

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER MICHAEL J. CHIOCCA,) CASE #02-2507
STAR # 13013, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,) CR # 265096
)
RESPONDENT.)

FINDINGS AND DECISION

On December 2, 2002, the Superintendent of Police filed charges with the Police Board of the City of Chicago, seeking the termination of Police Officer **MICHAEL J. CHIOCCA**, Star # 13013, 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 or an order or directive, whether written or oral."

The Police Board of the City of Chicago caused a hearing on these charges against Police Officer **MICHAEL J. CHIOCCA**, Star # 13013, to be heard by **JACQUELINE A. WALKER**, Hearing Officer of the Police Board of the City of Chicago, on March 27, 2003, April 17, 2003 and May 2, 2003. Following the Hearing, the members of the Police Board read and reviewed the certified transcription of the proceedings of the hearing and viewed the videotapes of the proceedings. **JACQUELINE A. WALKER**, Hearing Officer made an oral report and conferred with the Police Board before it rendered a decision.

FINDINGS & DECISION, CONT'D.
POLICE OFFICER MICHAEL J. CHIOCCA, STAR #13013, C. R. #265096
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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) Respondent, Police Officer, **MICHAEL J. CHIOCCA**, Star #13013, 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 August 18, 2002, through August 20, 2002, on one or more occasions, during the 3rd watch, he forwarded inappropriate messages that included racial slurs, sexual innuendos, and/or profanity.

(B) On or about August 18, 2002, through August 20, 2002, during the 3rd watch, he failed to enter his log-on identification number via the Mobile Portable Data Terminal to gain access to the Police Computer Aided Dispatch System, and instead used another officer’s log-on

identification to send inappropriate messages that included racial slurs, sexual innuendos and/or profanity.

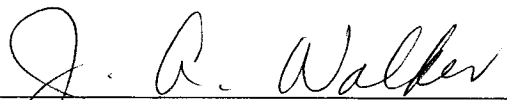
(5) The Respondent, Police Officer **MICHAEL J. CHIOCCA**, Star #13013, as charged herein, is **guilty** of violating, to-wit:

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

(A) On or about August 18, 2000, through August 20, 2000, on one or more occasions, during the 3rd watch, he forwarded inappropriate messages that included racial slurs, sexual innuendos and/or profanity, thereby violating General Order 97-6-II.

(B) On or about August 18, 2000 through August 20, 2000, during the 3rd watch, he failed to enter his log-on identification number via the Mobile Portable Data Terminal to gain access to the Police Computer Aided Dispatch System, thereby violating General Order 97-6-9.

BY REASON of the findings of fact and of guilt herein, cause exists for the suspension of Respondent, Police Officer **MICHAEL J. CHIOCCA**, Star # 10313, from the Department of Police and from the services of the City of Chicago from December 4, 2002 to, up to and including, December 3, 2003.



JACQUELINE A. WALKER
Hearing Officer

DECISION

The members of the Police Board, having read and reviewed the certified copy of the transcription of the hearing, having viewed the videotapes 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 J. CHIOCCA**, Star # 13013, as a result of having been found guilty of the charges in Police Board Case No. 02-2507, is hereby suspended from his position as a Police Officer, and from the services of the City of Chicago, from December 4, 2002, to and including **December 3, 2003.**

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 5th DAY OF JUNE, 2003.

Scott J. Davis
Josephine
Walter
William
Patricia
Phyllis

[Signature]
Executive Director, Police Board

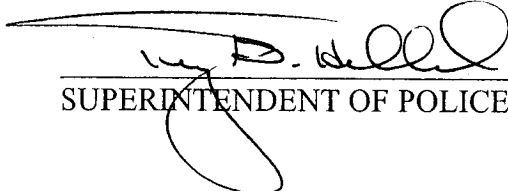
FINDINGS & DECISION, CONT'D:
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DISSENT

The following members of the Police Board hereby dissent from the decision of the majority of the Board.

RECEIVED A COPY OF THIS COMMUNICATION

THIS 17th DAY OF June, 2003



SUPERINTENDENT OF POLICE

INTERNAL AFFAIRS DIVISION
RECORDS SECTION

11 September 2000

TO:

COMMANDING OFFICER OF UNIT GIS

FROM:

RECORDS SECTION
INTERNAL AFFAIRS DIVISION

SUBJECT:

PREVIOUS DISCIPLINARY RECORD OF:

CHIOCCA	MICHAEL	13013	006
NAME	(LAST, FIRST, M. I.)	STAR	UNIT
M		[REDACTED]	
SEX	RACE	S.S.N.	
		265 096	

REFERENCE:

COMPLAINT REGISTER NUMBER(S)

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

SGT. CALLOWAY K	1055	[REDACTED]	121
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.

VERIFIED/PREPARED BY:

NONE

D.E.O. PATRICIA JOHNSON

Ex. A

FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

CR # 265096

ATTACHMENT # 57

DATE 1 no 2

CHICAGO POLICE DEPARTMENT

COMPLIMENTARY HISTORY

DATE 11 Sept 2000

NAME Michael Chiocca RANK PO SSN [REDACTED] STAR 13013 UNIT 006

SPECIAL AWARDS 000

DEPARTMENT 001

COMMENDATIONS: _____

HONORABLE MENTIONS: 013

COMPLIMENTARY LETTERS: 000

Complimentary History Requested By:

NAME Janice MC Arthur RANK PO STAR 6457 UNIT 121

C.R.# 265096

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

PERSONNEL SERVICES
SEP 11 2000

CHICAGO POLICE DEPARTMENT
CR# 265096

ATTACHMENT # 57