

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)	
POLICE OFFICER BARBARA NEVERS,)	No. 07 PB 2629
STAR No. 18471, DEPARTMENT OF POLICE,)	
CITY OF CHICAGO,)	
)	
RESPONDENT)	(CR No. 299254)

FINDINGS

On February 27, 2007, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Barbara Nevers, Star No. 18471 (hereinafter sometimes referred to as "Respondent"), recommending that the Respondent be discharged from the Chicago Police Department 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 4: Any conduct or action taken to use the official position for personal gain or influence.
- Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
- Rule 38: Unlawful or unnecessary use or display of a weapon.

The Police Board caused a hearing on these charges against Police Officer Barbara Nevers to be had before Thomas E. Johnson, Hearing Officer of the Police Board, on May 1, 2008.

Following the hearing, the members of the Police Board read and reviewed the record of proceedings and viewed the video-recording of the testimony of the witnesses. 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, were 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 Barbara Nevers, Star No. 18471, charged herein, is **guilty** of violating, to wit:

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

On or about July 12, 2004, in the vicinity of 617 West Diversey Parkway, Chicago, at Starbucks Coffeehouse, she committed the offense of Retail Theft, in that she took a bottle of juice displayed, held, and/or offered for sale, and left the location without paying, in violation of Chapter 720 ILCS 5/16A-3a.

5. The Respondent, Police Officer Barbara Nevers, Star No. 18471, 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 I: On or about July 12, 2004, in the vicinity of 617 West Diversey Parkway, Chicago, at Starbucks Coffeehouse, she took a bottle of juice displayed, held, and/or offered for sale, and left the location without paying, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count II: On or about July 12, 2004, in the vicinity of 617 West Diversey Parkway, Chicago, at Starbucks Coffeehouse, she demanded free coffee and/or other products; and/or she displayed her weapon; and or she screamed at a Starbucks employee and/or manager when they refused her demand for free coffee and/or other products, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count III: From on or about June 1, 2004, to on or about July 11, 2004, or on one or more dates therein, in the vicinity of 617 West Diversey Parkway, Chicago, at Starbucks Coffeehouse, she demanded free coffee and/or other products; and/or she displayed her weapon in order to get free coffee and/or other products, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count IV: From on or about January 1, 2001, to on or about March 2003, or on one or more dates therein, in the vicinity of 2525 ½ North Clark Street, Chicago, at Starbucks Coffeehouse, she demanded free coffee and/or other products from employees and/or became verbally aggressive when the employees refused, and/or she displayed her weapon when asked for payment for coffee and/or other products, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count V: On or about August 25, 2004, in the vicinity of 3358 North Broadway, Chicago, at Starbucks Coffeehouse, she displayed her police badge in order to get free coffee and/or she left Starbucks without paying for such coffee, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count VI: From on or about April 1, 2004, to on or about June 30, 2004, or on one or more dates therein, in the vicinity of 1700 West Diversey Parkway, Chicago, at Starbucks Coffeehouse, she displayed her police badge in order to get free coffee and/or other products, and/or she displayed her weapon and/or she attempted to intimidate one or more Starbucks employees, thereby impeding the

Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count VII: From on or about May 1, 1999, to on or about July 31, 2004, or on one or more dates therein, in the vicinity of 1000 West Diversey Parkway, Chicago, at Starbucks Coffeehouse, she displayed her weapon in order to get free coffee and/or other products, and/or she attempted to intimidate one or more Starbucks employees, and/or she acted offended when asked for payment for the coffee, and/or she displayed her handcuffs and/or stated that she was a police officer when asked for payment for coffee and/or other products, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count VIII: From on or about April 1, 2004, to on or about June 30, 2004, or on one or more dates therein, in the vicinity of 1157 West Wrightwood Avenue, Chicago, at Starbucks Coffeehouse, she used her position as a Chicago police officer to obtain free coffee and/or other products, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

6. The Respondent, Police Officer Barbara Nevers, Star No. 18471, charged herein, is **guilty** of violating, to wit:

Rule 4: Any conduct or action taken to use the official position for personal gain or influence,

in that:

Count I: On or about July 12, 2004, in the vicinity of 617 West Diversey Parkway, Chicago, at Starbucks Coffeehouse, she took a bottle of juice displayed, held, and/or offered for sale, and left the location without paying, and/or she demanded free coffee and/or other products; and/or she displayed her weapon; and or she screamed at a Starbucks employee and/or manager when they refused her demand for free coffee and/or other products, thereby using her official position for personal gain and/or influence.

Count II: From on or about June 2004 to on or about July 11, 2004, or on one or more dates therein, in the vicinity of 617 West Diversey Parkway, Chicago, at Starbucks Coffeehouse, she demanded free coffee and/or other products; and/or she displayed her weapon in order to get free coffee

and/or other products, thereby using her official position for personal gain and/or influence.

Count III: From on or about January 1, 2001, to on or about March, 31, 2003, or on one or more dates therein, in the vicinity of 2525 ½ North Clark Street, Chicago, at Starbucks Coffeehouse, she demanded free coffee and/or other products from employees and/or became verbally aggressive when the employees refused, and/or she displayed her weapon when asked for payment for coffee and/or other products, and/or she displayed her weapon in order to get free coffee and/or other products, thereby using her official position for personal gain and/or influence.

Count IV: On or about August 25, 2004, in the vicinity of 3358 North Broadway, Chicago, at Starbucks Coffeehouse, she displayed her police badge in order to get free coffee and/or she left Starbucks without paying for such coffee, thereby using her official position for personal gain and/or influence.

Count V: From on or about April 1, 2004, to on or about June 30, 2004, or on one or more dates therein, in the vicinity of 1700 West Diversey Parkway, Chicago, at Starbucks Coffeehouse, she displayed her police badge in order to get free coffee and/or other products, and/or she displayed her weapon and/or she attempted to intimidate one or more Starbucks employees, thereby using her official position for personal gain and/or influence.

Count VI: From on or about May 1, 1999, to on or about July 31, 2004, or on one or more dates therein, in the vicinity of 1000 West Diversey Parkway, Chicago, at Starbucks Coffeehouse, she displayed her weapon in order to get free coffee and/or other products, and/or she attempted to intimidate one or more Starbucks employees, and/or she acted offended when asked for payment for the coffee, and/or she displayed her handcuffs and/or stated that she was a police officer when asked for payment for coffee and/or other products, thereby using her official position for personal gain and/or influence.

Count VII: From on or about April 1, 2004, to on or about June 30, 2004, or on one or more dates therein, in the vicinity of 1157 West Wrightwood Avenue, Chicago, at Starbucks Coffeehouse, she used her position as a Chicago police officer to obtain free coffee and/or other products, thereby using her official position for personal gain and/or influence.

7. The Respondent, Police Officer Barbara Nevers, Star No. 18471, charged herein, is **guilty** of violating, to wit:

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

in that: .

From on or about June 1, 2004, to on or about June 30, 2004, or on one or more dates therein, in the vicinity of 1700 West Diversey Parkway, Chicago, at Starbucks Coffeehouse, she engaged in disrespect to or maltreatment of another, in that she walked behind the business side of the counter, an employees-only area, and/or moved in very close to a Starbucks employee and moved her arm in an intimidating fashion, and/or became verbally aggressive towards a Starbucks employee for refusing her demands for free coffee and/or other products.

8. The Respondent, Police Officer Barbara Nevers, Star No. 18471, charged herein, is **guilty** of violating, to wit:

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

in that:

Count I: From on or about June 1, 2004, to on or about July 12, 2004, or on one or more dates therein, in the vicinity of 617 West Diversey Parkway, Chicago, at Starbucks Coffeehouse, she demanded free coffee and/or other products and she displayed her weapon in order to get free coffee and/or other products, thereby engaging in the unlawful or unnecessary display of a weapon.

Count II: From on or about April 1, 2004, to on or about June 30, 2004, or on one or more dates therein, in the vicinity of 1700 West Diversey Parkway, Chicago, at Starbucks Coffeehouse, she displayed her weapon when asked for payment for coffee and/or other products, and/or she displayed her weapon in order to get free coffee and/or other products, thereby engaging in the unlawful or unnecessary display of a weapon.

Count III: From on or about May 1, 1999, to on or about July 31, 2004, or on one or more dates therein, in the vicinity of 1000 West Diversey Parkway, Chicago, at Starbucks Coffeehouse, she displayed her weapon in order to get free

coffee and/or other products, thereby engaging in the unlawful or unnecessary display of a weapon.

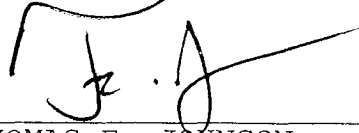
Count IV: From on or about January 1, 2001, to on or about December 31, 2002, or on one or more dates therein, in the vicinity of 2525 ½ North Clark Street, Chicago, at Starbucks Coffeehouse, she displayed her weapon when asked for payment for coffee and/or other products, and/or she displayed her weapon in order to get free coffee and/or other products, thereby engaging in the unlawful or unnecessary display of a weapon.

By reason of the findings of fact and guilt set forth herein, cause exists for the suspension of the Respondent, Police Officer Barbara Nevers, Star No. 18471, from her position as a police officer with the Department of Police, and from the services of the City of Chicago, for a period from March 8, 2007, to and including June 30, 2008.

Every police officer in the Department must "have the physical stamina and psychological/emotional stability to properly perform all required police duties," according to Article VII of the Rules and Regulations of the Department. The Respondent's fitness for duty was not an issue the Superintendent presented to the Board. Nonetheless, by reason of the findings of fact set forth herein and the nature of the Respondent's conduct and her demeanor during her testimony before the Board, the Board, pursuant to Administrative Special Order 05-04, recommends the Respondent for placement in the Department's Personnel Concerns Program to determine whether the Respondent has the physical stamina and psychological/emotional stability to properly perform all required police duties.

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Police Officer Barbara Nevers
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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 record of proceedings in this case, having viewed the video-recording of the testimony of the witnesses, 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 Barbara Nevers, Star No. 18471, as a result of having been found **guilty** of charges in Police Board Case No. 07 PB 2629, be and hereby is **suspended** from her position as a police officer, and from the services of the City of Chicago, for a period from 08 March 2007 to and including 30 June 2008*.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 19th DAY OF JUNE, 2008.

*It is further ordered that the Respondent be recommended for placement in the Department's Personnel Concerns Program for the reasons and purpose set forth above.

Kimberly C. Conroy
Phyllis Spillman
Patricia C. Bobb
Victor Gonzalez
Walter Lopez

Attested by:

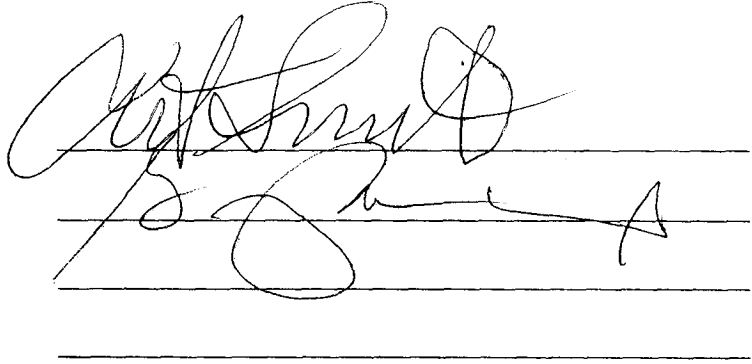
Max A. Caproni

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 more severe penalty.

A handwritten signature in cursive script is written over four horizontal lines. The signature is fluid and appears to be a name, possibly "J. L. Smith".

RECEIVED A COPY OF

THE FOREGOING COMMUNICATION

THIS ____ DAY OF _____, 2008.

SUPERINTENDENT OF POLICE

INTERNAL AFFAIRS DIVISION
RECORDS SECTION

TO:

Sgt T. Cochran #894

FROM:

RECORDS SECTION
INTERNAL AFFAIRS DIVISION

SUBJECT:

PREVIOUS DISCIPLINARY RECORD OF:

NEVELS BARBARA, S. #18471 0191376

NAME	(LAST, FIRST, M.I.)	STAR	UNIT
SEX	RACE	S.S.N.	
<u>FEMALE</u>	<u>WHITE</u>	<u>XXX-XX-XXXX</u>	

REFERENCE:

COMPLAINT REGISTER NUMBER(S)

299254

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

<u>Sgt</u>	<u>T. Cochran</u>	<u>894</u>	<u>XXX-XX-XXXX</u>	<u>121</u>
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(S) ADMINISTERED TO THE SUBJECT ACCUSED, FOR THE PAST FIVE (5) YEARS.

C. R.

299254

ATTACHMENT # 41A

VERIFIED/PREPARED BY:

FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

EXHIBIT A

Resubmit's
2

INTERNAL AFFAIRS DIVISION
RECORDS SECTION

06 SEPT 2005

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

NEVERS BARBABR 894 019/376
NAME (LAST, FIRST M.I.) STAR UNIT
F WHI
SEX RACE S.S.N.

REFERENCE: COMPLAINT REGISTER NUMBER 299 254

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

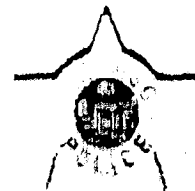
NONE

C. A. 299254
ATTACHMENT # 41B

Report Date: 31 Aug 2005
Report Time: 0203 Hrs

Chicago Police Department

Personnel Division



Information Services Division
Data Warehouse
Printed by: PC0L389

Complimentary Hist

Name	Title	Star	Unit	Detail Unit	Emp Number
NEVERS, BARBARA S	9161		. 019	376	53720

Achievements

Total No.

COMPLIMENTARY LETTER

3

G. H. 299254
ATTACHMENT # 42

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# 299254



Citizen & Law Enforcement Analysis & Reporting System