

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

**IN THE MATTER OF CHARGES FILED )**  
**AGAINST POLICE OFFICER GERALD )**  
**WEBER, STAR #3932, DEPARTMENT ) CASE #00-2410**  
**OF POLICE, CITY OF CHICAGO, )**  
**) C. R. #248056**  
**RESPONDENT. )**

**FINDINGS AND DECISION**

On March 16, 2000, the Superintendent of Police filed charges with the Police Board of the City of Chicago, seeking the separation of Police Officer **GERALD WEBER**, Star # 3932, hereinafter sometimes referred to as "Respondent" for violation of the following rules:

- 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 oral or written."
- RULE 8** "Disrespect to or maltreatment of any person, while on or off duty."
- RULE 9** "Engaging in any unjustified verbal or physical altercation with any person"
- RULE 14** "Making a false report, written or oral"
- RULE 38** "Unlawful or unnecessary use or display of a weapon."
- RULE 39** "Failure to immediately make an oral report to the desk sergeant at the District of occurrence and to follow such oral report with a written report on the prescribed form, whenever a firearm is discharged by a member."

The Police Board of the City of Chicago, caused a hearing on these charges against Police Officer **GERALD WEBER**, Star #3932, to be heard by **JACQUELINE A. WALKER**, Hearing Officer of the Police Board of the City of Chicago, on May 26, May 30 and June 28, 2000. Following the Hearing, the members of the Police Board read and reviewed the certified transcription

**FINDINGS & DECISION, CONT'D:**  
**POLICE OFFICER GERALD WEBER, STAR # 3932, C.R. #248056**  
**PAGE 2**

of the proceedings of the hearing. **JACQUELINE A. WALKER**, Hearing Officer made an oral report and conferred with the Police Board before it rendered a decision.

As a result of the foregoing, the Police Board of the City of Chicago finds and determines that:

(1) The Respondent was, at all times mentioned herein, 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 in the charges was to be held, together with a copy of the original charges were served upon the Respondent more than five (5) days prior to the hearing on the charges;

(3) Throughout the hearing, the Respondent appeared in person and was represented by legal counsel;

(4) The Respondent, Police Officer **GERALD WEBER**, Star #3932, as 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 the following instances:

A. On or about August 29, 1998, at approximately 0715 hours, while in the vicinity of 6322 South Wood, while off duty, he unlawfully and unnecessarily discharged his weapon, without justification, striking Kristine Brown.

B. On or about August 29, 1998, he made a false report, including presenting incorrect and false information regarding an incident in which his gun was discharged, including, but not limited to, falsely stating the address where his weapon was discharged.

C. On or about August 29, 1998, at approximately 0715 hours, while in the vicinity

**FINDINGS & DECISION, CONT'D:**  
**POLICE OFFICER GERALD WEBER, STAR # 3932, C.R. #248056**  
**PAGE 3**

of 6322 South Wood, while off duty, he did disrespect and mistreat Kristine Brown and/or shoot Kristine Brown.

D. On or about August 29, 1998, at approximately 0715 hours, while in the vicinity of 6322 South Wood, he left the scene of the shooting without obtaining medical treatment for Kristine Brown.

E. On or about August 29, 1998, at approximately 0715 hours, and thereafter, he refused to complete a Weapons Discharge report, and/or made a false report, including but not limited to, falsely stating the address where his weapon was discharged.

(5) The Respondent, Police Officer **GERALD WEBER** Star #3932, as charged herein, is **guilty** of violating, to-wit:

**RULE 6** “Disobedience of an order or directive, whether oral or written.”, in that:

On or about August 29, 1998, and thereafter, he violated General Order 85-1, Section V, 5 & 6, by failing and/or refusing to complete a Weapons Discharge report, although he was ordered to do so by Deputy Chief Jablon, after discharging his weapon on August 29, 1998, at approximately 0715 hours, in the vicinity of 6322 South Wood.

(6) The Respondent, Police Officer **GERALD WEBER**, Star #3932, as charged herein, is **guilty** of violating, to-wit:

**RULE 8** “Disrespect to or maltreatment of any person, while on or off duty.”, in the following instances:

A. On or about August 29, 1998, at approximately 0715 hours, while in the vicinity of 6322 South Wood, while off duty, he discharged his weapon and struck Kristine Brown.

B. On or about August 29, 1998, at approximately 0715 hours, while in the vicinity

**FINDINGS & DECISION, CONT'D:**  
**POLICE OFFICER GERALD WEBER, STAR # 3932, C.R. #248056**  
**PAGE 4**

of 6322 South Wood, while off duty, he left the scene of an incident at 6322 South Wood without obtaining medical treatment for Kristine Brown.

(7) The Respondent, Police Officer **GERALD WEBER**, Star #3932, as charged herein, is **guilty** of violating, to-wit:

**RULE 9** “Engaging in any unjustified verbal or physical altercation with any person, while on or off duty”, in that:

On or about August 29, 1998, at approximately 0715 hours, while in the vicinity of 6322 South Wood, while off duty, he discharged his weapon and struck Kristine Brown.

(8) The Respondent, Police Officer **GERALD WEBER**, Star #3932, as charged herein, is **guilty** of violating, to-wit:

**RULE 14** “Making a false report, written or oral”, in the following instances:

A. On or about August 29, 1998, he made a false report, including presenting incorrect and false information regarding an incident in which his gun was discharged, including, but not limited to, falsely stating the address where his weapon was discharged.

B. On or about November 19, 1998, he made false statements regarding events which occurred on August 29, 1998 in a statement to the Office of Professional Standards.

(9) The Respondent, Police Officer **GERALD WEBER**, Star #3932, as charged herein, is **guilty** of violating, to-wit:

**RULE 38** “Unlawful or unnecessary use or display of a weapon”, in that:

On or about August 29, 1998, at approximately 0715 hours in the vicinity of 6322 South Wood, while off duty, he unlawfully and unnecessarily used and/or displayed a weapon, striking Kristine Brown.

**FINDINGS & DECISION, CONT'D:**  
**POLICE OFFICER GERALD WEBER, STAR # 3932, C.R. #248056**  
**PAGE 5**

(10) The Respondent, Police Officer **GERALD WEBER**, Star #3932, as charged herein, is **guilty** of violating, to-wit:

**RULE 39** "Failure to immediately make an oral report to the desk sergeant at the District of occurrence and to follow such oral report with a written report on the prescribed form, whenever a firearm is discharged by a member", in that:

On or about August 29, 1998, at approximately 0715 hours and/or thereafter, to the present, he failed to immediately make an oral notification to the desk sergeant at the District of occurrence after discharging his weapon, and/or he refused to complete a Weapons Discharge report.

Following the hearing, counsel for the Respondent filed a Motion for the Application of Estoppel with the Police Board. The response to said Motion was briefed by the Office of the Corporation Counsel, on behalf of the Department. After consideration of the motion by the Police Board, it was denied.

**BY REASON** of the findings of fact and of guilt herein, cause exists for the termination of Respondent, Police Officer **GERALD WEBER**, Star #3932, from the Department of Police and from the services of the City of Chicago.



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JACQUELINE A. WALKER  
Hearing Officer

**FINDINGS & DECISION, CONT'D:**

**POLICE OFFICER GERALD WEBER, STAR # 3932, C.R. # 248056**

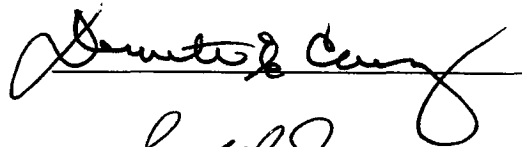
**PAGE 6**

**DECISION**

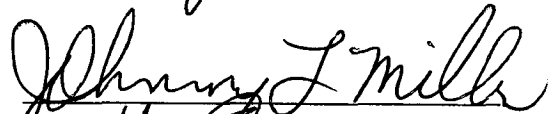
The members of the Police Board, having read and reviewed the certified copy of the transcription of the hearing, having received the oral report of the Hearing Officer, JACQUELINE A. WALKER, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopt all findings herein and, in reaching its decision as to the penalty imposed, the Board has taken into account not only the facts of this case but also the respondent's complimentary and disciplinary history, which is attached hereto as Exhibit A; and;

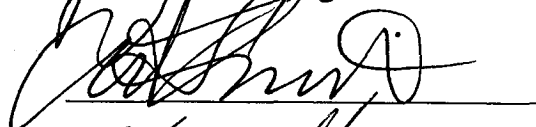
IT IS HEREBY ORDERED that the respondent, Police Officer **GERALD WEBER**, Star # 3932, as a result of having been found guilty of the charges in Police Board Case 00-2410, is hereby separated and discharged from his position as a Police Officer, and from the services of the City of Chicago.

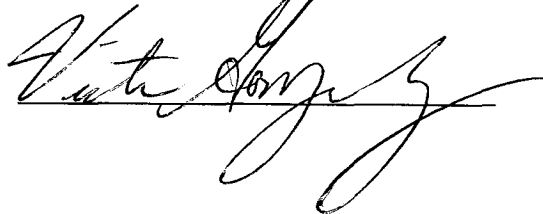
**DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 5TH DAY OF DECEMBER, 2000.**

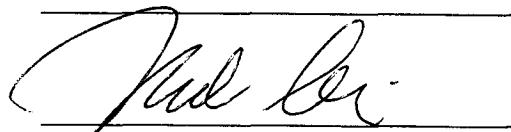
  
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Executive Director of the Police  
Board

**FINDINGS & DECISION, CONT'D:**

**POLICE OFFICER GERALD WEBER, STAR # 3932, C.R. # 248056**

**PAGE 7**

**DISSENT**

The following members of the Police Board hereby dissent from the decision of the majority of the Board.

*Patricia Bobb*  
*[Signature]*

RECEIVED A COPY OF THIS COMMUNICATION

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000

\_\_\_\_\_  
FOR THE SUPERINTENDENT OF POLICE

2:110

11 March 1999

INTERNAL AFFAIRS DIVISION  
RECORDS SECTION

TO: COMMANDING OFFICER OF UNIT 113

FROM: RECORDS SECTION  
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS DISCIPLINARY RECORD OF:

**COPIED FOR**

<u>WEBBER</u>	<u>GERALD</u>	<u>3932</u>	<u>008</u>
NAME	(LAST, FIRST, M.I.)	STAR	UNIT

THE PREVIOUS DISCIPLINARY RECORD OF THE SUBJECT ACCUSED HAS BEEN REQUESTED  
NAME BY:

RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE ABOVE REFERENCED COMPLAINT  
REGISTER NUMBER.

THE RECORDS SECTION, INTERNAL AFFAIRS DIVISION, DISCLOSES THE FOLLOWING DISCIPLINARY  
ACTION(S) ADMINISTERED TO THE SUBJECT ACCUSED, FOR THE PAST FIVE (5) YEARS.

VERIFIED/PREPARED BY:

PATRICIA JOHNSON

FOR: COMMANDING OFFICER  
RECORDS SECTION  
INTERNAL AFFAIRS DIVISION

**ONLY**