

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER DAVID GONZALEZ,) No. 07 PB 2660
STAR No. 12804, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,) (C.R. No. 300811)
)
RESPONDENT.)

FINDINGS AND DECISION

On October 18, 2007, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer David Gonzalez, Star No. 12804 (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 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 14:** Making a false report, written or oral.

The Police Board of the City of Chicago caused a hearing on these charges against Police Officer David Gonzalez, Star No. 12804, to be heard by **Jacqueline A. Walker**, Hearing Officer of the Police Board of the City of Chicago, on February 28, February 29, April 1, April 22, May 8, and May 20, 2008. Following the hearing, the

members of the Police Board read and reviewed the record of proceedings and viewed the video-recordings of the witness testimony. **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) Respondent, Police Officer David Gonzalez, Star No. 12804, as charged herein, is **guilty** of violating, to-wit:

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

- (A) On or about September 19, 2004, at or around 3:03 a.m., at or near 7225 West 63rd Street, Summit, Illinois, while off duty, he intentionally or knowingly without legal justification caused bodily harm to and/ or made physical contact of an insulting or provoking nature with Police Lieutenant James Sylvester of the Summit Police Department, in violation of 720 ILCS 5/12-3(a), thereby committing the act of battery.
- (B) On or about September 19, 2004, at or around 3:03 a.m., at or near 7225 West 63rd Street, Summit, Illinois, while off duty, he intentionally or knowingly without legal justification caused bodily harm to and/or made physical contact of an insulting or provoking nature with Police Officer Maria Gatlin of the Summit Police

Department, in violation of 720 ILCS 5/12-3(a), thereby committing the act of battery.

- (C) On or about September 19, 2004, at or around 3:03 a.m., at or near 7225 West 63rd Street, Summit, Illinois, while off duty, he knowingly resisted or obstructed the performance of the authorized acts of one or more Summit Police Officers, in violation of 720 ILCS 5/31-1, thereby committing the act or resisting or obstructing a peace officer.

(5) Respondent, Police Officer David, Gonzales No. 12804, 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:

- (A) On or about September 19, 2004, at or around 3:03 a.m., at or near 7225 West 63rd Street, Summit, Illinois, while off duty, he pushed Police Officer Maria Gatlin of the Summit Police Department in her chest and/or caused her to fall to the ground, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.
- (B) On or about September 19, 2004, at or around 3:03 a.m., at or near 7225 West 63rd Street, Summit, Illinois, while off duty, he hit Police Lieutenant James Sylvester of the Summit Police Department on the back and/or chest, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.
- (C) On or about September 19, 2004, at or around 3:03 a.m., at or near 7225 West 63rd Street, Summit, Illinois, while off duty, he, resisted and/or obstructed the performance of the acts of one or more Summit Police officers by refusing to be handcuffed and/or follow directions and/or struggling with Summit Police Lieutenant James Sylvester and/or Police Officer Maria Gatlin, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.
- (D) On or about September 19, 2004, at or around 3:03 a.m., at or near 7225 West 63rd Street, Summit, Illinois, while off duty, he was in possession of a firearm while consuming alcoholic beverages,

thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon Department.

- (E) On or about April 26, 2006, in an interview with the Office of Professional Standards, at or near 10 West 35th Street, Suite 1200, Chicago, Illinois, he gave Investigator Jessica Sanchez an account of the events outside of the Studio 63 Club at or near 7225 West 63rd Street, Summit Illinois, on or about September 19, 2004, at or around 3:03 a.m., in which he indicated that Ricardo Valadez approached him and/or was the aggressor, which was not corroborated by one or more Summit Police Officers and/or other witnesses, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

(6) Respondent, Police Officer David Gonzalez, Star No. 12804, as charged

herein, is guilty of violating to wit:

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

On or about September 19, 2004, at or around 3:03 a.m., at or near 7225 West 63rd Street, Summit, Illinois, while off duty, he was in violation of General Order 92-03, Section III, Paragraph C, in that he was in possession of a firearm while consuming alcoholic beverages.

(7) Respondent, Police Officer David Gonzalez, Star No. 12804, as charged

herein, is guilty of violating to wit:

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

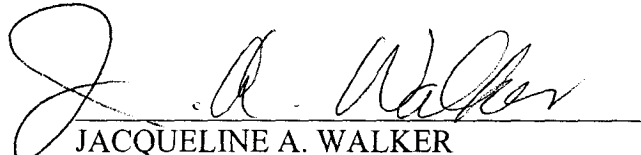
- (A) On or about September 19, 2004, at or around 3:03 a.m., at or near 7225 West 63rd Street, Summit, Illinois, while off duty, he pushed Summit Police Officer Maria Gatlin in the chest, causing her to fall to the ground, thereby disrespecting and/or maltreating any person, while on or off duty.
- (B) On or about September 19, 2004, at or around 3:03 a.m., at or near 7225 West 63rd Street, Summit, Illinois, while off duty, he hit Police Lieutenant James Sylvester of the Summit Police Department on the back and/or chest, thereby disrespecting and/or maltreating any person, while on or off duty.

(8) Respondent, Police Officer David Gonzalez, Star No. 12804, as charged herein, is **guilty** of violating to wit:

Rule 14: Making a false report, written or oral, in that:

On or about April 26, 2006, an interview with the Office of Professional Standards, at or near 10 West 35th Street, Suite 1200, Chicago, Illinois, he gave Investigator Jessica Sanchez an account of the events outside of the Studio 63 Club at or near 7225 West 63rd Street, Summit, Illinois, on or about September 19, 2004, at or around 3:03 a.m., in which he indicated that Ricardo Valadez approached him and/or was the aggressor, that was not corroborated by one or more Summit Police Officers and/or other witnesses, thereby making a false report, written or oral.

BY REASON of the findings of fact and of guilt herein, cause exists for the discharge of Respondent, Police Officer David Gonzalez, Star No. 12804, from his position as a police officer with the Department of Police, and from the services of the City of Chicago.

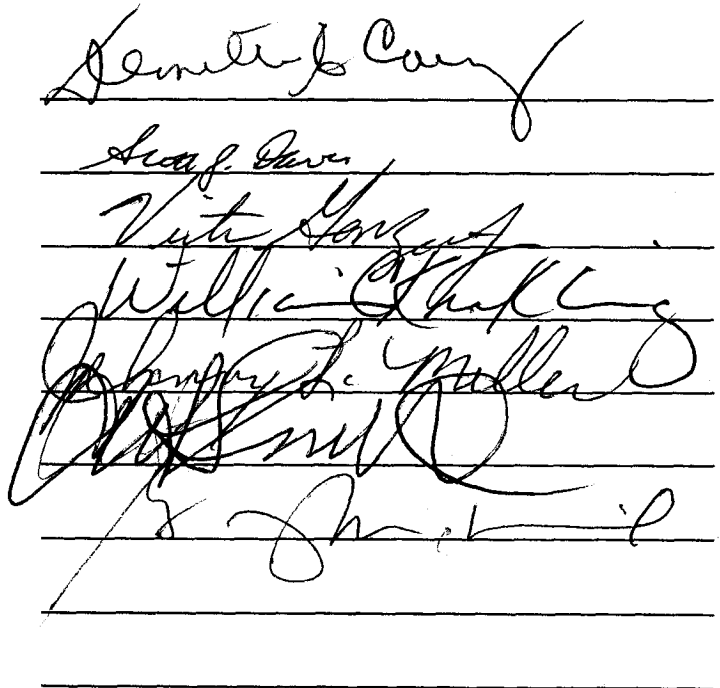

JACQUELINE A. WALKER
Hearing Officer

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 David Gonzalez, Star No. 12804, as a result of having been found **guilty** of charges in Police Board Case No. 07 PB 2660, be and hereby is **discharged** from his position as a police officer, and from the services of the City of Chicago.

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


The block contains five handwritten signatures, each written on a horizontal line. From top to bottom, the signatures are: 1. A signature that appears to be 'Dennis J. Conroy'. 2. A signature that appears to be 'Scott J. Davis'. 3. A signature that appears to be 'Victor Gonzalez'. 4. A signature that appears to be 'William J. Hall'. 5. A signature that appears to be 'John J. Miller'. There are also two empty horizontal lines below the last signature.

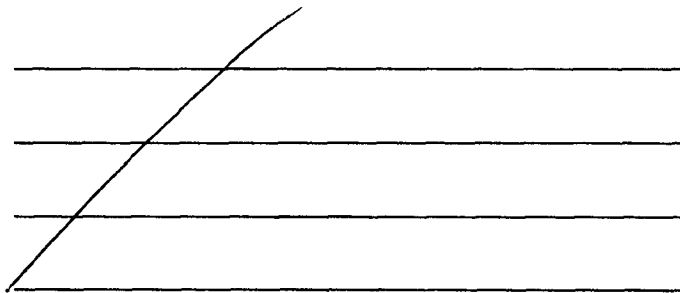
Attested by:


The block contains a handwritten signature in cursive that reads '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.



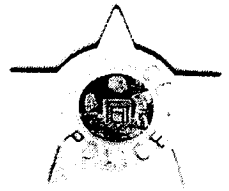
RECEIVED A COPY OF

THE FOREGOING COMMUNICATION

THIS _____ DAY OF _____, 2008.

SUPERINTENDENT OF POLICE

Chicago Police Department Personnel Division



Information Services Division
Data Warehouse
Proc by: PC0A489

Complimentary History

Name	Title	Star	Unit	Detail Unit	Emp Numb
GONZALEZ, DAVID	9161		002	167	1082

Achievements

Total No.

EMBLEM OF RECOGNITION - PHYSICAL FITNESS
HONORABLE MENTION

2
16

C 300811

Ex. A, 1 OF 2

CHICAGO POLICE DEPARTMENT Sustained Complaints History Report

<u>Social Sec. #</u>	<u>Name</u>	<u>Star #.</u>	<u>Emp. #</u>	<u>Rank</u>	<u>Description</u>	<u>Unit</u>
[REDACTED]	GONZALEZ DAVID .		1082	9161	POLICE OFFICER	167
<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	[REDACTED]	29-AUG-1974	18-DEC-2000	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 305405	06-MAY-2005		REPRIMAND	10T-REPORTS - FAILED TO SUBMIT/IMPROPER	
<u>Civil Suit #</u>	<u>Comments</u>	<u>Police Board #</u>			

ISSUED FOR USE OF CR 300 811

Ex. A, 2 of 2