

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER DEBORAH DUNN) Case No. 00-2419
STAR NO. 13026, CR# 253967)

FINDINGS AND DECISION

On April 24, 2000, the Superintendent of Police filed charges with the Police Board of the City of Chicago against Police Officer Deborah Dunn, Star No. 13026 (hereinafter sometimes referred to as "Respondent"), for violating 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 written or oral.
- 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, while on or off duty.
- Rule 38: Unlawful or unnecessary use or display of a weapon.

The Police Board of the City of Chicago investigated these charges and caused a hearing on these charges against Police Officer Deborah Dunn to be had before Thomas E. Johnson, Hearing Officer of the Police Board of the City of Chicago, on January 25, 2001.

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 January 25, 2001.

4. Throughout the hearing, Police Officer Deborah Dunn was present and was represented by counsel.

5. The Respondent Police Officer Deborah Dunn, Star No. 13026, 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,** in that the Superintendent did not prove by a preponderance of the evidence that:

Count I: On or about May 29, 1999, Police Officer Dunn, while off duty, while in the vicinity of 11245 South Longwood Drive, engaged in an unjustified verbal altercation with Lamont Yates in that she directed profanities at him, thereby

impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

Count II: On or about May 29, 1999, Police Officer Dunn, while in the vicinity of 11245 South Longwood Drive, Chicago, Illinois, while off duty, unnecessarily and without justification discharged her firearm striking Lamont Yates in the left leg, thereby impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

Rule 6: **Disobedience of an order or directive, whether written or oral**, in that the Superintendent did not prove by a preponderance of the evidence that:

Count I: On or about May 29, 1999, Police Officer Dunn, while in the vicinity of 11245 South Longwood Drive, Chicago, Illinois, while off duty, disobeyed the provisions of General Order 86-8, I, A-C and II, B in that she engaged in the use of deadly force when she unnecessarily and without justification discharged her firearm striking Lamont Yates in the left leg, thereby disobeying an order or directive whether written or oral.

Count II: On or about May 29, 1999, Police Officer Dunn, while in the vicinity of 11245 South Longwood Drive, Chicago, Illinois, while off duty, disobeyed the provisions of General Order 86-8, III, A and B in that she failed to exhaust all reasonable means prior to resorting to the use of deadly force when she unnecessarily and without justification discharged her firearm striking Lamont Yates in the left leg, thereby disobeying an order or directive whether written or oral.

Rule 8: **Disrespect to or maltreatment of any person, while on or off duty**, in that the Superintendent did not prove by a preponderance of the evidence that:

Count I: On or about May 29, 1999, Police Officer Dunn, while off duty, while in the vicinity of 11245 South Longwood Drive, engaged in an unjustified verbal altercation with Lamont Yates in that she directed profanities at him, thereby failing to respect or maltreating Lamont Yates.

Count II: On or about May 29, 1999, Police Officer Dunn, while in the vicinity of 11245 South Longwood Drive, Chicago, Illinois, while off duty, unnecessarily and without justification discharged her firearm striking Lamont Yates in the left leg, thereby failing to respect or malteating Lamont Yates.

Rule 9: **Engaging in any unjustified verbal or physical altercation with any person, while on or off duty,** in that the Superintendent did not prove by a preponderance of the evidence that:

Count I: On or about May 29, 1999, Police Office Dunn, while off duty, while in the vicinity of 11245 South Longwood Drive, engaged in an unjustified verbal altercation with Lamont Yates in that she directed profanities at him, thereby engaging in an unjustified verbal altercation with a person, while off duty.

Count II: On or about May 29, 1999, Police Officer Dunn, while off duty, while in the vicinity of 11245 South Longwood Drive, Chicago, Illinois, Officer Dunn unnecessarily and without justification discharged her firearm striking Lamont Yates in the left leg, thereby engaging in an unjustified physical altercation with a person, while off duty.

Rule 38: **Unlawful or unnecessary use or display of a weapon,** in that the Superintendent did not prove by a preponderance of the evidence that on or about May 29, 1999, Police Officer Dunn, while off duty, while in the vicinity of 11245 South Longwood Drive,

unnecessarily and without justification discharged her firearm striking Lamont Yates in the left leg, thereby unlawfully or unnecessarily using or displaying a weapon.

6. The Respondent Police Officer Deborah Dunn, Star No. 13026, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

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

Count III: On or about May 29, 1999, Police Officer Dunn, while in the vicinity of 11245 South Longwood Drive, Chicago, Illinois, while off duty, disobeyed the provisions of General Order 99-01, Section V, A, 1, a-f when after discharging her firearm striking Lamont Yates in the left leg, she failed to make immediate notification to the Department after discharging her weapon, thereby disobeying an order or directive whether written or oral; and

Count IV: On or about May 29, 1999, Police Officer Dunn, while in the vicinity of 11245 South Longwood Drive, Chicago, Illinois, while off duty, disobeyed the provisions of General Order 99-01, V, A, 1, (e) when she left the scene after she discharged her firearm striking Lamont Yates in the left leg, thereby disobeying an order or directive whether written or oral.

By reason of the findings of fact, the Respondent is not guilty of violating Rules 2, 6 (Counts I and II), 8, 9 and 38, and guilty of violating Rule 6 (Counts III and IV). Cause exists for the suspension of the Respondent Police Officer Deborah Dunn, Star

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Police Officer Deborah Dunn
Star No. 13026

No. 13026, 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

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Police Officer Deborah Dunn
Star # 13026

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, 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 Deborah Dunn, Star # 13026, as a result of having been found guilty of certain charges in Police Board Case 00-2419, is hereby suspended from her position as a Police Officer, and from the services of the City of Chicago, from April 25, 2000, to and including April 24, 2001.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 10th
DAY OF April, 2001.

Scarf Dunn
Thomas A. Johnson
Victor J. Smith
Patricia A. Smith
Rev. J. L. Miller
Phyllis Gelbaum

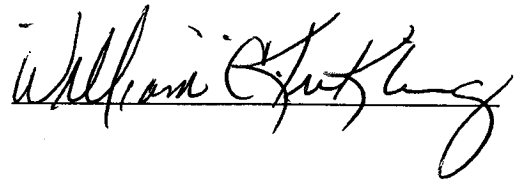
Michael J. Miller

Executive Director of the Police
Board

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Police Officer Deborah Dunn
Star # 13026

D I S S E N T

The following member of the Police Board hereby dissent from the decision of the majority of the Board, in that he supports a finding of guilty on all counts, and would impose a more severe penalty.

A handwritten signature in black ink, appearing to read "William B. King", written over a horizontal line.

RECEIVED A COPY OF THIS COMMUNICATION

THIS _____ DAY OF _____, 2001

SUPERINTENDENT OF POLICE

27 AUGUST 1999

INTERNAL AFFAIRS DIVISION
RECORDS SECTION

TO: CHIEF ADMINISTRATOR O P S

FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS DISCIPLINARY RECORD OF:

DUNN, DEBORAH 13826 005/165
NAME (LAST, FIRST, M.I.) STAR UNIT
SEX B [REDACTED] S.S.N.

REFERENCE: COMPLAINT REGISTER NUMBER(S) 253967

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

INV. III MONTGOMERY, J. 236 [REDACTED] 113
RANK NAME STAR S.S.N. UNIT

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.

NONE

VERIFIED/PREPARED BY:

JERELENE PORTE

FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

Exhibit A

CHICAGO POLICE DEPARTMENT
COMPLIMENTARY HISTORY

DATE: 26 August 1999

NAME: Dunn, Deborah RANK PO SSN [REDACTED] STAR 13026 UNIT 005/165

SPECIAL AWARDS: Fitness Award 01/98

DEPARTMENT
COMPLIMENTATIONS: 000

HONORABLE
MENTIONS: 005

COMPLIMENTARY
LETTERS: 000

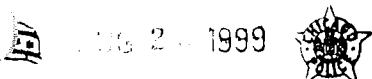
Complimentary History Requested By:

NAME Montgomery, James RANK Inv 3 STAR 109 UNIT 113

CR#: 235967

Completed By: Demetra Berry
Personnel Division
Records Section-Rm 803
Pax 0342 - Bell 747-5549

PERSONNEL SERVICES



CHICAGO POLICE DEPARTMENT