

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER STACY LEWIS,) No. 07 PB 2638
STAR No. 12875, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
RESPONDENT) (CR No. 298979)

FINDINGS

On May 24, 2007, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Stacy Lewis, Star No. 12875 (hereinafter sometimes referred to as "Respondent"), seeking her 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 6: Disobedience of an order or directive, whether written or oral.
- 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 14: Making a false report, written or oral.
- Rule 38: Unlawful or unnecessary use or display of a weapon.

The Police Board caused a hearing on these charges against Police Officer Stacy Lewis to be had before Thomas E. Johnson, Hearing Officer of the Police Board, on September 14 and 17, 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 Stacy Lewis, Star No. 12875, charged herein, is **not guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance.

in that:

Count I: The Superintendent did not prove by a preponderance of the evidence that on or about June 29, 2004, Police Officer Lewis committed home invasion when, without authority she knowingly entered the dwelling place of Michael Winton when she knew or had reason to know that one or more persons were present, and/or she knowingly entered the dwelling place of Michael Winton and remained in such

dwelling place until she knew or had reason to know that one or more persons were present, and while armed with a firearm used force or threatened the imminent use of force upon Michael Winton within such dwelling place whether or not injury occurred, and/or used force or threatened the imminent use of force upon Michael Winton within such dwelling place whether or not injury occurred and during the commission of the offense personally discharged a firearm, in violation of chapter 720 of the Illinois Compiled Statutes, section 5/12-11.

Count II: The Superintendent did not prove by a preponderance of the evidence that on or about June 29, 2004, Police Officer Lewis committed armed violence when, while armed with a dangerous weapon, she committed any felony defined by Illinois law, including but not limited to reckless discharge of a firearm and/or aggravated assault and/or criminal trespass, by shooting Michael Winton, threatening to shoot Michael Winton, and/or entering Michael Winton's residence without authorization, in violation of chapter 720 of the Illinois Compiled Statutes, section 5/33A-2.

Count III: The Superintendent did not prove by a preponderance of the evidence that on or about June 29, 2004, Police Officer Lewis committed reckless discharge of a firearm in that she, while in Michael Winton's residence, discharged a firearm in a reckless manner which endangered the bodily safety of Michael Winton, in violation of chapter 720 of the Illinois Compiled Statutes, section 5/24-1.5.

Count IV: The Superintendent did not prove by a preponderance of the evidence that on or about June 29, 2004, Police Officer Lewis committed aggravated assault when, in committing an assault, she discharged a firearm in the residence of Michael Winton, in violation of chapter 720 of the Illinois Compiled Statutes, section 5/12-2(a)(13).

Count V: The Superintendent did not prove by a preponderance of the evidence that on or about June 29, 2004, Police Officer Lewis committed criminal trespass to a residence in that she, without authority, knowingly entered or remained within the residence of Michael Winton, and/or without authority she knowingly entered the residence of Michael Winton and knew or had reason to know that one or more persons were present, and/or without authority she knowingly entered the residence of Michael Winton and remained in that residence after she knew or had reason to know that one or

more persons were present, in violation of chapter 720 of the Illinois Compiled Statutes, section 5/19-4.

5. The Respondent, Police Officer Stacy Lewis, Star No. 12875, 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:

Count I: The Superintendent did not prove by a preponderance of the evidence that on or about June 29, 2004, Police Officer Lewis entered Michael Winton's home without his permission.

Count II: The Superintendent did not prove by a preponderance of the evidence that on or about June 29, 2004, Police Officer Lewis threatened to shoot Michael Winton.

Count III: The Superintendent did not prove by a preponderance of the evidence that on or about June 29, 2004, Police Officer Lewis unnecessarily shot Michael Winton.

Count IV: The Superintendent did not prove by a preponderance of the evidence that on or about June 29, 2004, Police Officer Lewis engaged in a verbal altercation with Michael Winton.

Count V: The Superintendent did not prove by a preponderance of the evidence that on or about June 29, 2004, Police Officer Lewis engaged in a physical altercation with Michael Winton.

Count VI: The Superintendent did not prove by a preponderance of the evidence that on or about June 29, 2004, and/or on or about August 22, 2005, Police Officer Lewis provided a false statement regarding an incident that took place on or about June 29, 2004, between herself and Michael Winton.

6. The Respondent, Police Officer Stacy Lewis, Star No. 12875, charged herein, is **not guilty** of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral.

in that:

The Superintendent did not prove by a preponderance of the evidence that on or about June 29, 2004, Police Officer Lewis used deadly force against Michael Winton, thereby disobeying General Order 02-08-03 entitled "Deadly Force."

7. The Respondent, Police Officer Stacy Lewis, Star No. 12875, charged herein, is **not guilty** of violating, to wit:

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

in that:

Count I: The Superintendent did not prove by a preponderance of the evidence that on or about June 29, 2004, Police Officer Lewis shot Michael Winton without authority and/or without justification.

Count II: The Superintendent did not prove by a preponderance of the evidence that on or about June 29, 2004, Police Officer Lewis threatened to shoot Michael Winton.

Count III: The Superintendent did not prove by a preponderance of the evidence that on or about June 29, 2004, Police Officer Lewis engaged in a verbal altercation with Michael Winton.

Count IV: The Superintendent did not prove by a preponderance of the evidence that on or about June 29, 2004, Police Officer Lewis engaged in a physical altercation with Michael Winton.

8. The Respondent, Police Officer Stacy Lewis, Star No. 12875, 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.

in that:

The Superintendent did not prove by a preponderance of the evidence that on or about June 29, 2004, Police Officer Lewis engaged in an unjustified verbal or physical altercation with Michael Winton when she threatened to shoot him, and/or struggled with him over keys and/or shot him.

9. The Respondent, Police Officer Stacy Lewis, Star No. 12875, charged herein, is **not guilty** of violating, to wit:

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

in that:

Count I: The Superintendent did not prove by a preponderance of the evidence that on or about August 22, 2005, Police Officer Lewis provided a false report to the Office of Professional Standards regarding the circumstances surrounding an incident that occurred on or about June 29, 2004, between herself and Michael Winton.

Count II: The Superintendent did not prove by a preponderance of the evidence that on or about August 22, 2005, Police Officer Lewis provided a false report to the Office of Professional Standards in that she stated that Michael Winton provided her keys to his residence in October 2003 "to allow a heating repairman to come in and fix the furnace."

10. The Respondent, Police Officer Stacy Lewis, Star No. 12875, charged herein, is **not guilty** of violating, to wit:

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

in that:

The Superintendent did not prove by a preponderance of the evidence that on or about June 29, 2004, Police Officer Lewis displayed her weapon to Michael Winton and/or unlawfully or unnecessarily shot Michael Winton.

By reason of the findings of fact herein, cause exists for restoring the Respondent, Police Officer Stacy Lewis, Star No. 12875, to her position as a police officer with the Department of Police, and to the services of the City of Chicago, with all rights and benefits, effective May 31, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Johnson', with a long horizontal stroke extending to the right.

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

IT IS HEREBY ORDERED that the Respondent, Police Officer Stacy Lewis, Star No. 12875, as a result of having been found **not guilty** of the charges in Police Board Case No. 07 PB 2638, be and hereby is **restored** to her position as a police officer, and to the services of the City of Chicago, with all rights and benefits, effective 31 May 2007.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 18th DAY OF OCTOBER, 2007.

Heather J. Carr

Scott Davis

Patricia C. Boal

Vivian Gonzalez

William J. ...

William J. ...

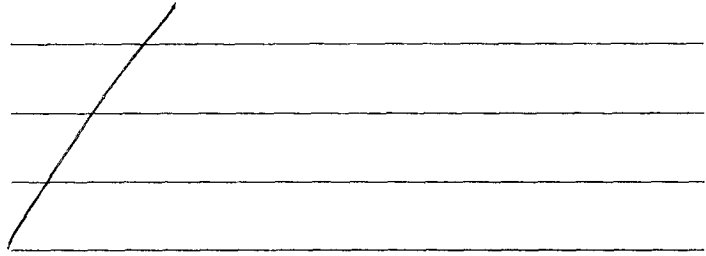
Attested by:

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.

INTERIM SUPERINTENDENT OF POLICE