

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER FREDERICK ANTHONY,) No. 06 PB 2613
STAR No. 9106, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
RESPONDENT) (CR No. 302717)

FINDINGS

On September 18, 2006, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Frederick Anthony, Star No. 9106 (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 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 15: Intoxication on or off duty.

The Police Board caused a hearing on these charges against Police Officer Frederick Anthony to be had before Thomas E. Johnson, Hearing Officer of the Police Board, on December 18, 2006, January 25, 2007, and February 21, 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, Police Officer Frederick Anthony, Star No. 9106, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance.

Count V: On or about December 24, 2004, while off duty, he drove under the influence of alcohol in violation of 625 ILCS 5/11-501(a)(2).

Count VI: On or about December 24, 2004, while off duty, he drove while the alcohol concentration in his blood or breath was 0.08 or more, in violation of 625 ILCS 5/11-501(a)(1).

5. The Respondent, Police Officer Frederick Anthony, Star No. 9106, 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 December 24, 2004, at approximately 2:03 a.m., in the vicinity of 12400 South Morgan Street, while off duty, he,

having been given a visual or audible signal by a peace officer directing him to bring his vehicle to a stop, willfully failed or refused to obey such direction, in violation of 625 ILCS 5/11-204.

Count II: There was insufficient evidence presented by the Superintendent to prove that on or about December 24, 2004, at approximately 2:03 a.m., in the vicinity of 12400 South Morgan Street, while off duty, he operated a vehicle at a speed of approximately 85 miles per hour in a 25 miles per hour zone, in violation of 625 ILCS 5/11-601.5.

Count III: There was insufficient evidence presented by the Superintendent to prove that on or about December 24, 2004, while off duty, he failed to stop at a stop sign at one or more of the following locations: 12400 South Morgan Street, 12400 South Throop Street, and 12400 South Ada Street, in violation of 625 ILCS 5/11-1204(b).

Count IV: There was insufficient evidence presented by the Superintendent to prove that on or about December 24, 2004, while off duty, he committed reckless driving by driving a vehicle with a willful or wanton disregard for the safety of persons or property, in violation of 625 ILCS 5/11-503(a)(1).

Count VII: There was insufficient evidence presented by the Superintendent to prove that on or about December 24, 2004, while off duty, he knowingly resisted or obstructed the performance of the authorized acts of Calumet Park police officers, in violation of 720 ILCS 5/31-1.

Count VIII: There was insufficient evidence presented by the Superintendent to prove that on or about December 24, 2004, while off duty, he committed battery in that he intentionally or knowingly without legal justification caused bodily harm to or made physical contact of an insulting or provoking nature with Officer Mark Kozeluh and/or Officer Mark Kashirsky of the Calumet Park Police Department, in violation of 720 ILCS 5/12-3.

6. The Respondent, Police Officer Frederick Anthony, Star No. 9106, 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 V: On or about December 24, 2004, while off duty, he drove a vehicle while under the influence of alcohol.

Count X: On or about December 24, 2004, he submitted to a Breathalyzer Test which disclosed that he had a blood alcohol content of 0.152.

Count XI: On or about June 16, 2005, he pled guilty to driving under the influence of alcohol and received two years court supervision.

7. The Respondent, Police Officer Frederick Anthony, Star No. 9106, 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 to prove that on or about December 24, 2004, at approximately 2:03 a.m., in the vicinity of 12400 South Morgan Street, while off duty, he, having been given a visual or audible signal by a peace officer directing him to bring his vehicle to a stop, failed or refused to obey such direction.

Count II: There was insufficient evidence presented by the Superintendent to prove that on or about December 24, 2004, at approximately 2:03 a.m., in the vicinity of 12400 South Morgan Street, while off duty, he operated a vehicle at a speed of approximately 85 miles per hour in a 25 miles per hour zone.

Count III: There was insufficient evidence presented by the Superintendent to prove that on or about December 24, 2004, while off duty, he failed to stop at a stop sign at one or more of the following locations: 12400 South Morgan Street, 12400 South Throop Street, and 12400 South Ada Street.

Count IV: There was insufficient evidence presented by the Superintendent to prove that on or about December

24, 2004, while off duty, he drove a vehicle with a disregard for the safety of persons or property.

Count VI: There was insufficient evidence presented by the Superintendent to prove that on or about December 24, 2004, while off duty, he resisted or obstructed the performance of the authorized acts of one or more Calumet Park police officers.

Count VII: There was insufficient evidence presented by the Superintendent to prove that on or about December 24, 2004, while off duty, he caused bodily harm to or made inappropriate physical contact with Officer Mark Kozeluh and/or Officer Mark Kashirsky of the Calumet Park Police Department.

Count VIII: There was insufficient evidence presented by the Superintendent to prove that on or about December 24, 2004, while off duty, he used profanities or other inappropriate or offensive language, and/or made threats directed at one or more Calumet Park police officers, such as one or more of the following: "Fuck yeah I'm a cop, so fucking what?"; "What the fuck do you want?"; "You ain't cuffing me."; and "I've got you bitches now, you are going down for this."; or words to that effect.

Count IX: There was insufficient evidence presented by the Superintendent to prove that on or about December 24, 2004, while off duty, he resisted Calumet Park police officers' attempts to handcuff him and/or take him into custody by doing one or more of the following: flailing his arms, pushing the officer(s), and thrashing his arms and legs while on the ground.

8. The Respondent, Police Officer Frederick Anthony, Star No. 9106, 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 December 24, 2004, while off duty, he used profanities or other inappropriate or offensive language, and/or made threats directed at one or more Calumet Park police officers, such as one or more of the following: "Fuck yeah I'm a cop, so fucking what?"; "What the fuck do

you want?"; "You ain't cuffing me."; and "I've got you bitches now, you are going down for this."; or words to that effect.

9. The Respondent, Police Officer Frederick Anthony, Star No. 9106, 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.

There was insufficient evidence presented by the Superintendent to prove that on or about December 24, 2004, while off duty, he resisted Calumet Park police officers' attempts to handcuff him and/or take him into custody by doing one or more of the following: flailing his arms, pushing the officer(s), and thrashing his arms and legs while on the ground.

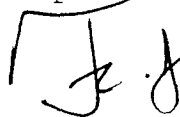
10. The Respondent, Police Officer Frederick Anthony, Star No. 9106, charged herein, is **guilty** of violating, to wit:

Rule 15: Intoxication on or off duty.

On or about December 24, 2004, he submitted to a Breathalyzer Test which disclosed that he had a blood alcohol content of 0.152.

By reason of the findings of fact and guilt herein, cause exists for the suspension of the Respondent, Police Officer Frederick Anthony, Star No. 9106, from his position as a police officer with the Department of Police, and from the services of the City of Chicago, for a period of thirty (30) days, from September 20, 2006, to and including October 19, 2006.

Respectfully submitted,



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 Frederick Anthony, Star No. 9106, as a result of having been found **guilty** of charges in Police Board Case No. 06 PB 2613, 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 20 September 2006 to and including 19 October 2006.

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

James J. Carr
Alfred Davis
Robert J. Davis
William Charles J.
Robert Davis
Johnny Miller

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.

RECEIVED A COPY OF

THE FOREGOING COMMUNICATION

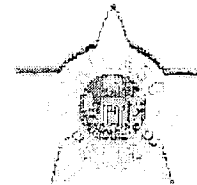
THIS _____ DAY OF _____, 2007.

SUPERINTENDENT OF POLICE

Report Date: 22 Feb 2006
Report Time: 2210 Hrs

Chicago Police Department

Personnel Division



Information Services Division
Data Warehouse
Produced by: PCOL389

Complimentary Hist

Name	Title	Star	Unit	Detail Unit	Emp Number
ANTHONY, FREDERICK	9158		603		47869

Achievements

Total No.

DEPARTMENT COMMENDATION
HONORABLE MENTION
COMPLIMENTARY LETTER

4
56
1

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.

CR# 302717

Ex. A.



Chicago Police Department

CLEAR

Citizen & Law Enforcement Analysis & Reporting System

C.R.# 302717
ATTACHMENT

37

INTERNAL AFFAIRS DIVISION
RECORDS SECTION

21 FEB 2006

TO: COMMANDING OFFICER UNIT 121
FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION
SUBJECT: PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF:

ANTHONY FREDERICK	606	603
NAME (LAST, FIRST M.I.)	STAR	UNIT
M	BLK	
SEX	RACE	S.S.N.

REFERENCE: COMPLAINT REGISTER NUMBER 302 717

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

SGT.	COCHRAN T	894	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:

PATRICIA JOHNSON

FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

NONE

C.R.# 302717
ATTACHMENT 36

Ex. A