

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER RUBIN TEVENAL) Case No. 01-2460
STAR NO. 19137, CR #262571)

FINDINGS AND DECISION

On April 17, 2001, the Superintendent of Police filed charges with the Police Board of the City of Chicago against Police Officer Rubin Tevenal, Star No. 19137 (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 9: Engaging in any unjustified verbal altercation with any person, on or off duty.
- Rule 14: Making a false report, written or oral.
- 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 Rubin Tevenal, Star No. 19137, to be had before Thomas E. Johnson, Hearing Officer of the Police Board of the City of Chicago, on July 31, 2001, August 1, 2001, and August 2, 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, found and determined 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 July 31, 2001, August 1, 2001, and August 2, 2001.

4. Throughout the hearing, Police Officer Rubin Tevenal was represented by counsel.

5. The Respondent Police Officer Rubin Tevenal, Star No. 19137, 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 City did not sustain its burden of establishing by a preponderance of the evidence that:

Count I: On or about May 25, 2000, at approximately 2310 hours, in the vicinity of 9617 S. Avenue M, P. O. Tevenal reloaded his weapon in an attempt to hide the fact that he had fired his weapon or to thwart an investigation, thereby impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

Count II: On or about May 25, 2000, at approximately 2310 hours, in the vicinity of 9617 S. Avenue M, P. O. Tevenal engaged in an unjustified altercation or unnecessarily displayed his weapon or resorted to the use of deadly force without justification, and thereby impeded the Department's efforts to achieve its policy and goals or brought discredit upon the Department.

Count III: On or about May 26, 2000, P. O. Tevenal made false reports when he stated that he had fired five warning shots into the air, thereby impeding the Department's efforts to achieve its policy and goals or brought discredit upon the Department.

Rule 6: **Disobedience of an order or directive, whether written or oral,** in that the City did not sustain its burden of establishing by a preponderance of the evidence that:

Count I: On or about May 25, 2000, at approximately 2310 hours, in the vicinity of 9617 S. Avenue M, P. O. Tevenal violated G.O. 86-6, when he resorted to the use of deadly force by firing his gun when he was not in any imminent danger of death or great bodily harm, thereby disobeying an order or directive, whether written or oral.

Rule 9: **Engaging in any unjustified verbal altercation with any person, on or off duty,** in that the City did not sustain its burden of establishing by a preponderance of the evidence that:

Count I: On or about May 25, 2000, at approximately 2310 hours, in the vicinity of 9617 S. Avenue M, P.O. Tevenal engaged in an unjustified verbal altercation with Joseph Anaya while off duty, thereby engaging in any unjustified verbal altercation with any person, on or off duty.

Rule 14: **Making a false report, written or oral**, in that the City did not sustain its burden of establishing by a preponderance of the evidence that:

Count II: On or about May 25, 2000, in the 4th District Station, P. O. Tevenal, while off duty, made a false report, oral or written, when he stated that he had fired five warning shots into the air, thereby making a false report, whether written or oral.

Rule 38: **Unlawful or unnecessary use or display of a weapon**, in that the City did not sustain its burden of establishing by a preponderance of the evidence that:

Count I: On or about May 25, 2000, P. O. Tevenal, while off duty, unlawfully and unnecessarily displayed his weapon when he pointed the weapon at Joseph Anaya or Jesus Salazar, thereby unlawfully or unnecessarily using or displaying his weapon.

6. The Respondent Police Officer Rubin Tevenal, Star No. 19137, charged herein, contrary to the Rules and Regulations, 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 that:

Count II: On or about May 25, 2000, at approximately 2310 hours, in the vicinity of 9317 S. Avenue M, P.O. Tevenal failed to make immediate notifications that he discharged his weapon, and gave false reports detailing his actions, and thereby impeded the Department's efforts to achieve its policy and goals or brought discredit upon the Department.

Count III: On or about May 26, 2000, P.O. Tevenal made false reports when he stated that he did not discharge his weapon, thereby impeding the Department's efforts to achieve its policy and goals or bring discredit upon the Department.

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

Count II: On or about May 25, 2000, at approximately 2310 hours, in the vicinity of 9617 S. Avenue M, P.O. Tevenal failed to comply with the provisions of G.O. 99-01, Section V, Paragraph A, when he did not make immediate notifications that he discharged a weapon, thereby disobeying an order or directive, whether written or oral.

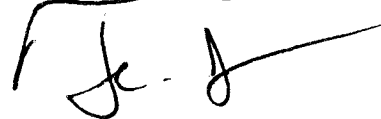
Rule 14: Making a false report, written or oral, in that:

Count I: On or about May 25, 2000, at approximately 2310 hours, in the vicinity of 9617 S. Avenue M, P.O. Tevenal made a false oral report when he reported that he did not discharge his weapon while off duty, thereby making a false report, whether written or oral.

Count III: On or about May 26, 2000, in the 4th District Station, P. O. Tevenal, while off duty, reported that he did not discharge his weapon, thereby making a false report, whether written or oral.

By reason of the findings of fact, the Respondent is not guilty of certain allegations, as set forth above, and is guilty of violating Rules 2, 6, and 14.

Respectfully submitted,

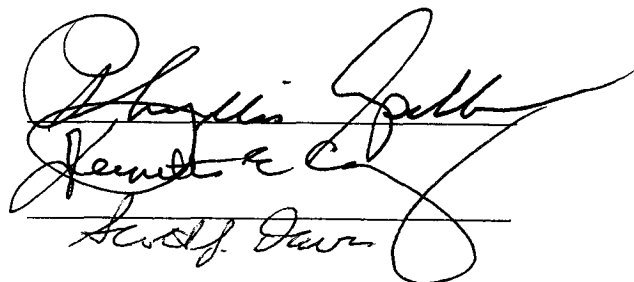


THOMAS E. JOHNSON
Hearing Officer

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Police Officer Rubin Tevenal
Star # 19137

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. These members would support a substantially longer suspension than that ordered by the majority of the Board.


Phillip J. Kelly
Kenneth A. Co
Scott J. Davis

RECEIVED A COPY OF THIS COMMUNICATION

THIS 11th DAY OF Oct., 2001



SUPERINTENDENT OF POLICE

28 SEPTEMBER 2000

INTERNAL AFFAIRS DIVISION
RECORDS SECTION

TO:

COMMANDING OFFICER OF UNIT 113

FROM:

RECORDS SECTION
INTERNAL AFFAIRS DIVISION

SUBJECT:

PREVIOUS DISCIPLINARY RECORD OF:

TEVENAL RUBIN 19137 005

INTERNAL AFFAIRS
RECORDS SECTION

NAME (LAST, FIRST, M.I.) STAR UNIT

SEX

RACE

S.S.N.

REFERENCE:

COMPLAINT REGISTER NUMBER(S) 262571

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

SUPV. DUFFY 105 STAR S.S.N. UNIT

RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE ABOVE REFERENCED COMPLAINT REGISTER NUMBER(S) BY THE

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

NONE

VERIFIED/PREPARED BY:

DEANNA MAGSBY

FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

Ex. A

CHICAGO POLICE DEPARTMENT

COMPLIMENTARY HISTORY

DATE 27 Sept 2000

NAME Tevenal, Rubin Rank Po SSN [REDACTED] STAR 19137 UNIT 005

SPECIAL AWARDS

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DEPARTMENT
COMMENDATIONS:

000

HONORABLE
MENTIONS:

000

COMPLIMENTARY
LETTERS:

000

Complimentary History Requested By:

NAME Michael Duffy RANK Supv STAR 105 UNIT 113

C.R.# 262571

Completed By: Demetra Berry
Personnel Division
Records Section-2089-2092
Pax 0-342 or Bell 5-5390

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 Rubin Tevenal, Star # 19137, as a result of having been found guilty of the charges in Police Board Case 01-2460, is hereby suspended from his position as a Police Officer, and from the services of the City of Chicago, from April 18, 2001, to and including May 17, 2001.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 25th
DAY OF September, 2001.

R. J. L. Miller
V. J. Donzay
W. J. Smith
W. J. Smith
William G. King

[Signature]
Executive Director of the Police
Board