

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
DETECTIVE ALPHONSO KENNEDY,) No. 07 PB 2657
STAR No. 20205, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
) (CR No. 311868)
RESPONDENT.)

FINDINGS AND DECISION

On September 20, 2007, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Detective **ALPHONSO KENNEDY**, Star No. 20205 (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 action or conduct taken to use the official position for personal gain or influence; and
- RULE 6:** Disobedience of an order or directive, whether written or oral.

The Police Board caused a hearing on these charges against Detective **ALPHONSO KENNEDY** to be had before JACQUELINE A. WALKER, Hearing Officer of the Police Board, on December 4 and December 6, 2007, and January 16, 2008.

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.

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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 detective 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, Detective **ALPHONSO KENNEDY**, Star No. 20205, as charged herein, is **guilty** of violating, to-wit:

RULE 1: Violation of any law or ordinance,

in that:

Count I: On or about March 22, 2006, at the Harold Washington School, 9157 South University Avenue, Chicago, he used his official capacity as a detective with the Chicago Police Department to obtain personal information of Latoya Fuller from the school's principal, Dr. Sandra Lewis, for other than official police business, in violation of Section 2-156-070 of the Municipal Code of Chicago.

Count II: On or about March 22, 2006, at the Harold Washington School, 9157 South University Avenue, Chicago, he used his official capacity as a detective with the Chicago Police Department to obtain personal information of Latoya Fuller from the school's guidance counselor, Aretha Oliver-Hampton, for other than official police business, in violation of Section 2-156-070 of the Municipal Code of Chicago.

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Count IV: From on or about January 5, 2006, through March 26, 2006, or on one or more dates therein, he used the Chicago Police Department database systems to access records regarding Latoya Fuller for other than official police business, in violation of Section 2-156-070 of the Municipal Code of Chicago.

(5) The Respondent, Detective **ALPHONSO KENNEDY**, Star No. 20205, as charged herein, is **not guilty** of violating, to-wit:

RULE 1: Violation of any law or ordinance,

in that:

Count III: The Superintendent did not prove by a preponderance of the evidence that on or about March 21, 2006, and/or on or about March 22, 2006, at the Lavizzo School, 138 West 109th Street, Chicago, the Respondent used his official capacity as a detective with the Chicago Police Department to obtain personal information of Latoya Fuller from a teacher, Canessa Baines, for other than official police business, and/or displayed a photo of Ms. Fuller, in violation of Section 2-156-070 of the Municipal Code of Chicago.

(6) The Respondent, Detective **ALPHONSO KENNEDY**, Star No. 20205, 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:

Count I: On or about March 22, 2006, at the Harold Washington School, 9157 South University Avenue, Chicago, he used his official capacity as a detective with the Chicago Police Department to obtain personal information of Latoya Fuller from the school's principal, Dr. Sandra Lewis, for other than official police business, in that he stated he was investigating Ms. Fuller for a criminal matter.

Count II: On or about March 22, 2006, at the Harold Washington School, 9157 South University Avenue, Chicago, he used his official capacity as a detective with the Chicago Police Department to obtain personal information of Latoya Fuller from the school's guidance counselor, Aretha Oliver-Hampton, for other than official police business, in that he stated he was investigating Ms. Fuller for a criminal matter.

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Count IV: On or about March 23, 2006, he used his official capacity as a detective with the Chicago Police Department in that while over the phone he told Latoya Fuller that he had run name and background checks of her for his personal use.

Count VI: From on or about January 5, 2006, through March 26, 2006, or on one or more dates therein, he used the Chicago Police Department database systems to access records regarding Latoya Fuller for other than official police business.

Count VII: On or about March 22, 2006, he went to the Harold Washington School, 9157 South University Avenue, Chicago, to obtain information regarding Latoya Fuller for other than official police business, while on duty and being paid by the Chicago Police Department.

(7) The Respondent, Detective **ALPHONSO KENNEDY**, Star No. 20205, 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

Count III: The Superintendent did not prove by a preponderance of the evidence that on or about March 21, 2006, and/or on or about March 22, 2006, at the Lavizzo School, 138 West 109th Street, Chicago, the Respondent used his official capacity as a detective with the Chicago Police Department to obtain personal information of Latoya Fuller from a teacher, Canessa Baines, for other than official police business, and/or displayed a photo of Ms. Fuller.

Count V: The Superintendent did not prove by a preponderance of the evidence that on or about March 23, 2006, while over the phone, the Respondent told Latoya Fuller "I put people in jail for a living and I'm good at it, accidents can happen..." or words to that effect.

Count VIII: The Superintendent did not prove by a preponderance of the evidence that on or about March 21, 2006, and/or on or about March 22, 2006, the Respondent went to the Lavizzo School, 138 West 109th Street, Chicago, to obtain information regarding Latoya Fuller for other than official police business, while on duty and being paid by the Chicago Police Department.

(8) The Respondent, Detective **ALPHONSO KENNEDY**, Star No. 20205, as charged herein, is **guilty** of violating, to-wit:

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

in that:

Count I: On or about March 22, 2006, at the Harold Washington School, 9157 South University Avenue, Chicago, he used his official capacity as a detective with the Chicago Police Department to obtain personal information of Latoya Fuller from the school's principal, Dr. Sandra Lewis, for other than official police business, in that he stated he was investigating Ms. Fuller for a criminal matter, however, it was for personal gain and/or influence.

Count II: On or about March 22, 2006, at the Harold Washington School, 9157 South University Avenue, Chicago, he used his official capacity as a detective with the Chicago Police Department to obtain personal information of Latoya Fuller from the school's guidance counselor, Aretha Oliver-Hampton, for other than official police business, in that he stated he was investigating Ms. Fuller for a criminal matter, however, it was for personal gain and/or influence.

Count IV: On or about March 23, 2006, he used his official capacity as a detective with the Chicago Police Department in that while over the phone he told Latoya Fuller that he had run name and background checks of her for his personal gain and/or influence.

Count VI: From on or about January 5, 2006, through March 26, 2006, or on one or more dates therein, he used the Chicago Police Department database systems to access records regarding Latoya Fuller for other than official police business, thereby using his official position for personal gain and/or influence.

Count VII: On or about March 22, 2006, he went to the Harold Washington School, 9157 South University Avenue, Chicago, to obtain information regarding Latoya Fuller for other than official police business, while on duty and being paid by the Chicago Police Department, thereby using his official position for personal gain and/or influence.

(9) The Respondent, Detective **ALPHONSO KENNEDY**, Star No. 20205, as charged herein, is **not guilty** of violating, to-wit:

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

in that:

Count III: The Superintendent did not prove by a preponderance of the evidence that on or about March 21, 2006, and/or on or about March 22, 2006, at the

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Lavizzo School, 138 West 109th Street, Chicago, the Respondent used his official capacity as a detective with the Chicago Police Department to obtain personal information of Latoya Fuller from a teacher, Canessa Baines, for other than official police business, and/or displayed a photo of Ms. Fuller, thereby using his official position for personal gain and/or influence.

Count V: The Superintendent did not prove by a preponderance of the evidence that on or about March 23, 2006, while over the phone, the Respondent told Latoya Fuller "I put people in jail for a living and I'm good at it, accidents can happen..." or words to that effect, thereby using his official position for personal gain and/or influence.

Count VIII: The Superintendent did not prove by a preponderance of the evidence that on or about March 21, 2006, and/or on or about March 22, 2006, the Respondent went to the Lavizzo School, 138 West 109th Street, Chicago, to obtain information regarding Latoya Fuller for other than official police business, while on duty and being paid by the Chicago Police Department, thereby using his official position for personal gain and/or influence.

(10) Respondent, **DETECTIVE ALPHONSO KENNEDY**, Star No. 20205, as charged herein, is **guilty** of violating, to-wit:

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

in that:

Count II: From on or about January 5, 2006, through March 26, 2006, or on one or more dates therein, he used the Chicago Police Department database systems to access records regarding Latoya Fuller for personal use, in violation of Department Special Order 98-10, Section III.B.1., entitled "Criminal History Records.

(11) The Respondent, Detective **ALPHONSO KENNEDY**, Star No. 20205, as charged herein, is **not guilty** of violating, to-wit:

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

in that:

Count I: The Superintendent did not prove by a preponderance of the evidence that on or about March 21, 2006, and/or on or about March 22, 2006, the Respondent went to the Lavizzo School, 138 West 109th Street, Chicago, and

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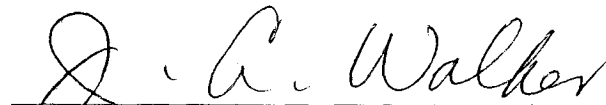
displayed a photo of Latoya Fuller to a teacher, Canessa Baines, for purposes other than official police business, in violation of Department Special Order 88-04, Section VI. A., entitled "Computerized Criminal History (CCH)," thereby disobeying an order or directive, whether written or oral.

Count III: The Superintendent did not prove by a preponderance of the evidence that on or about March 22, 2006, the Respondent went the Harold Washington School, 9157 South University Avenue, Chicago, allegedly regarding the children of Latoya Fuller and/or failed to complete a case report and/or immediately make official notifications regarding any possible abuse or neglect of the children, in violation of Department General Order 92-01-07, Section IV, entitled "Abused and Neglected Child Offenses".

Count IV: The Superintendent did not prove by a preponderance of the evidence that on or about March 21, 2006, and/or on or about March 22, 2006, the Respondent went to the Lavizzo School, 138 West 109th Street, Chicago, allegedly regarding the children of Latoya Fuller and/or failed to complete a case report and/or immediately make official notifications regarding any possible abuse or neglect of the children, in violation of Department General Order 92-01-07, Section IV, entitled "Abused and Neglected Child Offenses".

BY REASON of the findings of fact and guilt to the extent set forth herein, cause exists for the suspension of the Respondent, Detective **ALPHONSO KENNEDY**, Star No. 20205, from his position as a detective with the Department of Police, and from the services of the City of Chicago, for a period of six (6) months, from September 22, 2007, to and including March 21, 2008.

Respectfully submitted,



JACQUELINE A. WALKER
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, 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, Detective Alphonso Kennedy, Star No. 20205, as a result of having been found **guilty** of charges in Police Board Case No. 07 PB 2657, be and hereby is **suspended** from his position as a detective, and from the services of the City of Chicago, for a period from 22 September 2007 to and including 21 March 2008 (six months).

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

Patricia C. Bobb
John L. ...
Thomas J. Miller
Patricia ...
Victor ...
Stephen ...
William ...

Attested by:

Max A. Caproni

Executive Director
Police Board

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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, 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, Detective Alphonso Kennedy, Star No. 20205, as a result of having been found guilty of charges in Police Board Case No. 07 PB 2657, be and hereby is **suspended from his position as a detective, and from the services of the City of Chicago, for a period from 22 September 2007 to and including**
21 March 2008 (six months)

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

Patricia C. Bobb
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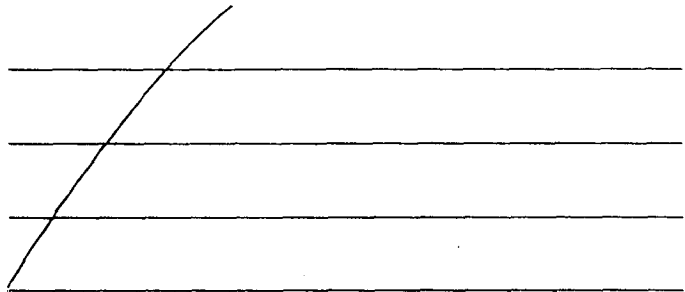
Attested by:

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

Report Date: 05 Dec 2006
Report Time: 2323 Hrs

Chicago Police Department

Personnel Division

Information Services Division
Data Warehouse
Produced by: PCOL389

Complimentary History

Name	Title	Star	Unit	Detail Unit	Emp Numb
KENNEDY, ALPHONSO	9165	20205	603		31865

Achievements

Total No.

OTHER AWARDS
EMBLEM OF RECOGNITION - PHYSICAL FITNESS
DEPARTMENT COMMENDATION
COMPLIMENTARY LETTER
HONORABLE MENTION

1
5
1
18
7

EX. A, 1 OF 3

C.R.# 311867
ATTACHMENT 29

1w2

EX. A, 2 OF 3

CR# 311868

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.



Citizen & Law Enforcement Analysis & Reporting System

1 / 1

2 of 2

C.R.# 311868
ATTACHMENT 23

INTERNAL AFFAIRS DIVISION
RECORDS SECTION

28 NOV 2006

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

KENNEDY ALPHONSO	20205	603
NAME (LAST, FIRST M.I.)	STAR	UNIT
MALE	BLACK	
SEX	RACE	S.S.N.

REFERENCE: COMPLAINT REGISTER NUMBER 311868

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

PA	SUTTLE	10566		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:

NIYA SCOTT

NONE

FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

Ex. A, 3 OF 3

C.R.# 311868
ATTACHMENT 28