

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST ) Case # 04-2566  
POLICE OFFICER LOURDES BAEZ, STAR #10939, )  
DEPARTMENT OF POLICE, CITY OF CHICAGO ) CR # 286542

FINDINGS AND DECISION

On December 22, 2004, the Superintendent of Police filed charges with the Police Board of the City of Chicago against Police Officer Lourdes Baez, Star #10939, (hereinafter sometimes referred to as "Respondent") seeking her discharge 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 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 38: Unlawful or unnecessary use or display of a weapon.

The Police Board of the City of Chicago caused a hearing on these charges against Police Officer Lourdes Baez to be had before Michael G. Berland, Hearing Officer of the Police Board of the City of Chicago, on May 26, 2005, and June 22, 2005.

Following the hearing, the members of the Police Board read and reviewed the certified transcription of the proceedings of the hearing and reviewed the video-recording of the hearing. Michael G. Berland, 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, 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 on May 26, 2005, and June 22, 2005, before Michael G. Berland, Hearing Officer of the Police Board of the City of Chicago.

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

5. The Respondent, Police Officer Lourdes Baez, Star #10939, 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. There was insufficient evidence presented by the Superintendent at the hearing to prove that on or about December 21, 2002, Officer Baez, while off duty and without justification, displayed and/or pointed her firearm at

Lieutenant Robert Cooper, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

6. The Respondent, Police Officer Lourdes Baez, Star #10939, charged herein, contrary to the Rules and Regulations, is **not guilty** of violating, to wit:

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

A. There was insufficient evidence presented by the Superintendent at the hearing to prove that on or about December 21, 2002, Officer Baez, while off duty and without justification, displayed and/or pointed her firearm at Lieutenant Robert Cooper, thereby disrespecting and maltreating Lieutenant Robert Cooper.

7. The Respondent, Police Officer Lourdes Baez, Star #10939, charged herein, contrary to the Rules and Regulations, is **not guilty** of violating, to wit:

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

A. There was insufficient evidence presented by the Superintendent at the hearing to prove that on or about December 21, 2002, Officer Baez, while off duty and without justification, displayed and/or pointed her firearm at Lieutenant Robert Cooper, thereby engaging in any

unjustified verbal or physical altercation.

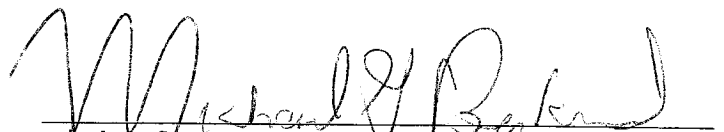
8. The Respondent, Police Officer Lourdes Baez, Star #10939, charged herein, contrary to the Rules and Regulations, is **not guilty** of violating, to wit:

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

A. There was insufficient evidence presented by the Superintendent at the hearing to prove that on or about December 21, 2002, Officer Baez, while off duty and without justification, displayed and/or pointed her firearm at Lieutenant Robert Cooper, thereby unlawfully or unnecessarily using or displaying her weapon.

By reason of the fact that Police Officer Lourdes Baez, Star #10939, is not guilty of violating Rules 2, 8, 9, and 38, cause exists for the reinstatement of Police Officer Lourdes Baez to her position as a Police Officer with the Department of Police and to the services of the City of Chicago, effective December 23, 2004, the date of her suspension, with restoration of all rights and benefits retroactive to December 23, 2004.

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 reviewed the video-recordings 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

**IT IS HEREBY ORDERED** that the Respondent, Police Officer Lourdes Baez, Star #10939, as a result of having been found **not guilty** of the charges in Police Board Case No. 04-2566, be and hereby is **restored** to her position as a Police Officer with the Department of Police, and to the services of the City of Chicago, effective 23 December 2004.

**DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21<sup>st</sup> DAY OF JULY, 2005.**

*Patricia C. Ball*  
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*Theresa J. Gelbaum*  
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*Kate Johnson*  
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*Kenneth J. O'Connell*  
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*Max A. Conroy*  
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*Max A. Conroy*  
\_\_\_\_\_  
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 in Police Board Case No. 04-2566.

\_\_\_\_\_  
*Bo Shum*  
\_\_\_\_\_  
*William K. Kelly*  
\_\_\_\_\_  
*Scott Dawn*  
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RECEIVED A COPY OF THIS COMMUNICATION

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.

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SUPERINTENDENT OF POLICE