

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST )  
POLICE OFFICER WILLIE CLAY, STAR #4525, ) NO. 03-2519  
DEPARTMENT OF POLICE, CITY OF CHICAGO ) CR#284380

FINDINGS & DECISION

On July 1, 2003, the Superintendent of Police filed charges with the Police Board of the City of Chicago against Police Officer Willie Clay, Star #4525, (hereinafter sometimes referred to as "Respondent") seeking the discharge of the 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 8: Disrespect to or maltreatment of any person, while on or off duty.

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

Rule 14: Making a false report, whether written or oral.

Rule 38: Unlawful or unnecessary use or display of a weapon.

Rule 39: Failed 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 Willie Clay to be held before Michael G. Berland, Hearing Officer of the Police Board of the City of Chicago on April 5, 2004 and May 11, 2004.

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 hearing. Michael G. Berland, Hearing Officer, made a 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, 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 April 5, 2004 and May 11, 2004.

4. Throughout the hearing the Respondent voluntarily absented himself although he was given written notice of all hearing dates.

5. Respondent Police Officer Willie Clay, Star # 4525, 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.

A. On or about September 22, 2002, Officer Clay impeded the Department's efforts to achieve its policy and goals and brought

discredit upon the Department when he carried his weapon while on a disability leave of absence in violation of General Order 93-03, Addendum 6, Section 11, paragraph P (2).

B. On or about September 22, 2002, at or near 9202 South Saginaw, Chicago, Illinois, Officer Clay impeded the Department's efforts to achieve its policy and goals and brought discredit upon the Department when he engaged in an unjustified altercation with Tracy Allen when he shoved her one or more times.

C. On or about September 22, 2002, at or near 9202 South Saginaw, Chicago, Illinois, Officer Clay impeded the Department's efforts to achieve its policy and goals and brought discredit upon the Department when he maltreated Tracy Allen by striking her with a police baton without justification.

D. On or about September 22, 2002, at approximately 2015 hours, at or near 9208 South Saginaw, Chicago Illinois, Officer Clay impeded the Department's efforts to achieve its policy and goals and brought discredit upon the Department when he unlawfully shot Tracy Allen in the ankle without justification.

E. On or about September 22, 2002, at approximately 2015 hours, Officer Clay impeded the Department's efforts to achieve its policy and goals and brought discredit upon the Department when he discharged his weapon and failed to immediately notify the Office of Emergency Communications that he had discharged his weapon and/or make an oral report to the desk sergeant of the District of occurrence and/or to follow that report with a written report.

F. On or about September 22, 2002, at approximately 2015 hours, Officer Clay impeded the Department's efforts to achieve its policy and goals and brought discredit upon the Department when he fled the scene of a crime to wit, at or near 9202-9208 South Saginaw, Chicago, Illinois.

G. On or about September 23, 2002, at approximately 0137 hours, at or near the Area 2 Detective Division, 727 East 111th Street, Chicago, Illinois, Officer Clay impeded the Department's efforts to achieve its policy and goals and brought discredit upon the department when he disobeyed a direct order from Sergeant Cornelius Spence to submit to a breathalyzer examination.

H. On or about January 2, 2003, at the Office of Professional Standards, 10 West 35<sup>th</sup> Street, Chicago, Illinois, Officer Clay impeded the Department's efforts to achieve its policy and goals and brought discredit upon the Department when he gave a false account of facts surrounding the incident between Tracy Allen and him which occurred on September 22, 2002.

6. Respondent Police Officer Willie Clay, Star #4525, 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.

A. On or about September 22, 2002, the Superintendent failed to prove that Officer Clay impeded the Department's efforts to achieve its policy and goals and brought discredit upon the

Department by consuming alcohol while carrying a firearm while on a disability leave of absence.

7. The Respondent Police Officer Willie Clay, Star #4525, 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. On or about September 22, 2002, Officer Clay while on a disability leave of absence, carried a firearm, in violation of General Order 93-03, Addendum 6, Section 11, Paragraph P (2)

B. On or about September 22, 2002, at approximately 2015 hours at or near 9208 South Saginaw, Chicago Illinois, Officer Clay unlawfully shot Tracy Allen in the ankle although he was not in great fear of bodily harm in violation of the deadly force provisions set forth by the Department under General Order 86-08, 111, A.

C. On or about September 22, 2002, at approximately 2015 hours, Officer Clay failed to immediately notify the Office of Emergency Communications that he had discharged his weapon and/or make an oral report to the desk sergeant of the District of occurrence and/or to follow that report with a written report, in violation of General Order 99-01, V, A, 1.

D. On or about September 23, 2002, at or approximately 0137 hours, at or near Area 2 Detective Division, 727 East 111<sup>th</sup> Street, Chicago, Illinois, Officer Clay disobeyed a direct order from Sergeant Cornelius Spencer to submit to a breathalyzer examination.

8. Respondent Police Officer Willie Clay, Star #4525, charged herein, contrary to the Rules and Regulations, is not guilty of violating, to wit:

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

A. On or about September 22, 2002, the Superintendent failed to prove that Officer Clay, while on a disability leave of absence, consumed alcohol while carrying a firearm and/or carried a firearm when there was a likelihood that he would be consuming alcoholic beverages which might impair his physical and/or mental abilities, in violation of General Order 92-03, section 111, paragraph C.

9. Respondent Police Officer Willie Clay, Star # 4525, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

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

A. On or about September 22, 2002, at or near 9202 South Saginaw, Chicago Illinois, Officer Clay maltreated Tracy Allen when he shoved her one or more times.

B. On or about September 22, 2002, at or near 9202 South Saginaw, Chicago Illinois, Officer Clay maltreated Tracy Allen when he struck her with a police baton.

C. On or about September 22, 2002, at or near 9202 South Saginaw, Chicago Illinois, Officer Clay maltreated Tracy Allen when he unlawfully shot her in the ankle.

10. Respondent Police Officer Willie Clay, Star # 4525, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

A. On or about September 22, 2002, at or near 9202 South Saginaw, Chicago Illinois, Officer Clay engaged in an unjustified altercation with Tracy Allen when he shoved her one or more times.

B. On or about September 22, 2002, at or near 9202 South Saginaw, Chicago Illinois, Officer Clay engaged in an unjustified altercation with Tracy Allen when he struck her with a police baton.

11. Respondent Police Officer Willie Clay, Star # 4525, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 14: Making a false report, whether written or oral.

A. On or about January 2, 2003, at the Office of Professional Standards, 10 West 35<sup>th</sup> Street, Chicago, Illinois, Officer Clay gave a false account of the facts surrounding the incident between Tracy Allen and him which occurred on September 22, 2002.

12. Respondent Police Officer Willie Clay, Star # 4525, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 38: Unlawful or unnecessary use or display of a weapon.

A. On or about September 22, 2002, at approximately 2015 hours, at or near 9202 South Saginaw, Chicago, Illinois, Officer Clay pointed a weapon at Tracy Allen and/or unlawfully shot her in the ankle.


13. Respondent Police Officer Willie Clay, Star # 4525, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 39: Failed 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.

A. On or about September 22, 2002, at approximately 2015 hours, Officer Clay discharged his weapon and failed to make an oral report to the desk sergeant of the District of occurrence and or failed to follow that oral report with a written report of the prescribed form in violation of Article V, Rule 39 of the Rules and Regulations of the City of Chicago Police Department.

14. By reason of the fact that Willie Clay, Star#4525, is guilty of violating Rules 2, 6, 8, 9, 14, 38 and 39 the Police Board orders that Officer Willie Clay be and hereby is discharged from his position as a Police Officer from the Department of Police and the services of the City of Chicago.

Respectfully submitted,

  
Michael G. Berland, Hearing Officer



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 viewed the videotapes of the hearing, having received the oral report of the Hearing Officer, Michael G. Berland, 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, a copy of which is attached hereto as Exhibit A, and,

**IT IS HEREBY ORDERED** that the Respondent, Police Officer Willie Clay, Star # 4525, as a result of having been found guilty of the charges in Police Board Case No. 03-2519, is hereby separated and discharged from his position as a Police Officer, and from the services of the City of Chicago.

DATED AS CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 28<sup>th</sup> DAY OF MAY, 2004.

Demetrius L. Carr

Scott J. Davis

Victor M. Gray

Mr. J. J. [Signature]

Patricia C. Bobb

Rep. J. L. Muller

William [Signature]

[Signature]

[Signature]

Executive Director, Police Board

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 THIS COMMUNICATION

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004

\_\_\_\_\_  
SUPERINTENDENT OF POLICE

INTERNAL AFFAIRS DIVISION  
RECORDS SECTION

17 December 2002

TO: OFFICE OF PROFESSIONAL STANDARDS

FROM: RECORDS SECTION  
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS DISCIPLINARY RECORD OF:

<u>CLAY</u>	<u>WILLIE</u>	<u>4525</u>	<u>LOA</u>
NAME	(LAST, FIRST M.I.)	STAR	UNIT
<u>M</u>	<u>B</u>	<u>[REDACTED]</u>	
SEX	RACE	S.S.N.	

REFERENCE: COMPLAINT REGISTER NUMBER(S) 284 380

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

<u>SUPV.</u>	<u>MICHAEL DUFFY</u>	<u>105</u>	<u>[REDACTED]</u>	<u>113</u>
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:

P.O. S. SASSO

FOR: COMMANDING OFFICER  
RECORDS SECTION  
INTERNAL AFFAIRS DIVISION

SEE ATTACHED

Smpt. Gx. 20

# CHICAGO POLICE DEPARTMENT

## Sustained Complaints History Report

17-DEC-2002 10:55:48 AM

<u>Social Sec. #</u>	<u>Name</u>	<u>Star #</u>	<u>Emp. #</u>	<u>Rank</u>	<u>Description</u>	<u>Unit</u>
[REDACTED]	CLAY WILLIE L.		129242	9161	POLICE OFFICER	045

<u>Sex</u>	<u>Race</u>	<u>Birth Date</u>	<u>Appointed Date</u>	<u>No. Of CR's</u>	<u>No. Of SPAR's</u>
M	BLACK	29-APR-1943	03-JAN-1977	3	0

<u>Case #</u>	<u>Incident Date</u>	<u>Suspension Dates</u>	<u>Disciplinary Action Taken</u>	<u>Final Category</u>	<u>Less Serious Transgression</u>
C 218307	02-JUN-1995		**PENALTY NOT SERVED <u>Police Board #</u>	09A-ALTERCATION/DISTURBANCE - DOMESTIC	
<u>Civil Suit #</u>					
<u>Comments</u>	L.O.A. DISABILITY				

<u>Case #</u>	<u>Incident Date</u>	<u>Suspension Dates</u>	<u>Disciplinary Action Taken</u>	<u>Final Category</u>	<u>Less Serious Transgression</u>
C 242996	27-JAN-1998		**PENALTY NOT SERVED <u>Police Board #</u>	09K-INDEBTEDNESS TO CITY	
<u>Civil Suit #</u>					
<u>Comments</u>	L.O.A. DISABILITY				

<u>Case #</u>	<u>Incident Date</u>	<u>Suspension Dates</u>	<u>Disciplinary Action Taken</u>	<u>Final Category</u>	<u>Less Serious Transgression</u>
C 263001	09-JUN-2000		**PENALTY NOT SERVED <u>Police Board #</u>	09J-MISCELLANEOUS	
<u>Civil Suit #</u>					
<u>Comments</u>	L.O.A. DISABILITY				

Chicago Police Department  
Personnel Division

12/16/2002

COMPLIMENTARY HISTORY

<u>Name</u>	<u>Title</u>	<u>SSN</u>	<u>Star</u>	<u>Unit</u>	<u>Detail Unit</u>
CLAY WILLIE	9161		04525	045	

HONORABLE MENTIONS

12

COMPLIMENTARY LETTERS

3

DEPT. COMMENDATIONS

AWARD NUMBER:

0

1

2

3

4

5

6

7

8

9

10

OTHER AWARDS:

SPECIAL AWARDS:

Jr. Chamber . of Comm	0	Unit Meritorious	0	Fitness Award	0
Rich. J Daley Award	0	Lambert Tree	0	Appearance Award	0
Police Medal	0	Carter Harrison	0	Special Commendation	0
S /d of Valor	0	WGN Award	0	Partnership Award	0
Supt. Awd of Merit	0	Honored Police Star	0	Special Serv. Award	0
Police Blue Star	0	Life Saving Awd		Problem Solving Awd	0
Officer of The Month	0	Hnd Cld Med. of Val	0	Blue Shield Awd	0

Complimentary History Requested By:

NAME DUFFY MICHAEL OPS SUPERVISOR STAR: 00105 UNIT: 113

Completed by:

CR #: 284380

Annette Steptore  
Personnel Division  
Records Section -2089-2092  
Pax 0-342 or Bell 5-5390