

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
DETECTIVE DARLENE CAPERS,) No. 06 PB 2612
STAR No. 21017, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
RESPONDENT) (CR No. 276523)

FINDINGS

On September 1, 2006, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Detective Darlene Capers, Star No. 21017 (hereinafter sometimes referred to as "Respondent"), seeking her 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 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 6: Disobedience of an order or directive, whether written or oral.
- 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 14: Making a false report, written or oral.
- Rule 38: Unlawful or unnecessary use or display of a weapon.
- Rule 39: Failure to immediately make an oral report to the desk sergeant at the District of occurrence and to follow such oral report with a written report on the prescribed form, whenever a firearm is discharged by a member.

The Police Board caused a hearing on these charges against Detective Darlene Capers to be had before Michael G. Berland, Hearing Officer of the Police Board, on February 8, February 14, and March 19, 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. 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 employed as a detective 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. Throughout the hearing the Respondent appeared in person and was represented by legal counsel.
4. The Respondent, Detective Darlene Capers, Star No. 21017, 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 November 24, 2001, in the vicinity of 2601 East 83rd Street, Chicago, while off duty, she intentionally and/or knowingly caused bodily harm while using a deadly weapon when she struck Reginald Matthews on his head with her weapon, thereby violating chapter 720 of the Illinois Compiled Statutes, section 5/12-4(b)(1).

Count II: There was insufficient evidence presented by the Superintendent to prove that on or about November 24, 2001, in the vicinity of 2601 East 83rd Street, Chicago, while off duty, she intentionally and/or knowingly discharged a firearm in the direction of another person and/or in the direction of a vehicle she knew and/or reasonably should have known was occupied by another person, in that she discharged her weapon in the direction of a vehicle occupied by Reginald Matthews and/or Diontay Matthews, thereby violating chapter 720 of the Illinois Compiled Statutes, section 5/24-1.2(a)(2).

5. The Respondent, Detective Darlene Capers, Star No. 21017, 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.

Count I: On or about November 24, 2001, in the vicinity of 2601 East 83rd Street, Chicago, while off duty, she used profanity while speaking to Reginald Matthews and/or grabbed Reginald Matthews. (There was insufficient evidence presented by the Superintendent to prove that she struck Reginald Matthews on his head with her weapon.)

6. The Respondent, Detective Darlene Capers, Star No. 21017, 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 II: There was insufficient evidence presented by the Superintendent to prove that on or about November 24, 2001, in the vicinity of 2601 East 83rd Street,

Chicago, while off duty, she discharged her weapon in the direction of a vehicle occupied by Reginald Matthews and/or Diontay Matthews.

Count III: There was insufficient evidence presented by the Superintendent to prove that on or about November 24, 2001, in the vicinity of 2601 East 83rd Street, Chicago, while off duty, she interfered with a criminal investigation by attempting to pick up a shell casing, thereby attempting to disturb evidence.

7. The Respondent, Detective Darlene Capers, Star No. 21017, charged herein, is **guilty** of violating, to wit:

Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.

Count I: On or about November 24, 2001, in the vicinity of 2601 East 83rd Street, Chicago, while off duty, she failed to notify the Office of Emergency Communications immediately following the discharge of her weapon.

Count II: On or about November 24, 2001, in the vicinity of 2601 East 83rd Street, Chicago, while off duty, she failed to inform the desk sergeant in the 004th District following the discharge of her weapon in the 004th District.

Count III: On or about November 24, 2001, in the vicinity of 2601 East 83rd Street, Chicago, while off duty, she failed to remain in the vicinity of 2601 East 83rd Street following the discharge of her weapon.

Count IV: On or about November 24, 2001, in the vicinity of 2601 East 83rd Street, Chicago, while off duty, she failed to complete a Weapon Discharge Report following the discharge of her weapon.

Count V: On or about November 24, 2001, in the vicinity of 2601 East 83rd Street, Chicago, while off duty, she carried an auxiliary semi-automatic pistol without being in possession of a valid Approved Handgun Certificate for that pistol.

8. The Respondent, Detective Darlene Capers, Star No. 21017, charged herein, is **guilty** of violating, to wit:

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

Count I: On or about November 24, 2001, in the vicinity of 2601 East 83rd Street, Chicago, while off duty, she failed to notify the Office of Emergency Communications immediately following the discharge of her weapon, thereby violating General Order 99-01, section V.A.(1)(a).

Count II: On or about November 24, 2001, in the vicinity of 2601 East 83rd Street, Chicago, while off duty, she failed to inform the desk sergeant in the 004th District following the discharge of her weapon in the 004th District, thereby violating General Order 99-01, section V.A.(1)(d).

Count III: On or about November 24, 2001, in the vicinity of 2601 East 83rd Street, Chicago, while off duty, she failed to remain in the vicinity of 2601 East 83rd Street following the discharge of her weapon, thereby violating General Order 99-01, section V.A.(1)(e).

Count IV: On or about November 24, 2001, in the vicinity of 2601 East 83rd Street, Chicago, while off duty, she failed to complete a Weapon Discharge Report following the discharge of her weapon, thereby violating General Order 99-01, section V.A.(1)(f).

Count V: On or about November 24, 2001, in the vicinity of 2601 East 83rd Street, Chicago, while off duty, she carried an auxiliary semi-automatic pistol without being in possession of a valid Approved Handgun Certificate for that pistol, thereby violating General Order 92-03-01A, section VI.D.

9. The Respondent, Detective Darlene Capers, Star No. 21017, charged herein, is **not guilty** of violating, to wit:

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

There was insufficient evidence presented by the Superintendent to prove that on or about November 24, 2001, in the vicinity of 2601 East 83rd Street, Chicago, while off duty, she struck Reginald Matthews on his head with her weapon.

10. The Respondent, Detective Darlene Capers, Star No. 21017, 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.

On or about November 24, 2001, in the vicinity of 2601 East 83rd Street, Chicago, while off duty, she used profanity while speaking to Reginald Matthews and/or grabbed Reginald Matthews. (There was insufficient evidence presented by the Superintendent to prove that she struck Reginald Matthews on his head with her weapon.)

11. The Respondent, Detective Darlene Capers, Star No. 21017, charged herein, is **guilty** of violating, to wit:

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

Count I: On or about November 24, 2001, in the vicinity of 2601 East 83rd Street, Chicago, while off duty, she made a false report to Field Training Officer Richard Bell regarding who fired shots on that date at that location.

12. The Respondent, Detective Darlene Capers, Star No. 21017, charged herein, is **not guilty** of violating, to wit:

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

Count II: There was insufficient evidence presented by the Superintendent to prove that on or about December 18, 2003, during an interview with the Office of Professional Standards, she made a false report by stating that she fired a warning shot into the air on the date of November 24, 2001, in the vicinity of 2601 East 83rd Street, Chicago.

13. The Respondent, Detective Darlene Capers, Star No. 21017, charged herein, is **not guilty** of violating, to wit:

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

Count I: There was insufficient evidence presented by the Superintendent to prove that on or about November 24, 2001, in the vicinity of 2601 East 83rd Street, Chicago, while off duty, she pointed her weapon at Reginald Matthews.

Count II: There was insufficient evidence presented by the Superintendent to prove that on or about November 24, 2001, in the vicinity of 2601 East 83rd Street, Chicago, while off duty, she struck Reginald Matthews on his head with her weapon.

Count III: There was insufficient evidence presented by the Superintendent to prove that on or about November 24, 2001, in the vicinity of 2601 East 83rd Street, Chicago, while off duty, she discharged her weapon in the direction of a vehicle occupied by Reginald Matthews and/or Diontay Matthews.

14. The Respondent, Detective Darlene Capers, Star No. 21017, charged herein, is **guilty** of violating, to wit:

Rule 39: Failure to immediately make an oral report to the desk sergeant at the District of occurrence and to follow such oral report with a written report on the prescribed form, whenever a firearm is discharged by a member.

On or about November 24, 2001, in the vicinity of 2601 East 83rd Street, Chicago, while off duty, she failed to immediately make an oral report to the desk sergeant in the 004th District and failed to complete a Weapon Discharge Report following the discharge of her firearm at a location in the 004th District.

By reason of the findings of fact and guilt to the extent set forth herein, cause exists for the suspension of the Respondent, Detective Darlene Capers, Star No. 21017, from her position as a detective with the Department of Police, and from the services of the City of Chicago, for a period of one (1) year, from September 2, 2006, to and including September 1, 2007.

Police Board Case No. 06 PB 2612
Detective Darlene Capers
Page 8

Respectfully submitted,

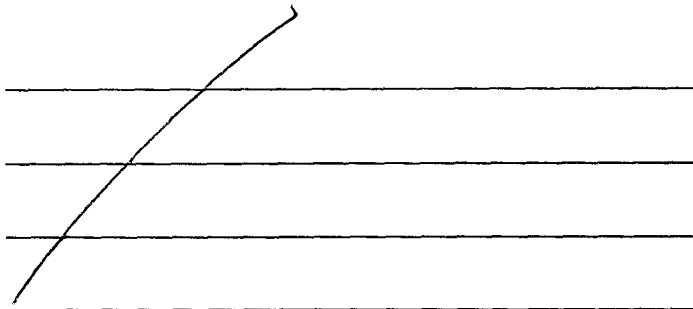
A handwritten signature in dark ink, appearing to read "Michael G. Berland", written over a horizontal line.

MICHAEL G. BERLAND
Hearing Officer

Executive Director
Police Board

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

SSN	EMP #	NAME	CAPERS	MONTH	AND	YEAR	DARLENE	RECEIVED	TITLE	9165	TOTAL
		SPECIAL COMMENDATION	/	/	/	/	/	/	/	/	0
		PARTNERSHIP AWARD	/	/	/	/	/	/	/	/	0
		SPECIAL SERVICE AWARD	/	/	/	/	/	/	/	/	0
		BLEM 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 00038 COMPLIMENTARY LETTERS 006											
OTHER AWARDS											

EX. A

Respondent Ex. 2

CHICAGO POLICE DEPARTMENT
Sustained Complaints History Report

22-FEB-2007 07:06:28 AM

<u>Social Sec. #</u>	<u>Name</u>	<u>Star #</u>	<u>Emp. #</u>	<u>Rank</u>	<u>Description</u>	<u>Unit</u>
[REDACTED]	CAPERS DARLENE .		54922	9165	PO AS DETECTIVE	376
<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>	
F	BLACK	[REDACTED]	04-MAR-1985	0	0	

EX. A