to the station and charged them with drug offenses. Baez was present and aware of these discussions, according to the Superintendent. Mr. Knox also



says that Officer Baez offered to tell Messrs. Knox and Grant the name of the police informant who tipped the officers to the illegal activities at 8427 S. Brandon, and further asked Mr. Knox if he knew a juvenile who could "take" the charge against him, i.e., be arrested in his stead.

The Superintendent also contends that Officer Baez was present a week later, on November 14, 1997, when Officer Moran confronted Mr. Knox outside the police station and asked him to obtain a videotape apparently taken on November 7, 1997. The Superintendent alleges that in exchange, Officer Moran told Mr. Knox he would arrange for the dismissal of the drug charges.

The Superintendent's case was based on the testimony of Messrs. Knox and Grant, the two individuals arrested on November 7, 1997, and subsequently convicted of drug crimes. Both had earlier drug convictions. Mr. Knox admitted that he was still affiliated with a street gang and had since been arrested again on drug charges.

Messrs. Knox and Grant's testimony is vigorously disputed by Officer Baez, who says that Mr. Bonilla was never arrested - only Messrs. Knox and Grant were ever taken into custody. He says no gun deal was made with Messrs. Knox and Grant. They were charged and convicted of the offenses for which they were arrested. Officer Baez goes on to say that he and Officer Moran were only an assisting unit for Officers Foster and Shannon, who made the arrests. Officers Baez and Moran therefore never arrested anyone and were not in charge at the scene. Officer Foster agreed that he

and his partner arrested Messrs. Knox and Grant, not Officer Baez. Officer Foster corroborated Officer Baez' account that Mr. Bonilla was never arrested and that both arrestees were convicted. Officer Baez also denies trying to obtain any videotape; the first knowledge he had of such a tape was after it appeared on television about November 20, 1997.

After carefully reviewing the evidence, the Board has found that the Superintendent did not discharge his burden of proving his case by a preponderance of the evidence. There are essentially three problems with the proof:

First, there was no evidence whatsoever offered that Officer Baez (or any other officer) ever obtained any guns, much less a specific 9mm Hi-Point Semi-Automatic Pistol in this alleged guns-for-leniency scheme. Nor was there any evidence that Officer Baez (or any other officer) influenced or attempted to influence the drug charges filed against Messrs. Knox and Grant - the only two persons ever charged with anything. Indeed the evidence is undisputed that Messrs. Knox and Grant both pled guilty and were convicted of the drug charges. Thus, those specifications alleging that Officer Baez actually received or retained guns, or failed to inventory guns, cannot stand.

Second, the Board, after conferring with the Hearing Officer, questions the credibility of Messrs. Knox and Grant. Both are convicted drug offenders and one is an acknowledged gang member. Their testimony was not convincing or particularly consistent. For example, Mr. Knox was impeached by his IAD statement on the extent

of Officer Baez' participation in the alleged scheme, and the contemporaneous police records (as well as Officer Foster) undermine Messrs. Knox and Grant's account that they were driven around the neighborhood together by Officer Baez and his partner before being taken to the station. Indeed, the police reports show Messrs. Knox and Grant were transported in separate squad cars.

Third, the Superintendent tried to corroborate the testimony of Messrs. Knox and Grant, but the evidence was insufficient to lend real credence to their testimony. There was discussion at the hearing about a videotape taken by Mr. Bonilla and played on television implicating Officers Baez and Moran, but neither the videotape nor Mr. Bonilla were ever produced. (The Superintendent diligently tried to subpoena Mr. Bonilla but was unsuccessful.) Instead, the Superintendent offered the testimony of Mr. David Vargas and a slip of paper containing Officer Moran's pager number.

David Vargas is a community activist. He testified that on November 7, 1997, Mr. Bonilla asked him to help videotape some police officers, but then told him it was not necessary. Nonetheless, Mr. Vargas proceeded to 83<sup>rd</sup> and Baker at about 8:40 p.m. There, he saw Officers Baez and Moran in their car and observed them speak to Mr. Bonilla three separate times. He also observed the officers drive through an alley. (Officer Baez later admitted that his partner looked in a garbage can in an alley for guns but denied ever seeing any guns.) The next day Mr. Bonilla gave Mr. Vargas a piece of paper with a pager number, a license plate number and a serial number. There are problems with Mr.

Vargas' testimony, e.g., he places Officers Baez and Moran alone with Mr. Bonilla at 8:40 p.m., when the police reports show Officer Baez bringing Lloyd Grant to the police station from 8427 S. Brandon at 9:20 p.m., and Kitwana Knox arriving at the police station in a different car at 9:30 p.m. Mr. Vargas got a good look at Officer Baez' police car and did not say Mr. Grant was in the car. However, even if Mr. Vargas' testimony is fully credited, he only places Officer Baez with Mr. Bonilla that night. He offers nothing to corroborate the Superintendent's charge that Officers Baez and Moran released Mr. Bonilla or compromised the prosecution of Mr. Grant or Mr. Knox. Nor does Mr. Vargas provide any evidence that Mr. Bonilla procured weapons for the police.

The paper with the pager number on it also does not help the City. No one ever identified the pager number as Officer Moran's or produced phone records to establish that the number was his. Mr. Vargas says Mr. Bonilla (who did not testify) gave him the paper. That is all we know about it. Messrs. Knox and Grant said Officer Moran gave Mr. Bonilla his pager number but they never identified this paper as the one Officer Moran supposedly gave Mr. Bonilla.

In the end, the Board takes seriously the Superintendent's obligation to prove its case by a preponderance of the evidence. The Board will not terminate a police officer's career unless the Superintendent satisfies its burden. Here, the evidence is simply not sufficient to meet that burden.

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, Thomas A. Johnson, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopt all findings herein and,

**IT IS HEREBY ORDERED** that the respondent, Police Officer Ronald Baez, Star # 5214, as a result of having been found not guilty of the charges in Police Board Case 00-2407, is hereby restored to his position as a Police Officer, and to the services of the City of Chicago, effective March 11, 2000.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 11<sup>th</sup>  
DAY OF December, 2000.

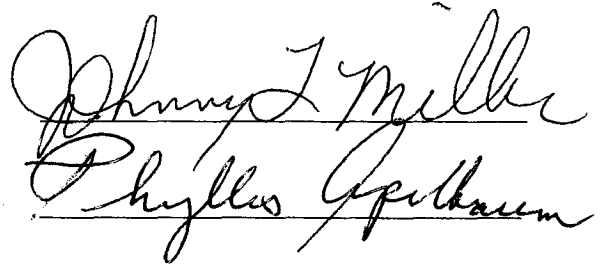
*Demetri J. Crenney*  
*Scott Davis*  
*Victor Hernandez* \*\*  
*William D. J.*  
*Patti Bobb*  
*Anthony*

*Neel Lee*  
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. and support a finding of guilty on all charges.

  
Johnny Z. Miller  
Phyllis G. Spilhaus

\*\* Board Member Victor Gonzalez dissents from the decision of the majority of the Board in that he supports a finding of guilty on the charges of violation of Rule 1, Counts 1, 2, 3, and 4. He concurs in the finding of not guilty on all other alleged violations.

RECEIVED A COPY OF THIS COMMUNICATION

THIS 29 DAY OF DEC, 2000

  
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SUPERINTENDENT OF POLICE