

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST	)	
POLICE OFFICER JOSE A. ZUNIGA,	)	No. 07 PB 2620
STAR No. 8245, DEPARTMENT OF POLICE,	)	
CITY OF CHICAGO,	)	
	)	
RESPONDENT	)	(CR No. 307008)

FINDINGS

On January 17, 2007, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Jose A. Zuniga, Star No. 8245 (hereinafter sometimes referred to as "Respondent"), seeking his discharge for violating the following Rules of Conduct:

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 5: Failure to perform any duty.

Rule 10: Inattention to duty.

Rule 13: Failure to adequately secure Department property.

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

The Police Board caused a hearing on these charges against Police Officer Jose A. Zuniga to be had before Thomas E. Johnson, Hearing Officer of the Police Board, on June 28, 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 Superintendent's motion to withdraw the charge of violating Rule 14 is granted.

5. The Respondent, Police Officer Jose A. Zuniga, Star No. 8245, 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.

On or about July 14, 2005, he parked and/or left unsecured Chicago Police Department vehicle no. 9621 with the keys in the ignition and/or with the engine running while he entered LaBonita Restaurant, located at or near 2165 North Western Avenue, Chicago, and/or allowed Miguel Espinoza to gain control of the vehicle.

6. The Respondent, Police Officer Jose A. Zuniga, Star No. 8245, charged herein, is **guilty** of violating, to wit:

Rule 5: Failure to perform any duty.

On or about July 14, 2005, he parked and/or left unsecured Chicago Police Department vehicle no. 9621 with the keys in the ignition and/or with the engine running while he entered LaBonita Restaurant, located at or near 2165 North Western Avenue, Chicago, and/or allowed Miguel Espinoza to gain control of the vehicle.

7. The Respondent, Police Officer Jose A. Zuniga, Star No. 8245, charged herein, is **guilty** of violating, to wit:

Rule 10: Inattention to duty.

On or about July 14, 2005, he parked and/or left unsecured Chicago Police Department vehicle no. 9621 with the keys in the ignition and/or with the engine running while he entered LaBonita Restaurant, located at or near 2165 North Western Avenue, Chicago, and/or allowed Miguel Espinoza to gain control of the vehicle.

8. The Respondent, Police Officer Jose A. Zuniga, Star No. 8245, charged herein, is **guilty** of violating, to wit:

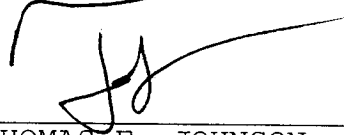
Rule 13: Failure to adequately secure Department property.

On or about July 14, 2005, he parked and/or left unsecured Chicago Police Department vehicle no. 9621 with the keys in the ignition and/or with the engine running while he entered LaBonita Restaurant, located at or near 2165 North Western Avenue, Chicago, and/or allowed Miguel Espinoza to gain control of the vehicle.

By reason of the findings of fact and guilt herein, cause exists for the suspension of the Respondent, Police Officer Jose A. Zuniga, Star No. 8245, 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 one (1) year, from January 20, 2007, to and including January 19, 2008.

Police Board Case No. 07 PB 2620  
Police Officer Jose A. Zuniga  
Page 4

Respectfully submitted,

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

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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 Jose A. Zuniga, Star No. 8245, as a result of having been found **guilty** of charges in Police Board Case No. 07 PB 2620, 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 January 2007 to and including 19 January 2008 (one year).

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS  
20<sup>th</sup> DAY OF SEPTEMBER, 2007.

*Patricia C. Bobb*  
*Deputy Clerk*  
*William J. Miller*  
*Christopher J. Miller*  
*Walter M. Garcia*  
*Phyllis Galt*

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 impose a penalty of discharge.

*Leaf Down*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RECEIVED A COPY OF

THE FOREGOING COMMUNICATION

THIS 25 DAY OF Sept., 2007.

*Dana D. Stahl*  
\_\_\_\_\_  
SUPERINTENDENT OF POLICE

INTERNAL AFFAIRS DIVISION  
RECORDS SECTION

03 FEB 2006

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

ZUNIGA JOSE	8245	014
NAME (LAST, FIRST M.I.)	STAR	UNIT
M	HIS	
SEX	RACE	S.S.N.

REFERENCE: COMPLAINT REGISTER NUMBER 307 008

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

SGT	JORDAN	1576	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

SEE ATTACHED

C. R. 367008  
ATTACHMENT # 18

Ex. A

Resistant  
2

10F3

CHICAGO POLICE DEPARTMENT  
Sustained Complaints History Report

03-FEB-2006 01:09:54 PM

<u>Social Sec. #</u>	<u>Name</u>	<u>Star #</u>	<u>Emp. #</u>	<u>Rank</u>	<u>Description</u>
[REDACTED]	ZUNIGA JOSE A.	8245	[REDACTED]	9161	POLICE OFFICER

<u>Sex</u>	<u>Birth Date</u>	<u>Appointed Date</u>	<u>No. Of CR's</u>	<u>No. Of SPAR's</u>
M	[REDACTED]	09-SEP-1985	1	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 276053	03-NOV-2001		REPRIMAND	10V-INVENTORY PROCEDURES	

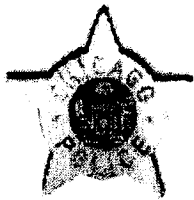
Civil Suit #Police Board #Comments LOA 28 JUN 2002



Report Date: 03 Feb 2006  
Report Time: 1104 Hrs

# Chicago Police Department

## Personnel Division



Information Services Division  
D Warehouse  
I ced by: PC0X893

### Complimentary Hist

Name	Title	Serial	Unit	Detail Unit	Emp Number
ZUNIGA, JOSE A	9161	8243	014	376	35946

#### Achievements

#### Total No.

EMBLEM OF RECOGNITION - PHYSICAL FITNESS
HONORABLE MENTION
COMPLIMENTARY LETTER

1  
32  
9

PERSONNEL SERVICES



FEB 03 2006



CHICAGO POLICE DEPARTMENT

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# 307008

C. R. 307008  
ATTACHMENT # 18

3083



Chicago Police Department

**CLEAR**

Citizen & Law Enforcement Analysis & Reporting System