

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)	
POLICE OFFICER RAFAEL BALBONTIN,)	No. 05 PB 2571
STAR No. 3754, DEPARTMENT OF POLICE,)	
CITY OF CHICAGO,)	(C.R. No. 303195)
)	
RESPONDENT.)	

FINDINGS

On July 19, 2005, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer **RAFAEL BALBONTIN**, Star No. 3754, hereinafter sometimes referred to as "Respondent," seeking his discharge for violation of the following rules:

- 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 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.

The Police Board of the City of Chicago caused a hearing on these charges against Police Officer **RAFAEL BALBONTIN**, Star No. 3754, to be heard by **JACQUELINE A. WALKER**, Hearing Officer of the Police Board of the City of Chicago, on January 11, 2007.

Following the hearing, the members of the Police Board read and reviewed the certified transcription of the proceedings of the hearing and viewed the video recording

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of the hearing. **JACQUELINE A. WALKER**, Hearing Officer made an oral report to and conferred with the Police Board before it rendered a decision.

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) The Respondent was properly notified of the hearing by letter which was served upon him. The Respondent did not appear at the hearing and was not represented by counsel. The hearing officer proceeded with the hearing in the Respondent's absence in accordance with the Police Board Rules of Procedure (Section III.G);

(4) Respondent, Police Officer **RAFAEL BALBONTIN**, Star No. 3754, as charged herein, is **guilty** of violating, to-wit:

RULE 1: "Violation of any law or ordinance", in the following instances:

- A) On or about January 18, 2005, at 2948 North Luna Avenue, Chicago, Illinois, he fatally stabbed his wife, Arcelia Balbontin and thus committed the offense of first degree murder, in violation of the Illinois Compiled Statutes, Chapter 720 ILCS, Section 5/9-1(a).
- B) On or about January 18, 2005, at 2948 North Luna Avenue, Chicago, Illinois, he stabbed his mother-in-law, Maria Gonzalez,

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and thus committed the offense of Aggravated Battery, in violation of the Illinois Compiled Statutes, Chapter 720 ILCS, Section 5/12-4(b)(1).

(5) Respondent, Police Officer **RAFAEL BALBONTIN**, Star No. 3754, as charges 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 January 18, 2005, at 2948 North Luna Avenue, Chicago, Illinois, he fatally stabbed his wife, Arcelia Balbontin.
- B) On or about January 18, 2005, at 2948 North Luna Avenue, Chicago, Illinois, he stabbed his mother-in-law, Maria Gonzalez.

(6) Respondent, Police Officer **RAFAEL BALBONTIN**, Star No. 3754, as

charges herein, is guilty of violating, to wit:

RULE 8: “Disrespect or maltreatment of any person, while on or off duty”, in the following instances:

- (A) On or about January 18, 2005, at 2948 North Luna Avenue, Chicago, Illinois, while off duty, he fatally stabbed his wife, Arcelia Balbontin.
- (B) On or about January 18, 2005, at 2948 North Luna Avenue, Chicago, Illinois, while off duty, he stabbed his mother-in-law, Maria Gonzalez.

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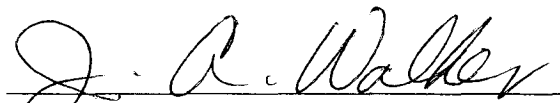
(7) Respondent, Police Officer **RAFAEL BALBONTIN**, Star No. 3754, as charges herein, is guilty of violating, to wit:

RULE 9: “Engaging in any unjustified verbal or physical altercation with any person, while on or off duty,” in the following instances:

- (A) On or about January 18, 2005, at 2948 North Luna Avenue, Chicago, Illinois, while off duty, he fatally stabbed his wife, Arcelia Balbontin.
- (B) On or about January 18, 2005, at 2948 North Luna Avenue, Chicago, Illinois, while off duty, he stabbed his mother-in-law, Maria Gonzalez.

BY REASON of the findings of fact and of guilt herein, cause exists for the discharge of Respondent, Police Officer **RAFAEL BALBONTIN**, Star No. 3754, from the Department of Police and from the services of the City of Chicago.

Respectfully Submitted,


JACQUELINE A. WALKER
Hearing Officer

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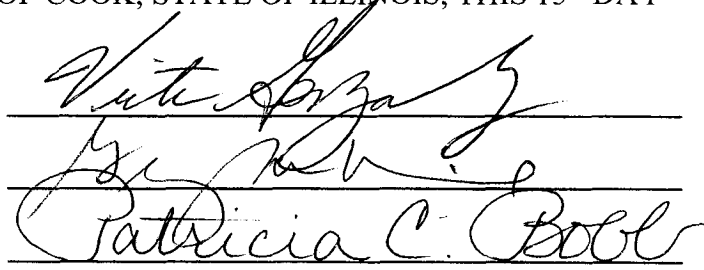
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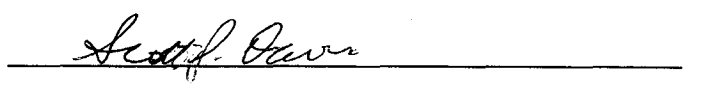
DECISION

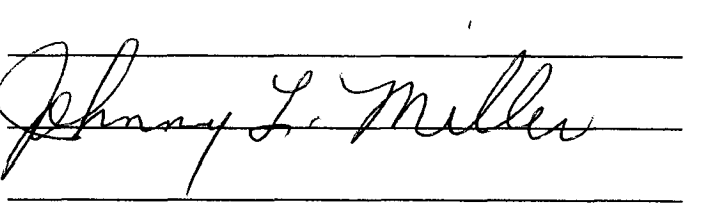
The Police Board of the City of Chicago, having read and reviewed the certified transcription of the hearing, having viewed the video-recording of the hearing, having received the oral report of the Hearing Officer, JACQUELINE A. WALKER, and having conferred with the Hearing Officer on the credibility 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 **RAFAEL BALBONTIN**, Star No. 3754, as a result of having been found **guilty** of charges in Police Board Case No. 05 PB 2571, be and hereby is **discharged** from his position as a police officer, and from the services of the City of Chicago.


DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 15th DAY OF FEBRUARY, 2007.







Attested by:



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

THE FOREGOING COMMUNICATION

THIS _____ DAY OF _____, 2007.

SUPERINTENDENT OF POLICE

EMP # 312740	NAME BALBONTIN	RAFAEL	TITLE 9161		
	MONTH	AND	YEAR	RECEIVED	TOTAL
JR CHAMBER OF COMMERCE	/	/	/	/	0
RICHARD J DALEY AWARD	/	/	/	/	0
CE MEDAL	/	/	/	/	0
SUPT AWARD VALOR	/	/	/	/	0
SUPT AWARD MERIT	/	/	/	/	0
POLICE BLUE STAR	/	/	/	/	0
OFFICER OF THE MONTH	/	/	/	/	0
UNIT MERITORIOUS PERFORMANCE	/	/	/	/	0
LAMBERT TREE	/	/	/	/	0
CARTER HARRISON	/	/	/	/	0
WGN AWARD	/	/	/	/	0
HONORED POLICE STAR	/	/	/	/	0
LIFE SAVING AWARD	/	/	/	/	0
HUNDRED CLUB MEDAL OF VALOR	/	/	/	/	0
FITNESS AWARD	10	/	03	/	1
APPEARANCE AWARD	/	/	/	/	0

Ex. A

SSN [REDACTED] EMP # 312740 NAME BALBONTIN RAFAEL TITLE 9161

	MONTH	AND	YEAR	RECEIVED	TOTAL
SPECIAL COMMENDATION	/	/	/	/	0
PARTNERSHIP AWARD	/	/	/	/	0
IAL SERVICE AWARD	/	/	/	/	0
PROBLEM SOLVING AWARD	/	/	/	/	0
BLUE SHIELD AWARD	/	/	/	/	0
JOINT OPERATIONS AWARD	/	/	/	/	0

DEPT COMMENDATION 000 AWARDS NUMBER 1 2 3

4 5 6 7 8 9 10

HONORABLE MENTION 00004 COMPLIMENTARY LETTERS 000

OTHER AWARDS

**INTERNAL AFFAIRS DIVISION
RECORDS SECTION**

11-APR-2005

TO: COMMANDING OFFICER UNIT 113

FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF:

BALBONTIN	RAFAEL	3754	015
NAME (LAST, FIRST M.I.)	STAR	UNIT	
M	H		
SEX	RACE	S.S.N.	

REFERENCE: COMPLAINT REGISTER NUMBER 303195

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

SUPV	CARMODY	108	113
RANK	NAME	STAR	S.S.N. UNIT

**REGARDING TO SUSTAINED FINDINGS 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:

BERNETTE KELLY

SEE ATTACHED

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

CHICAGO POLICE DEPARTMENT
Sustained Complaints History Report

11-APR-2005 11:29:18 AM

<u>Social Sec. #</u>	<u>Name</u>	<u>Star #</u>	<u>Emp. #</u>	<u>Rank</u>	<u>Description</u>	<u>Unit</u>
██████████	BALBONIN, RAFAEL .		312740	9161	POLICE OFFICER	015

<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	██████████	28-JUN-1972	17-DEC-2001	1	0

<u>Case #</u>	<u>Incident Date</u>	<u>Suspension Dates</u>	<u>Disciplinary Action Taken</u>	<u>Filing Category</u>	<u>Less Serious Transgression</u>
C 279467	25-MAR-2002	09-DEC-2002	1 DAY SUSPENSION	10X VEHICLE LICENSING - STATE	
<u>Civil Suit #</u>		09-DEC-2002	<u>Police Board #</u>		
<u>Comments</u>					