

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)	
POLICE OFFICER JOSEPH A. BATTAGLIA,)	No. 07 PB 2630
STAR No. 13486, DEPARTMENT OF POLICE,)	
CITY OF CHICAGO,)	
)	(CR No. 294389)
RESPONDENT.)	

FINDINGS

On February 27, 2007, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Joseph A. Battaglia, Star No. 13486 (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.

The Police Board of the City of Chicago caused a hearing on these charges against Police Officer Joseph A. Battaglia, Star No. 13486, to be heard by Jacqueline A. Walker, Hearing Officer of the Police Board of the City of Chicago, on April 8, 2008, and May 27, 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. Jacqueline A. Walker, Hearing Officer, made an oral report to and conferred with the Police Board before it rendered a decision.

As a result of the foregoing, the Police Board of the City of Chicago finds and determines that:

(1) The Respondent was, at all times mentioned herein, a police officer employed 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 on 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) Throughout the hearing, the Respondent appeared in person and was represented by legal counsel;

(4) The Respondent's motion to dismiss the charges is denied for the reasons stated by the Hearing Officer on the record on November 29, 2007;

(5) Respondent, Police Officer Joseph A. Battaglia, Star No. 13486 as charged herein, is **not guilty** of violating, to-wit:

Rule 1: Violation of any law or ordinance,
in that the Superintendent did not prove by a preponderance of evidence that:

(A) From on or about December, 2003, to on or about January, 2004, or on one or more dates therein, the Respondent knowingly possessed cannabis, in violation of Chapter 720 of the Illinois Compiled Statutes, Section 550/4.

(B) From on or about December, 2003 to on or about January, 2004, or on one or more dates therein, the Respondent knowingly delivered cannabis and/or knowingly possessed cannabis with the intent to deliver, in violation of Chapter 720 of the Illinois Compiled Statutes , Section 550/5.

(C) On or about December 5, 2003, the Respondent possessed cannabis with an intent to deliver in that he told one or more employees of Trotter's to Go that he

had confiscated some “weed” the night before and asked if he and/or she and/or they wanted it, or words to that effect, in violation of Chapter 720 of the Illinois Compiled Statutes, Section 550/5.

(D) From on or about December, 2003, to on or about January, 2004, or on one or more dates therein, the Respondent engaged in the casual delivery of cannabis, in violation of Chapter 720 of the Illinois Compiled Statutes, Section 550/6.

(E) From on or about December, 2003, to on or about January, 2004, or on one or more dates therein, the Respondent engaged in official misconduct in that in his official capacity, he knowingly performed the act of possession of cannabis, and/or possession of cannabis with intent to deliver, and/or delivery of cannabis, and/or casual delivery of cannabis; acts which he knows are forbidden by law, in violation of Chapter 720 of the Illinois Compiled Statutes Section 5/33-3.

(6) Respondent, Police Officer Joseph A. Battaglia, Star No. 13486, as 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 the Superintendent did not prove by a preponderance of evidence that:

(A) From on or about December, 2003, to on or about January, 2004, or on one or more dates therein, the Respondent unlawfully possessed cannabis.

(B) From on or about December, 2003, to on or about January, 2004, or on one or more dates therein, the Respondent offered various employees of Trotter’s to Go and/or an undercover police officer cannabis.

POLICE BOARD CASE No. 07 PB 2630
POLICE OFFICER JOSEPH A. BATTAGLIA, STAR No. 13486
PAGE 4

(C) From on or about December, 2003, to on or about January, 2004, or on one or more dates therein, the Respondent delivered and/or distributed cannabis to various individuals.

(7) Respondent, Police Officer Joseph A. Battaglia, Star No. 13486, as 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:

in that:


From on or about December, 2003 to on or about January, 2004, or on one or more dates therein, he made statements to one or more employees of Trotter's to Go and/or an undercover police officer, including but not limited to, one or more of the following: that he confiscated some "weed" the night before and that he could leave it outside the building for them to pick up; and/or inquired whether or not they wanted "weed"; and/or that he found out about some stuff that would mask the THC in "weed" if they ever needed to take a urine test; and/or that he could get "weed" if they wanted it; and/or that he could get "weed" off the street, and drop it off to them; and/or he had "weed," but he gave it to some girls last week; and/or if he got them "weed," they cannot disclose where they got it from, or words to that effect.

By reason of the findings set forth herein, cause exists for the suspension of

POLICE BOARD CASE No. 07 PB 2630
POLICE OFFICER JOSEPH A. BATTAGLIA, STAR No. 13486
PAGE 5

Police Officer Joseph Battaglia, Star No. 13486 from his position as a police officer with the Department of Police, and the services of the City of Chicago, for a period from March 8, 2007, up to and including June 30, 2008.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "J. A. Walker", written over a horizontal line.

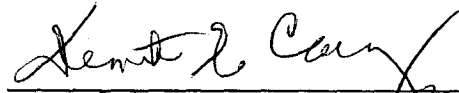
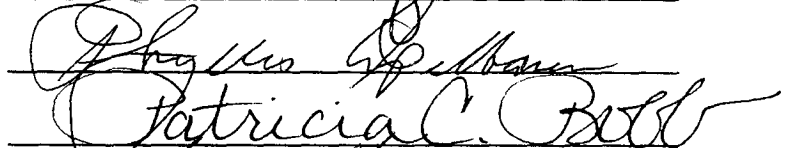
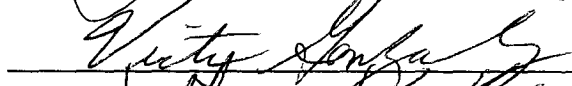
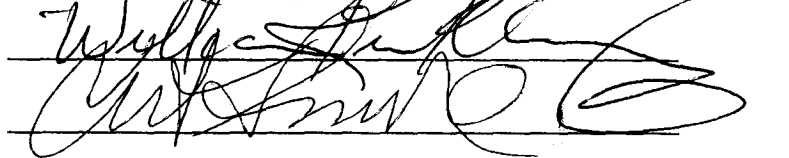
JACQUELINE A. WALKER
Hearing Officer

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 received the oral report of the Hearing Officer, Jacqueline A. Walker, 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 Joseph A. Battaglia, Star No. 13486, as a result of having been found **guilty** of charges in Police Board Case No. 07 PB 2630, 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 08 March 2007 to and including 30 June 2008.

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

Attested by:



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 _____, 2008.

SUPERINTENDENT OF POLICE

06/21/2004

COMPLIMENTARY HISTORY

Name	Title	SSN	Star	Unit	Detail Unit
BATTAGLIA JOSEPH	9161		13486	018	

HONORABLE MENTIONS

59

COMPLIMENTARY LETTERS

5

DEPT. COMMENDATIONS

AWARD NUMBER:

2

1 92021

2 89089

3

4

5

6

7

8

9

10

OTHER AWARDS:

SPECIAL AWARDS:

Jr. Chamber . of Comm	0	Unit Meritorious	0	Fitness Award	0
Rich. J Daley Award	0	Lambert Tree	0	Appearance Award	0
Police Medal	0	Carter Harrison	0	Special Commendation	0
Supt. Awd of Valor	0	WGN Award	0	Partnership Award	0
Awd of Merit	0	Honored Police Star	0	Special Serv. Award	0
Police Blue Star	0	Life Saving Awd	0	Problem Solving Awd	0
Officer of The Month	0	Hnd Cld Med. of Val	0	Blue Shield Awd	0

Complimentary History Requested By:

NAME CALDERARO KAYE 9174 STAR: 17665 UNIT: 121

Completed by:

CR #:

JOEL BROWN
Personnel Division
Records Section -2089-2092
Pax 0-342 or Bell 5-5390**EXHIBIT A**C.R. # 294389
ATTACHMENT # 33
PAGE # 1 OF 1

INTERNAL AFFAIRS DIVISION
RECORDS SECTION

21-JUN-2004

TO: COMMANDING OFFICER UNIT 121

FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF:

BATTAGLIA	JOSEPH	13486	018
NAME (LAST, FIRST M.I.)	STAR	UNIT	
M	W		
SEX	RACE	S.S.N.	

REFERENCE: COMPLAINT REGISTER NUMBER 294389

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

PA	CALDERARO	17665		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:

BERNETTE KELLY

SEE ATTACHED

FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

294389
ATTACHMENT # 34
PAGE # 1 OF 2

CHICAGO POLICE DEPARTMENT
Sustained Complaints History Report

21-JUN-2004 02:02:39 PM

<u>Social Sec. #</u>	<u>Name</u>	<u>Star #</u>	<u>Emp. #</u>	<u>Rank</u>	<u>Description</u>	<u>Unit</u>
[REDACTED]	BATTAGLIA JOSEPH A.	13486	33204	9161	POLICE OFFICER	018
<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	14-FEB-1961	07-DEC-1987	1	1	

<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 258249	26-NOV-1999		REPRIMAND	10C-COMPENSATORY TIME	
<u>Civil Suit #</u>			<u>Police Board #</u>		
<u>Comments</u>					

<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>
S033860	17-NOV-2003		REPRIMAND		007-EQUIPMENT VIOLATION
<u>Civil Suit #</u>			<u>Police Board #</u>		
<u>Comments</u>					

294389

294389

ATTACHMENT # 29
PAGE # 2 OF 2