

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)	
POLICE OFFICER RUBIN TEVENAL,)	No. 07 PB 2637
STAR No. 19137, DEPARTMENT OF POLICE,)	
CITY OF CHICAGO,)	
)	
RESPONDENT)	(CR No. 296558)

FINDINGS

On May 24, 2007, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Rubin Tevenal, Star No. 19137 (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 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 10: Inattention to duty;
- Rule 15: Intoxication on or off duty; and
- Rule 38: Unlawful or unnecessary use or display of a weapon.

The Police Board caused a hearing on these charges against Police Officer Rubin Tevenal to be had before Michael G. Berland, Hearing Officer of the Police Board, on August 23, November 1, and December 12, 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 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. Throughout the hearing the Respondent appeared in person and was represented by legal counsel.

4. The Respondent, Police Officer Rubin Tevenal, Star No. 19137, charged herein, is **guilty** of violating, to wit:

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

On or about March 16, 2004, at or near 9610 South Avenue L, Chicago, he pointed a firearm at Jesse Chavez, thereby violating Chapter 720 ILCS 5/12-2(a)(1), by committing the act of Aggravated Assault.

5. The Respondent, Police Officer Rubin Tevenal, Star No. 19137, 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 March 16, 2004, at or near 9610 South Avenue L, Chicago, he pointed a firearm at Jesse Chavez, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count II: On or about March 16, 2004, at or near 9610 South Avenue L, Chicago, he directed profanity and/or racial epithets toward Jesse Chavez, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count III: On or about March 16, 2004, and/or March 17, 2004, he was intoxicated while off duty, in that his blood alcohol level was approximately 0.130 g/dL or greater, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count IV: On or about March 16, 2004, at or near 9609 South Avenue M, Chicago, he failed to adequately secure and/or care for a firearm, namely a 9mm Smith and Wesson, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count V: On or about March 16, 2004, at or near 9609 South Avenue M, Chicago, he failed to immediately identify himself as a Chicago police officer to on-duty officers responding to a call of a man with a gun, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

6. The Respondent, Police Officer Rubin Tevenal, Star No. 19137, charged herein, is **guilty** of violating, to wit:

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

in that:

Count I: On or about March 16, 2004, at or near 9610 South Avenue L, Chicago, he disrespected and/or maltreated Jesse Chavez, in that Police Officer Tevenal pointed a firearm at Mr. Chavez.

Count II: On or about March 16, 2004, at or near 9610 South Avenue L, Chicago, he disrespected and/or maltreated Jesse Chavez, in that Police Officer Tevenal directed profanity and/or racial epithets towards Mr. Chavez.

7. The Respondent, Police Officer Rubin Tevenal, Star No. 19137, 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,

in that:

On or about March 16, 2004, at or near 9610 South Avenue L, Chicago, he directed profanity and/or racial epithets towards Jesse Chavez, thereby engaging in an unjustified verbal altercation.

8. The Respondent, Police Officer Rubin Tevenal, Star No. 19137, charged herein, is **guilty** of violating, to wit:

Rule 10: Inattention to duty,

in that:

On or about March 16, 2004, at or near 9609 South Avenue M, Chicago, he was inattentive to duty, in that he failed to adequately secure and/or care for a firearm, namely a 9mm Smith and Wesson.

9. The Respondent, Police Officer Rubin Tevenal, Star No. 19137, charged herein, is **guilty** of violating, to wit:

Rule 15: Intoxication on or off duty,

in that:

On or about March 16, 2004, and/or March 17, 2004, he was intoxicated while off duty, in that his blood alcohol level was approximately 0.130 g/dL or greater.

10. The Respondent, Police Officer Rubin Tevenal, Star No. 19137, charged herein, is **guilty** of violating, to wit:

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

in that:

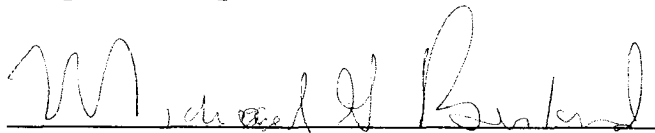
Count I: On or about March 16, 2004, at or near 9610 South Avenue L, Chicago, he displayed a firearm to Jesse Chavez, thereby engaging in the unlawful or unnecessary use or display of a weapon.

Count II: On or about March 16, 2004, at or near 9610 South Avenue L, Chicago, he pointed a firearm at Jesse Chavez, thereby engaging in the unlawful or unnecessary use or display of a weapon.

By reason of the findings of fact and guilt set forth herein, cause exists for the discharge of the Respondent, Police Officer Rubin Tevenal, Star No. 19137, from his position as a police officer with the Department of Police, and from the services of the City of Chicago.

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Respectfully submitted,

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

MICHAEL G. BERLAND
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, Michael G. Berland, 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 Rubin Tevenal, Star No. 19137, as a result of having been found **guilty** of charges in Police Board Case No. 07 PB 2637, be and hereby is **discharged** from his position as a police officer with the Department of Police, and from the services of the City of Chicago.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS
21st DAY OF FEBRUARY, 2008.

Patricia C. Ball
Mike Smith
Vito Longo
John R. King
Phonny L. Miller
James W. Curry
William C. King

Attested by:

Max A. Caproni

Executive Director
Police Board

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DECISION

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IT IS HEREBY ORDERED that the Respondent, Police Officer Rubin Tevenal, Star No. 19137, as a result of having been found **guilty** of charges in Police Board Case No. 07 PB 2637, be and hereby is **discharged** from his position as a police officer with the Department of Police, and from the services of the City of Chicago.

21st DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS
DAY OF FEBRUARY, 2008.

Patricia C. Holt
Mrs. Lynn
Vito
L. R. King
Phyllis L. Miller
Dorothy L. Carr
Phyllis L. Carr

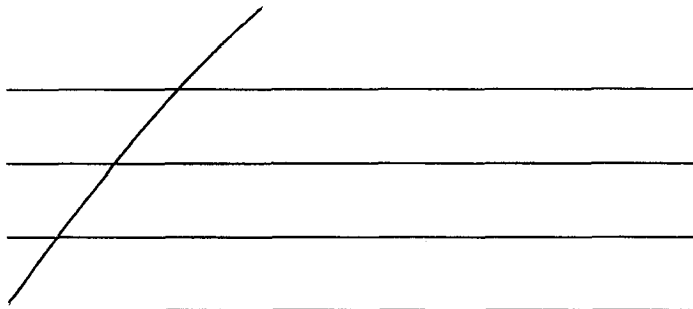
Attested by:

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 _____, 2008.

SUPERINTENDENT OF POLICE

03 Aug 2005
1100 Hrs

Chicago Police Department

Personnel Division



Information Services Division
Warehouse
by: PC0U158

Complimentary Hist

Name	Title	Star	Unit	Detail Unit	Emp Number
TEVENAL, RUBIN	9161		002	376	24125

Achievements

Total No.

DEPARTMENT COMMENDATION
HONORABLE MENTION

1
15

Ex. A, 1 of 3

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.

R# 296558



Citizen & Law Enforcement Analysis & Reporting System

**INTERNAL AFFAIRS DIVISION
RECORDS SECTION**

03-AUG-2005

TO: COMMANDING OFFICER UNIT 113
FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION
SUBJECT: PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF:

TEVENAL	RUBIN	376
NAME (LAST, FIRST M.I.)	STAR	UNIT
M	H	
SEX	RACE	S.S.N.

REFERENCE: COMPLAINT REGISTER NUMBER 296558

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

SUPV	LYONS	232	113
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**

Ex. A, 2 of 3

CHICAGO POLICE DEPARTMENT
Sustained Complaints History Report

03-AUG-2005 10:55:04 AM

ISSUED FOR USE IN CR#

<u>Social Sec. #</u>	<u>Name</u>	<u>Star #</u>	<u>Emp. #</u>	<u>Rank</u>	<u>Description</u>	<u>Unit</u>
██████████	TEVENA, RUBIN		24125	9161	POLICE OFFICER	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>	
M	██████████ (DO NOT USE)	21-AUG-1952	26-MAY-1998	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 270961	28-APR-2001	10-MAR-2003	5 DAY SUSPENSION	10J-NEGLECT OF DUTY/CONDUCT	
<u>Civil Suit #</u>		14-MAR-2005	<u>Police Board #</u>	UNBECOMING - ON DUTY	
<u>Comments</u>					

EX. A, 30F3

296558

ONLY