

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER VICTOR L. BROWN,) No. 05 PB 2575
STAR No. 11479, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
RESPONDENT) (CR No. 293284)

FINDINGS AND DECISION

On July 20, 2005 the Superintendent of Police filed charges with the Police Board of the City of Chicago against Police Officer Victor L. Brown, Star No. 11479, (hereinafter sometimes referred to as "Respondent") seeking his discharge for violating 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 4: Any conduct or action taken to use the official position for personal gain or influence.
- Rule 14: Making a false report, written or oral.

The Police Board of the City of Chicago caused a hearing on these charges against Police Officer Victor L. Brown to be had before Michael G. Berland, Hearing Officer of the Police Board of the City of Chicago, on January 10, 2006 and February 16, 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. Michael G. Berland,

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 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, were served upon the Respondent more than five (5) days prior to the initial hearing on the charges.

3. The hearing was conducted on January 10, 2006 and February 16, 2006 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 his choice.

5. The Respondent, Police Officer Victor L. Brown, Star No. 11479, charged herein, is **not guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance.

Count I: There was insufficient evidence presented by the Superintendent at the hearing to prove that from on or about March 21, 2003 through on or about October 11, 2003, at or near Beverly Hills Car Wash, 10100 South Western Avenue, Police Officer Victor L. Brown, while off duty, committed the offense of Theft of labor or services or use of property by obtaining, on one or more occasions, by means of deception, car wash

services for his personal vehicle from a City of Chicago car wash vendor without paying for the services, in violation of Chapter 720 ILCS 5/16-3(a).

Count II: There was insufficient evidence presented by the Superintendent at the hearing to prove that from on or about March 21, 2003 through on or about October 11, 2003, at or near Beverly Hills Car Wash, 10100 South Western Avenue, Police Officer Victor L. Brown, while off duty, committed the offense of Official Misconduct by using, on one or more occasions, his official capacity, with intent to obtain a personal advantage for himself or another, to perform an act in excess of his lawful authority by committing Theft of labor or services, in violation of Chapter 720 ILCS 5/33-3(c).

6. The Respondent, Police Officer Victor L. Brown, Star No. 11479, charged herein, 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.

Count I: There was insufficient evidence presented by the Superintendent at the hearing to prove that from on or about March 21, 2003 through on or about October 11, 2003, at or near Beverly Hills Car Wash, 10100 South Western Avenue, Police Officer Victor L. Brown, while off duty, engaged in deceptive practices in order to obtain car wash services for his personal vehicle from a City of Chicago car wash vendor without paying for the services.

Count II: There was insufficient evidence presented by the Superintendent at the hearing to prove that from on or about March 21, 2003 through on or about October 11, 2003, at or near Beverly Hills Car Wash, 10100 South Western Avenue, Police Officer Victor L. Brown, while off duty, used his official position as a police officer in order to obtain car wash services for his personal vehicle from a City of Chicago car wash vendor without paying for the services.

Count III: There was insufficient evidence presented by the Superintendent at the hearing to prove that on or

about December 1, 2003 Police Officer Victor L. Brown gave a false report to an Internal Affairs investigator regarding a contract for pre-paid car washes with Beverly Hills Car Wash.

7. The Respondent, Police Officer Victor L. Brown, Star No. 11479, charged herein, is **not guilty** of violating, to wit:

Rule 4: Any conduct or action taken to use the official position for personal gain or influence.

There was insufficient evidence presented by the Superintendent at the hearing to prove that from on or about March 21, 2003 through on or about October 11, 2003, at or near Beverly Hills Car Wash, 10100 South Western Avenue, Police Officer Victor L. Brown, while off duty, used his official position as a police officer to obtain car wash services for his personal vehicle from a City of Chicago car wash vendor without paying for the services.

8. The Respondent, Police Officer Victor L. Brown, Star No. 11479, charged herein, is **not guilty** of violating, to wit:

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

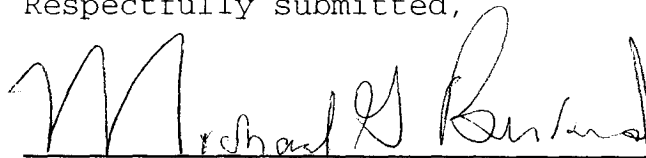
There was insufficient evidence presented by the Superintendent at the hearing to prove that on or about December 1, 2003 Police Officer Victor L. Brown gave a false report to an Internal Affairs investigator regarding a contract for pre-paid car washes with Beverly Hills Car Wash.

By reason of the findings of fact that Police Officer Victor L. Brown, Star No. 11479, is not guilty of violating Rules 1, 2, 4, and 14, cause exists for restoring Police Officer Victor L. Brown to his position as a police officer with the Department of Police, and to the services of the City of Chicago, effective July 22, 2005, with restoration of all rights and benefits

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retroactive to July 22, 2005.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael G. Berland". The signature is written in a cursive style with a large initial "M".

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 transcription of the hearing, having viewed the video-recording 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 Victor L. Brown, Star No. 11479, as a result of having been found **not guilty** of the charges in Police Board Case No. 05 PB 2575, be and hereby is **restored** to his position as a police officer with the Department of Police, and to the services of the City of Chicago, with all rights and benefits, effective 22 July 2005.

**DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS
16th DAY OF MARCH, 2006.**

Demetri J. Carney
Phyllis Apfelbaum
Patricia C. Bobb
Mike Smith
William J. King

Max A. Caproni

Executive Director
Police Board

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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.

Victor L. Brown
Victor L. Brown

RECEIVED A COPY OF

THE FOREGOING COMMUNICATION

THIS _____ DAY OF _____, 2006.

SUPERINTENDENT OF POLICE