

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER JOHN E. DUBOISE JR.,) No. 01 PB 2454
STAR No. 17986, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
RESPONDENT) (CR No. 264436)

FINDINGS AND DECISION

On March 27, 2001, the Superintendent of Police filed charges with the Police Board of the City of Chicago against Police Officer John E. DuBoise Jr., Star No. 17986 (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 4: Any conduct or action taken to use the official position for personal gain or influence.
- 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.

The Police Board of the City of Chicago caused a hearing on these charges against Police Officer John E. DuBoise Jr., Star No. 17986, to be had before Thomas E. Johnson, Hearing Officer of the Police Board of the City of Chicago, on February 28, April 6, May 5, June 30, and July 5, 2006. In addition, an evidence deposition was held on June 15, 2006 for the purpose of receiving testimony from a witness who was unavailable to travel to Chicago to testify; Hearing Officer Johnson viewed the videotape of the deposition.

Following the hearing, the members of the Police Board read and reviewed the certified transcription of the hearing and viewed the video-recording of the witness testimony. Thomas E. Johnson, Hearing Officer, made an oral report to and conferred with the Police Board before it rendered a decision.

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

1. The Respondent was at all times mentioned herein 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 February 28, April 6, May 5, June 30, and July 5, 2006.
4. Throughout the hearing, the Respondent was present represented by counsel of his choice.
5. The Respondent Police Officer John E. DuBoise Jr., Star No. 17986, charged herein, 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.

There was insufficient evidence presented by the Superintendent to prove that on or about August 1, 2000, at or near 4555 South Federal Street, Chicago, Officer DuBoise, while on duty, had Theresa Stanchel perform fellatio on his person.

6. The Respondent Police Officer John E. DuBoise Jr., Star No. 17986, charged herein, is **not guilty** of violating, to wit:

Rule 4: Any conduct or action taken to use the official position for personal gain or influence.

There was insufficient evidence presented by the Superintendent to prove that on or about August 1, 2000, at or near 4555 South Federal Street, Chicago, Officer DuBoise used his official position as a police officer for personal sexual gratification in that he, while on duty, had Theresa Stanchel perform fellatio on his person.

7. The Respondent Police Officer John E. DuBoise Jr., Star No. 17986, charged herein, is **not guilty** of violating, to wit:

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

There was insufficient evidence presented by the Superintendent to prove that on or about March 1, 2001, while at the Internal Affairs Division, Officer DuBoise disobeyed without justification a direct order by Sergeant Richard Majder to answer questions regarding allegations tendered to Officer DuBoise under administrative rights.

8. The Respondent Police Officer John E. DuBoise Jr., Star No. 17986, charged herein, is **not guilty** of violating, to wit:

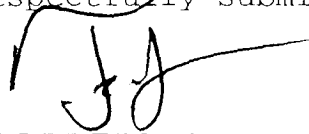
Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

There was insufficient evidence presented by the Superintendent to prove that on or about August 1, 2000, at or near 4555 South Federal Street, Chicago,

Officer DuBoise, while on duty, had Theresa Stanchel perform fellatio on his person.

By reason of the findings of fact that the Respondent is not guilty of violating Rules 2, 4, 6, and 8, cause exists for restoring the Respondent to his position as a police officer with the Department of Police, and to the services of the City of Chicago. As a result of an agreement entered into by Respondent on November 4, 2002, the Respondent is to be restored to duty with all rights and benefits, including backpay, effective March 3, 2001 to and including December 31, 2002; the Respondent is not to receive any rights and benefits, including backpay, for the period from January 1, 2003 to and including the date this decision is issued.

Respectfully submitted,

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

THOMAS E. JOHNSON
Hearing Officer

D E C I S I O N

The Police Board of the City of Chicago, having read and reviewed the certified transcription of the hearing, having viewed the video-recording of the hearing, having received the oral report of the Hearing Officer, Thomas E. Johnson, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts all findings herein; and

IT IS HEREBY ORDERED that the Respondent, Police Officer John E. DuBoise Jr., Star No. 17986, as a result of having been found **not guilty** of the charges in Police Board Case No. 01 PB 2454, be and hereby is **restored** to his position as a police officer, and to the services of the City of Chicago, with all rights and benefits, effective 03 March 2001.

IT IS FURTHER ORDERED that, as a result of an agreement entered into by the Respondent on 04 November 2002, the Respondent is restored to duty with all rights and benefits, including backpay, from 03 March 2001 to and including 31 December 2002. The Respondent shall not receive any rights and benefits, including backpay, for the period from 01 January 2003 to and including the date this decision is issued.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS
17th DAY OF AUGUST, 2006.

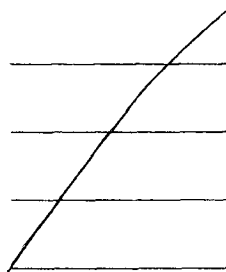
Raymond L. Miller
John E. Smith
Patti Ball
Patti Kergan
John A. P.
Walter A. K. L.
David D. D.
James J. C.
Max A. C.

Executive Director, 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.



RECEIVED A COPY OF

THE FOREGOING COMMUNICATION

THER 24 DAY OF Aug 2006.



SUPERINTENDENT OF POLICE