

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER OSWALDO OCHOA,) No. 05 PB 2581
STAR No. 8819, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
)
RESPONDENT) (CR No. 285415)

FINDINGS AND DECISION

On October 27, 2005 the Superintendent of Police filed charges with the Police Board of the City of Chicago against Police Officer Oswaldo Ochoa, Star No. 8819, (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 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 Oswaldo Ochoa to be had before Michael G. Berland, Hearing Officer of the Police Board of the City of Chicago, on March 21, 2006 and April 20, 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, or a candidate for that position.

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 March 21, 2006 and April 20, 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 Superintendent moved to amend the charges against the Respondent to correct a clerical error contained in Specification 1, Count II by changing the citation of the Municipal Code of the City of Chicago from Chapter 2-74, Section 090(B) to Chapter 2-74, Section 095. The Respondent objected to the motion, and subsequently withdrew his objection. The Superintendent's motion is granted.

6. The Respondent, Police Officer Oswaldo Ochoa, Star No. 8819, 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 to prove that on or about August 18, 2000, Police Officer Oswaldo Ochoa committed the offense of Unlawful Practices Relating to Employees and Employment, in that he made a false statement with regard to appointment with the Department of Police and/or committed fraud by failing to correct a false statement that he had provided in response to question number 57 of his Chicago Police Department Personal History Questionnaire Background Investigation form, thereby violating the Municipal Code of the City of Chicago, Chapter 2-74, Section 090(B).

Count II: There was insufficient evidence presented by the Superintendent to prove that on or about August 18, 2000, Police Officer Oswaldo Ochoa committed an unlawful practice with regard to an employment application in that he knowingly made a false statement and/or a material omission on an application for employment with the City of Chicago by failing to correct a false statement that he had provided in response to question number 57 of his Chicago Police Department Personal History Questionnaire Background Investigation form, thereby violating the Municipal Code of the City of Chicago, Chapter 2-74, Section 095.

7. The Respondent, Police Officer Oswaldo Ochoa, Star No. 8819, 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.

There was insufficient evidence presented by the Superintendent to prove that on or about August 18, 2000, Police Officer Oswaldo Ochoa failed to correct a false and/or inaccurate statement that he had provided in response to question number 57 of his Chicago Police Department Personal History Questionnaire Background Investigation form.

8. The Respondent, Police Officer Oswaldo Ochoa, Star No. 8819, 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 to prove that on or about August 18, 2000 Police Officer Oswaldo Ochoa failed to correct a false and/or inaccurate statement that he had provided in response to question number 57 of his Chicago Police Department Personal History Questionnaire Background Investigation form.

By reason of the findings of fact that Police Officer Oswaldo Ochoa, Star No. 8819, is not guilty of violating Rules 1, 2, and 14, cause exists for restoring Police Officer Oswaldo Ochoa 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 November 1, 2005.

Respectfully submitted,


Michael G. Berland
Hearing Officer

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, Michael G. Berland, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts all findings herein; and

IT IS HEREBY ORDERED that the Respondent, Police Officer Oswaldo Ochoa, Star No. 8819, as a result of having been found **not guilty** of the charges in Police Board Case No. 05 PB 2581, 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 01 November 2005.

**DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS
18th DAY OF MAY 2006.**

Demetrius J. Carney
Phillip Appelbaum
Ray J. Miller
Chris Spry
Vivian Gonzalez
Raymond G.
Patricia C. Bobb
William C. Kukong

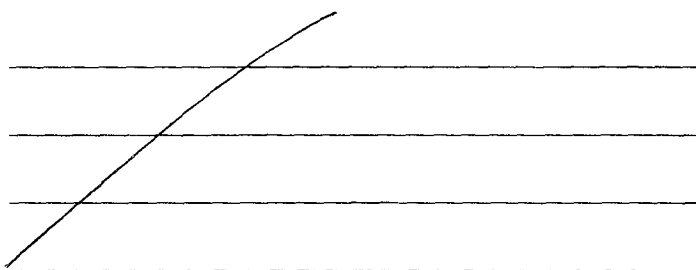
Max A. Cariani

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.



RECEIVED A COPY OF

THE FOREGOING COMMUNICATION

THIS _____ DAY OF _____ 2006.

SUPERINTENDENT OF POLICE

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