

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)	
POLICE OFFICER NATHAN HICKS,)	No. 07 PB 2646
STAR No. 16241, DEPARTMENT OF POLICE,)	
CITY OF CHICAGO,)	
)	
RESPONDENT)	(CR No. 313587)

FINDINGS

On August 8, 2007, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Nathan Hicks, Star No. 16241 (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 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
- Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals;
- Rule 5: Failure to perform any duty; and
- Rule 11: Incompetency or inefficiency in the performance of duty.

The Police Board caused a hearing on these charges against Police Officer Nathan Hicks to be had before Michael G. Berland, Hearing Officer of the Police Board, on April 14 and May 19, 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. 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, 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 Nathan Hicks, Star No. 16241, 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:

On or about June 3, 2006, Police Officer Hicks, when faced with a deadly-force situation at Dominick's Food Store, located at or near 2101 East 71st Street, Chicago, in which the offender, James King, drew a gun, failed to respond with the appropriate use of force and/or failed to engage the threat by retreating from the threat.

5. The Respondent, Police Officer Nathan Hicks, Star No. 16241, charged herein, is **guilty** of violating, to wit:

Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals,

in that:

On or about June 3, 2006, Police Officer Hicks, when faced with a deadly-force situation at Dominick's Food Store, located at or near 2101 East 71st Street, Chicago, in which the offender, James King, drew a gun, failed to respond with the appropriate use of force and/or failed to engage the threat by retreating from the threat.

6. The Respondent, Police Officer Nathan Hicks, Star No. 16241, charged herein, is **guilty** of violating, to wit:

Rule 5: Failure to perform any duty,

in that:

On or about June 3, 2006, Police Officer Hicks, when faced with a deadly-force situation at Dominick's Food Store, located at or near 2101 East 71st Street, Chicago, in which the offender, James King, drew a gun, failed to respond with the appropriate use of force and/or failed to engage the threat by retreating from the threat.

7. The Respondent, Police Officer Nathan Hicks, Star No. 16241, charged herein, is **guilty** of violating, to wit:

Rule 11: Incompetency or inefficiency in the performance of duty,

in that:

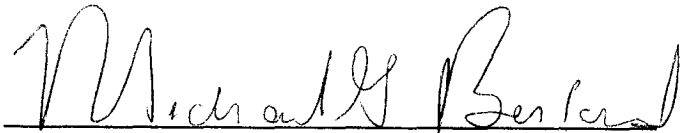
On or about June 3, 2006, Police Officer Hicks, when faced with a deadly-force situation at Dominick's Food Store, located at or near 2101 East 71st Street, Chicago, in which the offender, James King, drew a gun, failed to respond with the appropriate use of force and/or failed to engage the threat by retreating from the threat, thereby failing to utilize the tactics that were taught to him in his training at the Education and Training Academy.

By reason of the findings of fact and guilt set forth herein, cause exists for the discharge of the Respondent, Police Officer Nathan Hicks, Star No. 16241, from his position as a

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Police Officer Nathan Hicks
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police officer with the Department of Police, and from the
services of the City of Chicago.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michael G. Berland". The signature is written in dark ink and is positioned above a horizontal line.

MICHAEL G. BERLAND
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, 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 Nathan Hicks, Star No. 16241, as a result of having been found **guilty** of charges in Police Board Case No. 07 PB 2646, 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 AUGUST, 2008.

Dennis J. Curry

Scott Davis

Vito Lombardi

William J. Franklin

Phonny L. Miller

B. J. Miller

Attested by:

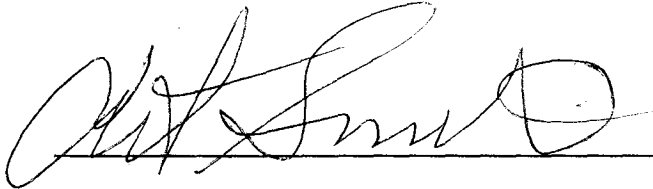
Max A. Caproni

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 find the Respondent not guilty.



RECEIVED A COPY OF

THE FOREGOING COMMUNICATION

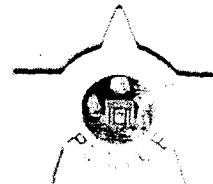
THIS _____ DAY OF _____, 2008.

SUPERINTENDENT OF POLICE

Report Date: 02 Oct 2006
Report Time: 1125 Hrs

Chicago Police Department

Personnel Division



Information Services Division
Data Warehouse
Produced by: PC01338

Complimentary History

Name	Title	Star	Unit	Detail Unit	Emp Numb
HICKS, NATHAN	9161	16241	003	376	94224

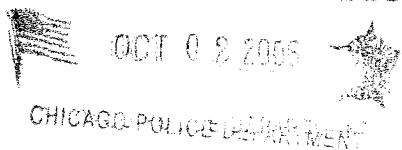
Achievements

Total No.

HONORABLE MENTION

4

PERSONNEL SERVICES



CR# 33587

Ex. A, 1 OF 2

CR # 313587
ATTACHMENT 27

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



Chicago Police Department
CLEAR

Citizen & Law Enforcement Analysis & Reporting System

INTERNAL AFFAIRS DIVISION
RECORDS SECTION

2 October 2006

TO: COMMANDING OFFICER UNIT 121

FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS DISCIPLINARY RECORD OF:

HICKS, NATHAN 16241 376/003
NAME (LAST, FIRST M.I.) STAR UNIT

M B 094224
SEX RACE EMP#

REFERENCE: COMPLAINT REGISTER NUMBER(S) 313 587

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

SGT. J. KANE 1194 04057 121-S
RANK NAME STAR EMP# 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.

VERIFIED/PREPARED BY:

P.A. C. FABIAN

FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

NONE

Ex. A, 2 of 2

CR # 313581
ATTACHMENT 28