

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)	
POLICE OFFICER GERALD W. CALLAHAN,)	No. 06 PB 2610
STAR No. 12796, DEPARTMENT OF POLICE,)	
CITY OF CHICAGO,)	
)	(CR Nos. 296351
RESPONDENT)	and 311923)

FINDINGS

On September 1, 2006, and January 9, 2007, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Gerald W. Callahan, Star No. 12796 (hereinafter sometimes referred to as "Respondent"), seeking his discharge for violating the following Rules of Conduct:

- 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 6: Disobedience of an order or directive, whether written or oral.
- Rule 7: Insubordination or disrespect toward a supervisory member on or off duty.
- 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 caused a hearing on these charges against Police Officer Gerald W. Callahan to be had before Thomas E. Johnson, Hearing Officer of the Police Board, on July 12, August 13, September 7, and October 5, 2007.

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 Respondent appeared throughout the hearing and was represented by legal counsel.
4. The Respondent's motion to dismiss the charges is denied.
5. The Respondent, Police Officer Gerald W. Callahan, Star No. 12796, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance.
in that:

On or about March 25, 2006, at approximately 2000 hours, while on duty at the Alternate Response Section, 2111 West Lexington Street, Chicago, he threatened Sergeant Ray Young

with physical harm and/or lunged at Sergeant Young, thereby violating Chapter 720 ILCS 5/12-2(a) by committing the act of Aggravated Assault.

6. The Respondent, Police Officer Gerald W. Callahan, Star No. 12796, 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.

in that:

Count V: On or about March 25, 2006, at approximately 2000 hours, while on duty at the Alternate Response Section, 2111 West Lexington Street, Chicago, he threatened Sergeant Ray Young with physical harm and/or lunged at Sergeant Young, thereby impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

Count VI: On or about March 25, 2006, at approximately 2000 hours, while on duty at the Alternate Response Section, 2111 West Lexington Street, Chicago, he threatened Sergeant Ray Young by stating, "You are lucky he's here, or I would hurt you more," or words to that effect, thereby impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

Count VII: On or about March 25, 2006, at approximately 2000 hours, while on duty at the Alternate Response Section, 2111 West Lexington Street, Chicago, he repeatedly swore at and/or made derogatory statements to Sergeant Ray Young, thereby impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

Count VIII: On or about March 25, 2006, at approximately 2000 hours, while on duty at the Alternate Response Section, 2111 West Lexington Street, Chicago, he repeatedly swore at and/or made derogatory statements to Lieutenant David Naleway, thereby impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

Count IX: On or about March 25, 2006, at approximately 2000 hours, while on duty at the Alternate Response Section, 2111 West Lexington Street, Chicago, he refused to obey one or more direct orders given to him by Sergeant Terrence Cochran

to submit to a breathalyzer exam, thereby impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

7. The Respondent, Police Officer Gerald W. Callahan, Star No. 12796, 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.

in that:

Count I: The superintendent did not prove by a preponderance of the evidence that on or about March 7, 2004, at approximately 2315 hours, at 1718 South State Street, Chicago, the Respondent threatened Police Officer Grant McGrane by stating, "I'm gonna dump your ass in the garbage can. I swear to God I will. I'll kill your ass," or words to that effect, thereby impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

Count II: The superintendent did not prove by a preponderance of the evidence that on or about March 7, 2004, at approximately 2315 hours, at 1718 South State Street, Chicago, the Respondent threatened Police Officer Christopher Krol by stating, "I'll kick your ass anytime and throw you in the garbage can," or words to that effect, thereby impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

Count III: The superintendent did not prove by a preponderance of the evidence that on or about March 7, 2004, at approximately 2315 hours, at 1718 South State Street, Chicago, while in the presence of Police Officer Grant McGrane and/or Police Officer Christopher Krol, the Respondent made threatening statements referring to Police Officer Timothy Fundarek by stating, "You can tell that rat motherfucker Fundarek that I swear on Ireland I will rip his fucking head off and piss down his fucking throat. I swear to God I'll kill the son of a bitch," or words to that effect, thereby impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

Count IV: The superintendent did not prove by a preponderance of the evidence that on or about March 7, 2004, at approximately 2315 hours, at 1718 South State Street, Chicago, while in the presence of Police Officer Grant McGrane and/or Police Officer Christopher Krol, the Respondent made threatening statements referring to Police Officer Mark Harmon by stating, "I'm gonna kill his ass and dump him in the garbage can," or words to that effect, thereby impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

8. The Respondent, Police Officer Gerald W. Callahan, Star No. 12796, charged herein, is **guilty** of violating, to wit:

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

in that:

Count II: On or about March 25, 2006, at approximately 2000 hours, while on duty at the Alternate Response Section, 2111 West Lexington Street, Chicago, he refused to obey one or more direct orders given to him by Sergeant Terrence Cochran to submit to a breathalyzer exam, thereby violating General Order 93-03-05B.

9. The Respondent, Police Officer Gerald W. Callahan, Star No. 12796, charged herein, is **not guilty** of violating, to wit:

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

in that:

Count I: The superintendent did not prove by a preponderance of the evidence that on or before March 7, 2004, the Respondent observed misconduct by Department members and failed to immediately notify a supervisor and/or prepare a written report, thereby violating General Order 93-03-02B.

10. The Respondent, Police Officer Gerald W. Callahan, Star No. 12796, charged herein, is **guilty** of violating, to wit:

Rule 7: Insubordination or disrespect toward a supervisory member on or off duty.

in that:

Count I: On or about March 25, 2006, at approximately 2000 hours, while on duty at the Alternate Response Section, 2111 West Lexington Street, Chicago, he was insubordinate and/or disrespectful towards Sergeant Ray Young when he threatened Sergeant Young with physical harm and/or lunged at Sergeant Young.

Count II: On or about March 25, 2006, at approximately 2000 hours, while on duty at the Alternate Response Section, 2111 West Lexington Street, Chicago, he was insubordinate and/or disrespectful towards Sergeant Ray Young by stating, "You are lucky he's here, or I would hurt you more," or words to that effect.

Count III: On or about March 25, 2006, at approximately 2000 hours, while on duty at the Alternate Response Section, 2111 West Lexington Street, Chicago, he was insubordinate and/or disrespectful towards Sergeant Ray Young by repeatedly swearing at and/or making derogatory statements to Sergeant Young.

Count IV: On or about March 25, 2006, at approximately 2000 hours, while on duty at the Alternate Response Section, 2111 West Lexington Street, Chicago, he was insubordinate and/or disrespectful towards Lieutenant David Naleway by repeatedly swearing at and/or making derogatory statements to Lieutenant Naleway.

Count V: On or about March 25, 2006, at approximately 2000 hours, while on duty at the Alternate Response Section, 2111 West Lexington Street, Chicago, he was insubordinate and/or disrespectful towards Sergeant Terrence Cochran in that Officer Callahan refused to obey one or more direct orders given to him by Sergeant Cochran to submit to a breathalyzer exam.

11. The Respondent, Police Officer Gerald W. Callahan, Star No. 12796, charged herein, is **guilty** of violating, to wit:

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

in that:

Count V: On or about March 25, 2006, at approximately 2000 hours, while on duty at the Alternate Response Section, 2111 West Lexington Street, Chicago, he disrespected and/or maltreated Sergeant Ray Young when he threatened Sergeant Young with physical harm and/or lunged at Sergeant Young.

Count VI: On or about March 25, 2006, at approximately 2000 hours, while on duty at the Alternate Response Section, 2111 West Lexington Street, Chicago, he disrespected and/or maltreated Sergeant Ray Young by stating, "You are lucky he's here, or I would hurt you more," or words to that effect.

Count VII: On or about March 25, 2006, at approximately 2000 hours, while on duty at the Alternate Response Section, 2111 West Lexington Street, Chicago, he disrespected and/or maltreated Sergeant Ray Young by repeatedly swearing at and/or making derogatory statements to Sergeant Young.

Count VIII: On or about March 25, 2006, at approximately 2000 hours, while on duty at the Alternate Response Section, 2111 West Lexington Street, Chicago, he disrespected and/or maltreated Lieutenant David Naleway by repeatedly swearing at and/or making derogatory statements to Lieutenant Naleway.

12. The Respondent, Police Officer Gerald W. Callahan, Star No. 12796, charged herein, is **not guilty** of violating, to wit:

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

in that:

Count I: The superintendent did not prove by a preponderance of the evidence that on or about March 7, 2004, at approximately 2315 hours, at 1718 South State Street, Chicago, the Respondent disrespected and/or maltreated Police Officer Grant McGrane by stating, "You're a rat motherfucker," or words to that effect.

Count II: The superintendent did not prove by a preponderance of the evidence that on or about March 7, 2004, at approximately 2315 hours, at 1718 South State Street, Chicago, the Respondent disrespected and/or

maltreated Police Officer Grant McGrane by stating, "I'm gonna dump your ass in the garbage can. I swear to God I will. I'll kill your ass," or words to that effect.

Count III: The superintendent did not prove by a preponderance of the evidence that on or about March 7, 2004, at approximately 2315 hours, at 1718 South State Street, Chicago, the Respondent disrespected and/or maltreated Police Officer Christopher Krol by stating, "You're a rat motherfucker," or words to that effect.

Count IV: The superintendent did not prove by a preponderance of the evidence that on or about March 7, 2004, at approximately 2315 hours, at 1718 South State Street, Chicago, the Respondent disrespected and/or maltreated Police Officer Christopher Krol by stating, "I'll kick your ass anytime and throw you in the garbage can," or words to that effect.

13. The Respondent, Police Officer Gerald W. Callahan, Star No. 12796, charged 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 that:

Count III: On or about March 25, 2006, at approximately 2000 hours, while on duty at the Alternate Response Section, 2111 West Lexington Street, Chicago, he stated to Sergeant Ray Young, "You are lucky he's here, or I would hurt you more," or words to that effect, thereby engaging in an unjustified verbal altercation.

14. The Respondent, Police Officer Gerald W. Callahan, Star No. 12796, charged herein, 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.

in that:

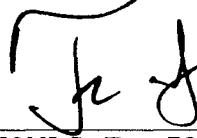
Count I: The superintendent did not prove by a preponderance of the evidence that on or about March 7, 2004, at approximately 2315 hours, at 1718 South State Street,

Chicago, the Respondent stated to Police Officer Grant McGrane, "I'm gonna dump your ass in the garbage can. I swear to God I will. I'll kill your ass," or words to that effect, thereby engaging in an unjustified verbal altercation.

Count II: The superintendent did not prove by a preponderance of the evidence that on or about March 7, 2004, at approximately 2315 hours, at 1718 South State Street, Chicago, the Respondent stated to Police Officer Christopher Krol, "I'll kick your ass anytime and throw you in the garbage can," or words to that effect, thereby engaging in an unjustified verbal altercation.

By reason of the findings of fact and guilt to the extent set forth herein, cause exists for the suspension of the Respondent, Police Officer Gerald W. Callahan, Star No. 12796, from his position as a police officer with the Department of Police, and from the services of the City of Chicago, from September 7, 2006, to and including February 15, 2008.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. E. Johnson', written over a horizontal line.

THOMAS E. JOHNSON
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, 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 Gerald W. Callahan, Star No. 12796, as a result of having been found **guilty** of charges in Police Board Case No. 06 PB 2610, 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 07 September 2006 to and including 15 February 2008.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS
17th DAY OF JANUARY, 2008.

Scott J. Davis
V. J. Davis
G. J. Davis
William J. Davis

Attested by:

Max A. Caproni

Executive Director
Police Board

Police Board Case No. 06 PB 2610
Police Officer Gerald W. Callahan
Page 10A

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, 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 Gerald W. Callahan, Star No. 12796, as a result of having been found **guilty** of charges in Police Board Case No. 06 PB 2610, 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 07 September 2006 to and including 15 February 2008.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 17th DAY OF JANUARY, 2008.

Scott. Dwyer
[Signature]
[Signature]
[Signature]
[Signature]

Attested by:

Max A. Caproni

Executive Director
Police Board

DISSENT

The following members of the Police Board hereby dissent from the decision of the majority of the Board.

The undersigned voted to find the Respondent not guilty of all charges.

James L. Gann
Res. John L. Miller
Patricia C. Bobb

RECEIVED A COPY OF

THE FOREGOING COMMUNICATION

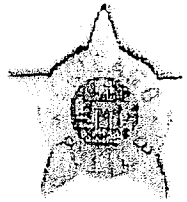
THIS ____ DAY OF _____, 2008.

SUPERINTENDENT OF POLICE

Report Date: 14 Jul 2006
Report Time: 1217 Hrs

Chicago Police Department

Personnel Division



Information Services Division
Data Warehouse
Produced by: PC09294

Complimentary Hist

Name	Title	Star	Unit	Detail Unit	Emp Number
CALLAHAN, GERALD W	9161		701	166	

Achievements

Total No.

HONORABLE MENTION
COMPLIMENTARY LETTER

17

4

POLICE BOARD
-5 NOV 07 10 56

Ex. A, 1 of 3

NOTE: THIS REPORT IS FOR OFFICIAL LAW ENFORCEMENT / AUTHORIZED USE ONLY.
THE INFORMATION IS CURRENT AS OF THE DATE AND TIME OF THE REPORT.
THIS REPORT IS NOT FOR PUBLIC DISSEMINATION.

CK# 311923



Citizen & Law Enforcement Analysis & Reporting System

C. A. 311923
ATTACHMENT # 45

INTERNAL AFFAIRS DIVISION
RECORDS SECTION

POLICE BOARD

-5 NOV 07 10 56

13 JULY 2006

TO: COMMANDING OFFICER UNIT 121

FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF:

CALLAHAN GERALD	12796	376/166
NAME (LAST, FIRST M.I.)	STAR	UNIT

MALE WHITE

SEX	RACE	S.S.N.
-----	------	--------

REFERENCE: COMPLAINT REGISTER NUMBER 311923

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

SGT.	CRADICK	1175	121
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

SEE ATTACHED

FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

Ex. A, 2 of 3

C. R. 311923
ATTACHMENT # 46

CHICAGO POLICE DEPARTMENT

Sustained Complaints History Report

13-JUL-2006 09:40:19 AM

<u>Social Sec. #</u>	<u>Name</u>	<u>Star #.</u>	<u>Emp. #</u>	<u>Rank</u>	<u>Description</u>	<u>Unit</u>
██████████	CALLAHAN GERALD W.		██████████	9161	POLICE OFFICER	166

<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	WHITE	05-MAY-1966	13-DEC-1993	2	0

<u>Case #.</u>	<u>Incident Date</u>	<u>Suspension Dates</u>	<u>Disciplinary Action Taken</u>	<u>Final Category</u>	<u>Less Serious Transgression</u>
C 278853	01-MAR-2002	15-SEP-2004	16 DAY SUSPENSION	10A-ABSENT WITHOUT PERMISSION	

<u>Civil Suit #</u>	<u>Police Board #</u>
	30-SEP-2004

Comments

<u>Case #.</u>	<u>Incident Date</u>	<u>Suspension Dates</u>	<u>Disciplinary Action Taken</u>	<u>Final Category</u>	<u>Less Serious Transgression</u>
C 295522	31 JAN-2004	16-JAN-2006	30 DAY SUSPENSION	02B-INTOXICATED OFF DUTY	

<u>Civil Suit #</u>	<u>Police Board #</u>
04 C-5835	14-FEB-2006

Comments

POLICE BOARD

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C.R. 311923
 ATTACHMENT # 46A

Ex A, 3 of 3