

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER BRYAN VANDER MEY,) No. 04 PB 2540
STAR No. 13972, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
)
RESPONDENT) (CR No. 288879)

FINDINGS AND DECISION

On March 2, 2004, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Bryan Vander Mey, Star No. 13972 (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 8: Disrespect to or maltreatment of any person, while on or off duty.
- Rule 14: Making a false report, written or oral.

The Police Board caused a hearing on these charges against Police Officer Bryan Vander Mey, Star No. 13972, to be had before Thomas E. Johnson, Hearing Officer of the Police Board, on August 21, August 22, and September 8, 2006.

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 hearing. 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 August 21, August 22, and September 8, 2006.

4. Throughout the hearing, the Respondent was present and represented by counsel of his choice.

5. The Respondent Police Officer Bryan Vander Mey, Star No. 13972, 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.

Count I: On April 17, 2003, at approximately 2330 hours, in the vicinity of 1230 North Burling Street, Chicago, Officer Vander Mey, while on duty, discharged oleoresin capsicum (OC) spray into a vehicle without supervisory approval.

Count II: On April 17, 2003, at approximately 2330 hours, in the vicinity of 1230 North Burling Street, Chicago, Officer Vander Mey, while on duty, physically maltreated a citizen on the street in front of numerous citizens.

Count III: On June 4, 2003, at approximately 1600 hours, at the Office of Professional Standards, Officer Vander Mey gave a statement that contained false

information and responded to questions in a manner intended to impede and/or obstruct the Department's investigation of the incident occurring on April 17, 2003, in the vicinity of 1230 North Burling Street, Chicago.

6. The Respondent Police Officer Bryan Vander Mey, Star No. 13972, charged herein, is **guilty** of violating, to wit:

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

On April 17, 2003, at approximately 2330 hours, in the vicinity of 1230 North Burling Street, Chicago, Officer Vander Mey, while on duty, failed to adhere to the provisions of General Order 02-08, addendum 2, section III-B1(d)1 in that he discharged oleoresin capsicum (OC) spray into a vehicle without supervisory approval as required.

7. The Respondent Police Officer Bryan Vander Mey, Star No. 13972, charged herein, is **guilty** of violating, to wit:

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

On April 17, 2003, at approximately 2330 hours, in the vicinity of 1230 North Burling Street, Chicago, Officer Vander Mey, while on duty, physically maltreated Rondell Freeman when he punched and kicked Freeman about the body.

8. The Respondent Police Officer Bryan Vander Mey, Star No. 13972, charged herein, is **guilty** of violating, to wit:

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

Count I: On June 4, 2003, at approximately 1600 hours, at the Office of Professional Standards, Officer Vander Mey gave a statement that contained false information in that he denied playing any part in removing Rondell Freeman from a vehicle on April 17, 2003, at

approximately 2330 hours, in the vicinity of 1230 North Burling Street, Chicago.

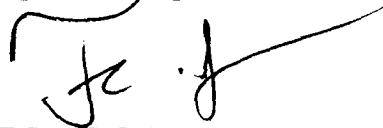
Count II: On June 4, 2003, at approximately 1600 hours, at the Office of Professional Standards, Officer Vander Mey gave a statement that contained false information in that he denied discharging oleoresin capsicum (OC) spray into a vehicle on April 17, 2003, at approximately 2330 hours, in the vicinity of 1230 North Burling Street, Chicago.

Count III: On June 4, 2003, at approximately 1600 hours, at the Office of Professional Standards, Officer Vander Mey gave a statement that contained false information in that he denied being able to recognize himself on tape while viewing video footage of the incident occurring on April 17, 2003, at approximately 2330 hours, in the vicinity of 1230 North Burling Street, Chicago.

Count IV: On June 4, 2003, at approximately 1600 hours, at the Office of Professional Standards, Officer Vander Mey gave a statement that contained false information in that he denied knowing where he parked the squadrol on April 17, 2003, at approximately 2330 hours, in the vicinity of 1230 North Burling Street, Chicago.

By reason of the findings of fact that the Respondent is guilty of violating Rules 2, 6, 8, and 14, cause exists for the suspension of the Respondent from his position as a police officer with the Department of Police, and from the services of the City of Chicago, for a period from March 3, 2004, to and including March 2, 2007.

Respectfully submitted,



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, 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 histories, copies of which are attached hereto as Exhibit A; and

IT IS HEREBY ORDERED that the Respondent, Police Officer Bryan Vander Mey, Star No. 13972, as a result of having been found **guilty** of charges in Police Board Case No. 04 PB 2540, be and hereby is **suspended** from his position as a police officer, and from the services of the City of Chicago, for a period from 03 March 2004 to and including 02 March 2007 (three years).

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21st DAY OF SEPTEMBER, 2006.

Phyllis G. Geller
Patricia Bobb
William C. Furlong
Vicki Spang
Scott Dawn


Max A. Cucini

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.

The undersigned voted to impose a penalty of discharge.



RECEIVED A COPY OF

THE FOREGOING COMMUNICATION

THIS _____ DAY OF _____ 2006.

SUPERINTENDENT OF POLICE

07/09/2003

COMPLIMENTARY HISTORY

<u>Name</u>	<u>Title</u>	<u>SSN</u>	<u>Star</u>	<u>Unit</u>	<u>Detail Unit</u>
VANDER MEY BRYAN	9161	[REDACTED]	13972	018	

HONORABLE MENTIONS

6

COMPLIMENTARY LETTERS

0

DEPT. COMMENDATIONS

AWARD NUMBER:

0

1

6

2

7

3

8

4

9

5

10

OTHER AWARDS:

SPECIAL AWARDS:

Jr. Chamber, of Comm	0	Unit Meritorious	0	Fitness Award	1
Rich. J Daley Award	0	Lambert Tree	0	Appearance Award	0
Police Medal	0	Carter Harrison	0	Special Commendation	0
Medal 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	0	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 #: 288879

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

Ex. A, P. 1 OF 2

**INTERNAL AFFAIRS DIVISION
RECORDS SECTION**

09 JULY 2003

TO: COMMANDING OFFICER UNIT 113

**FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION**

SUBJECT: PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF:

VANDE MEY BRYAN	13972	018
NAME (LAST, FIRST M.I.)	STAR	UNIT
MALE	WHITE	
SEX	RACE	S.S.N.

REFERENCE: COMPLAINT REGISTER NUMBER 288879

**THE PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF THE SUBJECT
ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:**

SUPV.	DUFFY	105		113
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 ADMINISTERED TO THE SUBJECT
ACCUSED FOR THE PAST FIVE (5) YEARS.**

VERIFIED/PREPARED BY:

NIYA SCOTT

NONE

**FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION**

Ex. A, p. 2 of 2