

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER MICHAEL LEVERETT, STAR,) CASE #00-2426
#19713, DEPARTMENT OF POLICE, CITY OF)
CHICAGO,) C. R. #260335
)
RESPONDENT.)

FINDINGS AND DECISION

On August 18, 2000, the Superintendent of Police filed charges with the Police Board of the City of Chicago, seeking the separation of Police Officer **MICHAEL LEVERETT**, Star #19713, 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 any order or directive, whether written or oral."

RULE 9 - "Engaging in any unjustified verbal or physical altercation with any person, while on or off duty."

RULE 15 - "Intoxication on or off duty."

RULE 38 - "Unlawful or unnecessary 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 **MICHAEL LEVERETT**, Star #19713, to be heard by **JACQUELINE A. WALKER**, Hearing Officer of the Police Board of the City of Chicago on January 10, 2001, and a Hearing in Aggravation and Mitigation on July 2, 2001. Following the Hearing, the members of the Police Board read and reviewed the certified transcription 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 on 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 **MICHAEL LEVERETT**,
Star #19713, 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 February 25, 2000, at
approximately 1330 hours, at or about 3812 North Albany,
second floor, while off duty, he discharged his weapon while
intoxicated.

(B) On or about February 25, 2000, at approximately
1330 hours, at or about 3812 North Albany, second floor,
while off duty, he failed to make the required notifications
regarding discharge of his weapon.

(C) On or about February 25, 2000, at approximately
1330 hours, at or about 3812 North Albany, second floor,
while off duty, he engaged in an unjustified altercation
with the victim, Diana Pogy.

(D) On or about February 25, 2000, at approximately
1330 hours, at or about 3812 North Albany, second floor,
while off duty, he threatened to commit suicide.

(E) On or about February 25, 2000, at approximately
1330 hours, at or about 3812 North Albany, second floor,

while off duty, he possessed his firearm while consuming alcoholic beverages.

(F) On or about February 25, 2000, at approximately 1330 hours, at or about 3812 North Albany, second floor, while off duty, he possessed one or more unregistered firearms.

(G) On or about February 25, 2000, at approximately 1330 hours, at or about 3812 North Albany, second floor, while off duty, he placed his gun into his mouth and/or relinquished his firearm to victim Diana Pogy and/or told her to shoot him.

5) Respondent, Police Officer **MICHAEL LEVERETT**, Star #19713, as charged herein, is guilty of violating, to-wit:

RULE 6 - "Disobedience of any order or directive, whether written or oral," in the following instances:

(A) On or about February 25, 2000, at approximately 1330 hours, at or about 3812 North Albany, second floor, while off duty, he disobeyed the provisions of General Order 86-8, III, A, in that he discharged his firearm one or more times when the use of such force was not necessary.

(B) On or about February 25, 2000, at approximately 1330 hours, at or about 3812 North Albany, second floor, while off duty, he disobeyed the provisions of

General Order 99-01, Section V, A (a) (d), in that he failed to immediately notify the Office of Emergency Communications, or the District of the occurrence.

(C) On or about February 25, 2000, at approximately 1330 hours, at or about 3812 North Albany, second floor, while off duty, he disobeyed the provisions of General Order 00-01, Section V, A (f), in that he failed to complete a Weapons Discharge Report or To-From Subject Report, after discharging his weapon at said location.

(D) On or about February 25, 2000, at approximately 1330 hours, at or about 3812 North Albany, second floor, while off duty, he disobeyed the provisions of General Order 92-3 Addendum 5B, Section IV, B, in that he was found to possess one or more unregistered firearms.

(E) On or about February 25, 2000, prior to 1245 1250 hours, at or about "My Mistake" bar located at or about 23rd and Damen, while off duty, he disobeyed provisions of General Order 92-3, Section III, C, in that he consumed alcoholic beverages while in possession of his firearm.

(6) The Respondent, Police Officer **MICHAEL LEVERETT**, Star #19713, 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 February 25, 2000, at approximately 1330 hours, at or about 3812 N. Albany, second floor, while off duty, he pulled Diana Pogy from her bed and/or grabbed her by the arms, and/or pushed her.

(7) The Respondent, Police Officer **MICHAEL LEVERETT**, Star #19713, as charged herein, is guilty of violating, to-wit:

RULE 15 - "Intoxication on or off duty," in that:

On or about February 25, 2000, at approximately 1330 hours, at or about 3812 North Albany, second floor, while off duty, he was intoxicated.

(8) The Respondent, Police Officer **MICHAEL LEVERETT**, Star #19713, as charged herein, is guilty of violating, to-wit:

RULE 38 - "Unlawful or unnecessary display of a weapon," in that:

On or about February 25, 2000, at approximately 1330 hours, at or about 3812 North Albany, second floor, while off duty, he unnecessarily discharged his weapon one or more times.

(9) The Respondent, Police Officer **MICHAEL LEVERETT**, Star #19713, as charged herein, is guilty of violating, to-wit:

RULE 39 - "Failure to immediately make an oral report to the desk

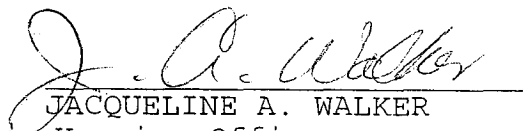
sergeant at the District of occurrence and to follow such oral report with a written report on the prescribed form, whenever a firearm is discharged by a member," in

that:

On or about February 25, 2000, at approximately 1330 hours, at or about 3812 North Albany, second floor, while off duty, he failed to make an oral report to the desk sergeant at the District of the occurrence and failed to follow such oral report with a written report on the prescribed form, after discharging his weapon.

Following the Police Board's finding of guilty as indicated herein, the Police Board ordered a Hearing in Aggravation and Mitigation to be conducted. Such a hearing was duly conducted before **JACQUELINE A. WALKER**, Hearing Officer.

BY REASON of the findings of fact and of guilty herein, cause exists for the suspension of Respondent, Police Officer **MICHAEL LEVERETT**, Star #19713 from the Department of Police and from the services of the City of Chicago.


JACQUELINE A. WALKER
Hearing Officer

FINDINGS & DECISION, CONT'D:

P.O. MICHAEL LEVERETT, STAR # 19713, C.R. # 260335

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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, 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 **MICHAEL LEVERETT**, Star # 19713, as a result of having been found guilty of the charges in Police Board Case 00-2426, is hereby suspended from his position as a Police Officer, and from the services of the City of Chicago, from August 19, 2000, to and including July 31, 2001.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 26th
DAY OF July, 2001.

Senete E. Conroy
Joseph L. ...
Patricia C. ...
...
...
William ...
Phyllis ...

Michael ...
Executive Director, Police Board


FINDINGS & DECISION, CONT'D:

POLICE OFFICER MICHAEL LEVERETT, STAR # 19713, C.R. # 260335

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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. While concurring in the finding of guilty, , the following member would support a penalty of separation and discharge, given the gravity of the incident.



RECEIVED A COPY OF THIS COMMUNICATION

THIS _____ DAY OF _____, 2001

FOR THE SUPERINTENDENT OF POLICE

INTERNAL AFFAIRS DIVISION
RECORDS SECTION

26 April 2000

TO: COMMANDING OFFICER OF UNIT 113

FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS DISCIPLINARY RECORD OF:

LEVERETT MICHAEL 19713 010
NAME (LAST, FIRST, M.I.) STAR UNIT

M

SEX RACE S.S.N.
260 335

REFERENCE: COMPLAINT REGISTER NUMBER(S)

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

INV. III GOLDSTON 21 113

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

D.E.O. PATRICIA JOHNSON

FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

INTERNAL AFFAIRS DIVISION
RECORDS SECTION
APR 26 2000
ONLY

CHICAGO POLICE DEPARTMENT

COMPLIMENTARY HISTORY

DATE 26 April 2000

NAME Leverett, Michael RANK PO SSN [REDACTED] STAR 19713 UNIT 10/376

SPECIAL AWARDS _____ 000 _____

DEPARTMENT _____ 001 _____
COMMENDATIONS: _____

IONORABLE _____
MENTIONS: _____ 003 _____

COMPLIMENTARY _____
LETTERS: _____ 000 _____

Complimentary History Requested By:

NAME Michael Goldston RANK Inv III STAR 219 UNIT 113

C.R.# 260335

Completed By: Demetra Berry
Personnel Division
Records Section-Room 803
Pax 0-342 or Bell 7-5549

PERSONNEL SERVICES

APR 26 2000

CHICAGO POLICE DEPARTMENT