

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
 POLICE OFFICER DONNA SALVAGE, STAR #13075,) 02-2492
 DEPARTMENT OF POLICE, CITY OF CHICAGO) Cr.256152
)

FINDINGS & DECISION

On June 20, 2002, the Superintendent of Police filed charges with the Police Board of the City of Chicago against Police Officer Donna Salvage, Star #13075, (hereinafter sometimes referred to as "Respondent") seeking the suspension of the Respondent for violating the following Rules pursuant to the attached Stipulation:

- Rule 1: Violation of any law or ordinance
- Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and/or goals and/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 47: Associating or fraternizing with any person known to have been convicted of any felony or misdemeanor, with state or federal, excluding traffic and municipal ordinance violations.

The Police Board of the City of Chicago caused a hearing on these charges against Police Officer Donna Salvage to be had before Michael G. Berland, Hearing Officer of the Police Board of the City of Chicago on September 30, 2002, October 30, 2002,

October 31, 2002, November 18, 2002, November 19, 2002, December 2, 2002, February 5, 2003, March 18, 2003, April 29, 2003, May 12, 2003, June 9, 2003 and June 23, 2003.

The Superintendent and the Respondent entered into a Settlement Agreement And Stipulation (a copy of which is attached as Exhibit A), which the Police Board approved.

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 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 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 Michael G. Berland, Hearing Officer of the Police Board of the City of Chicago, on on September 30, 2002, October 30, 2002, October 31, 2002, November 18, 2002, November 19, 2002, December 2, 2002, February 5, 2003, March 18, 2003, April 29, 2003, May 12, 2003, June 9, 2003 and June 23, 2003.

4. Throughout the hearing the Respondent did appear in person and was represented by counsel of his choice.

5. Respondent Police officer Donna Salvage, Star # 13075, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 1: Violation of any law or ordinance.

A. On or about August 14, 1999, in Coles County, Illinois, Police Officer Donna Salvage allowed Mario Hernandez, a convicted felon, in her presence to possess a firearm registered to Police Officer Donna Salvage in violation of 720 ILCS 5/5/2c

B. On or about August 14, 1999, in Coles County, Illinois, Police officer Donna Salvage committed the offense of official misconduct by allowing Mario Hernandez, a convicted felon, to possess a firearm registered to Police Officer Donna Salvage, in violation of 720 ILCS 5/33-3b

6. Respondent Police officer Donna Salvage, Star # 13075, 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/or goals and/or brings discredit upon the Department.

A. On or about August 14, 1999 in Coles County, Illinois, Police Officer Donna Salvage allowed Mario Hernandez, a convicted felon, in her presence to possess a firearm registered to Police Officer Donna Salvage in violation of the law, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

B. On or about August 14, 1999, in Coles County, Illinois, Police Officer Donna Salvage allowed Mario Hernandez a convicted felon, to possesses a firearm registered to Police Officer Donna Salvage, in violation of the law, thereby impeding the Department's efforts to achieve its policy and goals and/or

bringing discredit upon the Department.

C. On or September 14, 1999, in the 1300 block of Dixie Highway, Beecher, Illinois, Police Officer Donna Salvage intervened on behalf of Mario Hernandez, who had been stopped for speeding by the Beecher Police, by announcing her office and asking the Beecher Police Officer if it would help if she were the police and, as a result of her intervention, no traffic citations were issued, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

D. From approximately August 10, 1999 to July 19, 2000, in various locations, including but not limited to the border of Mexico, the State of Texas, Coles County, Illinois, the 1300 block of Dixie Highway, Beecher, Illinois, and other locations in the City of Chicago including 1341 North Ashland, 2326 West Farragut and Cook County/Jail Division 11, Police Officer Donna Salvage was found to be associating and fraternizing with Mario Hernandez, a known member of a criminal organization, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

E. From approximately August 10, 1999 to July 19, 2000, in various locations, including but not limited to: the border of Mexico, the State of Texas, Coles County, Illinois, the 1300 block of Dixie Highway, Beecher, Illinois, and other locations in the City of Chicago including 1341 North Ashland, 2326 West Farragut and Cook County/Jail Division 11, Police Officer Donna

Salvage was found to be associating with Mario Hernandez, a known convicted felon, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

7. Respondent Police Officer Donna Salvage, Star # 13075, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

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

A. On or September 14, 1999 in the 1300 block of Dixie Highway, Beecher, Illinois, Police Officer Donna Salvage intervened on the behalf of Mario Hernandez, who had been stopped for speeding by the Beecher Police, by announcing her office and asking the Beecher Police Officer if it would help if she were the police and, as a result of her intervention, no traffic citations were issued.

8. Respondent Police Officer Donna Salvage, Star #13075, 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.

A. From approximately August 10, 1999 to July 19, 2000, in various locations, including but not limited to: the border of Mexico, the State of Texas, Coles County, Illinois, the 1300 block of Dixie Highway, Beecher, Illinois, and other locations in the City of Chicago including 1341 North Ashland, 2326 West Farragut and Cook County/Jail Division 11, Police Officer Donna

Salvage was found to be associating and fraternizing with Mario Hernandez, a known member of a criminal organization, thereby violating General Order 97-1-V1-A-2.

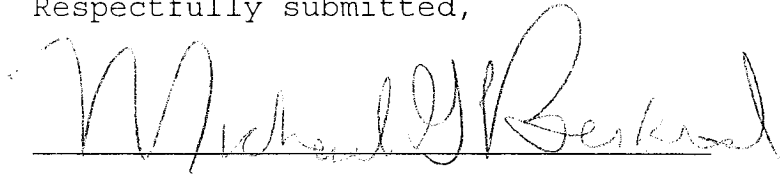
9. Respondent Police Officer Donna Salvage, Star #13075, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 47: Associating or fraternizing with any person known to have been convicted of any felony or misdemeanor, with state or federal, excluding traffic and municipal ordinance violations.

A. From approximately August 10, 1999 to July 19, 2000, in various locations, including but not limited to: the border of Mexico, the State of Texas, Coles County, Illinois, the 1300 block of Dixie Highway, Beecher, Illinois, and other locations in the City of Chicago including 1341 North Ashland, 2326 West Farragut and Cook County/Jail Division 11, Police Officer Donna Salvage was found to be associating and fraternizing with Mario Hernandez, a known convicted felon

By reason of the fact that Police Officer Donna Salvage, Star#13075, is guilty of violating Rules 1, 2, 4, 6, and 47, and by reason of the Settlement Agreement And Stipulation which the parties executed and which the Police Board approved, cause exists for the suspension of Donna Salvage from her position as a Police Officer with the Department of Police and from the City of Chicago from May 29, 2002, to and including August 21, 2003 with restoration of all rights and benefits thereafter.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michael G. Berland", written over a horizontal line.

Michael G. Berland, Hearing Officer

DECISION

The members of the Police Board, having read and reviewed the Stipulation of the parties, hereby adopts all findings and;

IT IS HEREBY ORDERED that Detective Police Officer Donna Salvage, Star 13075, is guilty of violating Rules 1, 2, 4, 6, and 47, cause exists for the suspension of Donna Salvage from her position as a Police Officer with the Department of Police and from the City of Chicago from May 29, 2002, to and including August 21, 2003 with restoration of all rights and benefits thereafter.

DATED AT CHICAGO, ILLINOIS, COUNTY OF COOK, STATE OF ILLINOIS, THIS 26^A DAY OF AUGUST, A.D., 2003.

Leatrice C. Conn
Walter Gonzales
Dr. R. H. P.
Patricia C. Bobb
William C. Fux
Phyllis J. Fux
Roy L. Miller
Al Smith
Scott J. Davis

Paul A.

EXECUTIVE DIRECTOR OF POLICE BOARD

DISSENT

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

THIS ____ DAY OF _____, 2003.

SUPERINTENDENT OF POLICE

BEFORE THE POLICE BOARD
OF
THE CITY OF CHICAGO

IN THE MATTER
OF CHARGES AGAINST
DONNA SALVAGE,

Respondent.

Case No. PB 2492

SETTLEMENT AGREEMENT AND STIPULATION

Respondent, Police Officer Donna Salvage, by her attorney, Paul Geiger, and the Superintendent of Police, Terry Hillard, by his attorney, Mara S. Georges, Corporation Counsel of the City of Chicago, herein stipulate and agree to the following:

1. On May 29, 2002, the Superintendent filed charges with the Police Board of the City of Chicago (the "Police Board") seeking discharge against the respondent, Police Officer Donna Salvage, Star Number 13075. The Superintendent alleges that, (1) on August 14, 1999, Police Officer Donna Salvage allowed Mario Hernandez, a convicted felon, in her presence, to possess a firearm registered to Police Officer Donna Salvage; (2) on August 14, 1999, in Coles County, Illinois, Police Officer Donna Salvage committed the offense of official misconduct by allowing Mario Hernandez, a convicted felon, to possess a firearm registered to Police Officer Donna Salvage; (3) on September 14, 1999, in the 1300 block of Dixie Highway, Beecher, Illinois, Police Officer Donna Salvage intervened on the behalf of Mario Hernandez, who had been stopped for speeding by the Beecher Police, by announcing her office and asking the Beecher Police Officer if it would help if she were the police and, as a result of her intervention, no traffic citations were issued; (4) from approximately August 10, 1999 to July 19, 2000, in various locations including but not limited to: the border of Mexico, the state of Texas, Coles County, Illinois, the 1300

EXH. Lit A

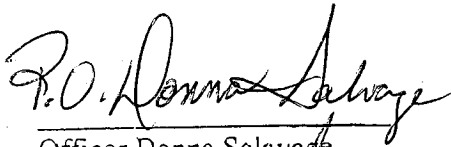
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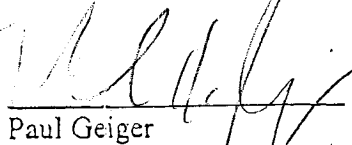
block of Dixie Highway, Beecher, Illinois and other locations in the City of Chicago including 1341 North Ashland, 2326 West Farragut and Cook County Jail/Division 11, Police Officer Donna Salvage was found to be associating and fraternizing with Mario Hernandez, a known member of a criminal organization; and (5) from approximately August 10, 1999 to July 19, 2000, in various locations including but not limited to: the border of Mexico, the state of Texas, Coles County, Illinois, the 1300 block of Dixie Highway, Beecher, Illinois and other locations in the City of Chicago including 1341 North Ashland, 2326 West Farragut and Cook County Jail/Division 11, Police Officer Donna Salvage was found to be associating and fraternizing with Mario Hernandez, a known convicted felon. Officer Salvage was suspended without pay on May 29, 2002.

2. The parties, through their attorneys, have advised the Police Board that they desire to resolve this case without the burden and delay of further litigation, and that an agreement has been reached by the parties which is set forth herein. It is agreed that neither this Stipulation and Settlement Agreement nor any of its terms shall be offered or received in evidence in any civil or administrative action or proceedings, or used in any manner whatsoever, as an indication of wrongdoing, or of the legal position in these proceedings, of the Chicago Police Department, the Superintendent of Police, or any of its officers, agents, or employees of the City of Chicago including the respondent herein. The parties expressly state that they are entering into this Stipulation and Settlement Agreement solely for the purposed of avoiding further expense, inconvenience and the distraction of burdensome litigation.
3. The parties have agreed upon the imposition of a fourteen month and twenty three day suspension to resolve this matter. Therefore, in consideration of the provisions of this

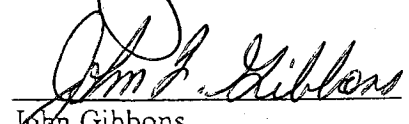
Stipulation and Settlement Agreement, the Superintendent recommends to the Police Board that Office Donna Salvage be suspended for the period from May 29, 2002, to and including August 21, 2003.

4. In consideration of the provisions of this Stipulation and Settlement Agreement, the respondent agrees to hold harmless, release and forever discharge the City of Chicago, its departments, officers, agents and employees from any actions, claims, causes of actions, demands, losses, damages or conditions or reinstatement arising out of the suspension herein referred to.
5. The parties expressly understand that the terms and obligations of this Stipulation and Settlement Agreement are subject to and conditioned upon acceptance and adoption by the Police Board. In the event that this Stipulation and Settlement Agreement is not accepted by the Police Board, it shall be deemed null and void, and this matter shall be returned to the Board's calendar for hearing, and no facts or admissions referenced in this agreement shall be used against either party.
6. If the Police Board enters an order accepting and adopting the provisions of this Stipulation and Settlement Agreement, the respondent waives any and all forms of review of that order, in any forum whatsoever.
7. The parties further agree that this Stipulation and Settlement Agreement, and all of its terms, contains the entire agreement between the parties, and shall be binding on the parties, their representatives, successors and assigns.


Officer Donna Salavage


Paul Geiger
Attorney for Respondent


Superintendent Terry Hillard


John Gibbons
Special Assistant Corporation Counsel
for Mara Georges, Corporation Counsel of
the City of Chicago

Dated: 4-5-03