

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER KEVIN WATERS,) **No. 07 PB 2666**
STAR No. 19721, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
) **(CR No. 314617)**
RESPONDENT.)

FINDINGS

On October 30, 2007, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer **KEVIN WATERS**, Star No.19721 (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 14:** Making a false report, written or oral.
- RULE 20:** Failure to submit immediately a written report that any member, including self, is under investigation by any law enforcement agency other than the Chicago Police Department.

The Police Board of the City of Chicago caused a hearing on these charges against Police Officer **KEVIN WATERS**, Star No. 19721, to be heard by **JACQUELINE A. WALKER**, Hearing Officer of the Police Board of the City of Chicago, on March 26 and April 25, 2008.

Following the Hearing, the members of the Police Board read and reviewed the record of proceedings in this case and viewed the video-recording of the testimony of the witnesses. **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) The Respondent, Police Officer **KEVIN WATERS**, Star No. 19721, as charged herein, is **guilty** of violating, to-wit:

RULE 1: "Violation of any law or ordinance," in that:

On or about July 30, 2006, at Bourbon Street Bar, 3359 West 115th Street, Merrionette Park, Illinois, at approximately 2:06 a.m., he displayed a knife and/or threatened to slit James Burton's throat, thereby violating 720 ILCS 5/12-2(a)(1).

(5) The Respondent, Police Officer **KEVIN WATERS**, Star No.19721, 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 July 30, 2006, at Bourbon Street Bar, 3359 West 115th Street, Merrionette Park, Illinois, at approximately 2:06 a.m., he displayed a knife and/or threatened to slit James Burton’s throat.

B) On or about July 30, 2006, at Bourbon Street Bar, 3359 West 115th Street, Merrionette Park, Illinois, at approximately 2:06 a.m., he directed racial slurs towards James Burton by calling him a “fucking nigger,” or words to that effect.

(6) The Respondent, Police Officer **KEVIN WATERS**, Star No.19721, 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 July 30, 2006, at Bourbon Street Bar, 3359 West 115th Street, Merrionette Park, Illinois, at approximately 2:06 a.m., he displayed a knife and/or threatened to slit James Burton’s throat, thereby disrespecting or maltreating any person, while on or off duty.

B) On or about July 30, 2006, at Bourbon Street Bar, 3359 West 115th Street, Merrionette Park, Illinois, at approximately 2:06 a.m., he directed racial slurs towards James Burton by calling him a “fucking nigger,” or words to that effect, thereby disrespecting or maltreating any person, while on or off duty.

(7) The Respondent, Police Officer **KEVIN WATERS**, Star No.19721, as charged herein, is **guilty** of violating, to wit:

RULE 14: “Making a false report, written or oral,” in that:

A) On or about November 14, 2006, he told an Internal Affairs Division investigator that he did not display a knife and/or threaten to slit James Burton’s throat on July 30, 2006, thereby making a false report, written or oral.

B) On or about November 14, 2006, he told an Internal Affairs Division investigator that he was the victim of a crime on July 30, 2006, and therefore did not submit a written report to the Chicago Police Department that he was involved in an investigation by the Merrionette Park Police Department, thereby making a false report, written or oral.

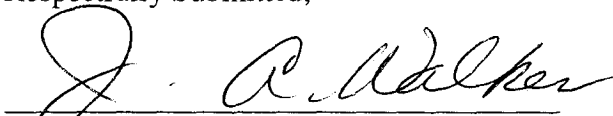
(8) The Respondent, Police Officer **KEVIN WATERS**, Star No.19721, as charged herein, is **guilty** of violating, to wit:

RULE 20: “Failure to submit immediately a written report that any member, including self, is under investigation by any law enforcement agency other than the Chicago Police Department,” in that:

From on or about July 30, 2006, to on or about November 14, 2006, or on one or more dates therein, he failed to notify the Chicago Police Department that he had been investigated as a potential offender of an aggravated assault by the Merrionette Park Police Department on July 30, 2006, thereby failing to submit immediately a written report that he was under investigation by the Merrionette Park Police Department.

BY REASON of the findings of fact and of guilt herein, cause exists for the discharge of the Respondent, Police Officer **KEVIN WATERS**, Star No.19721, from his position as a police officer, and from the services of the City of Chicago.

Respectfully Submitted,



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 Kevin Waters, Star No. 19721, as a result of having been found **guilty** of charges in Police Board Case No. 07 PB 2666, 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 17th DAY OF JULY, 2008.

Secretary to Council

Walter Long

Scott Davis
Johnny L. Miller

Walter Long

Attested by:

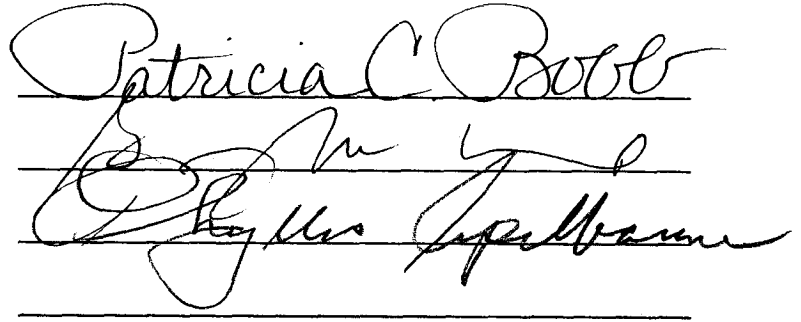
Max A. Caproni

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 guilty of all charges and impose a less severe penalty.


Patricia C. Bobb
[unclear]
[unclear]

RECEIVED A COPY OF

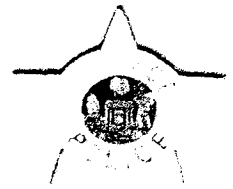
THE FOREGOING COMMUNICATION

THIS _____ DAY OF _____, 2008.

SUPERINTENDENT OF POLICE

Report Date: 01 Dec 2006
Report Time: 1230 Hrs

Chicago Police Department Personnel Division



Information Services Division
Data Warehouse
Produced by: PC0X417

Complimentary History

Name	Title	Star	Unit	Detail Unit	Emp Numb
WATERS, KEVIN M	9161	19721	009	196	50039

Achievements

Total No.

DEPARTMENT COMMENDATION
HONORABLE MENTION

1
7

Ex. A

INTERNAL AFFAIRS DIVISION
RECORDS SECTION

DEC 01 2006

TO: COMMANDER OFFICER UNIT

FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF:

<u>WATERS</u>	<u>KEVIN</u>	<u>19721</u>	<u>196</u>
NAME	(LAST,FIRST)	STAR	UNIT
<u>M</u>	<u>W</u>	<u>50039</u>	
SEX	RACE	EMPLOYEE#	

REFERENCE: COMPLAINT REGISTER/ LOG NUMBER 314617

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

<u>P.A.</u>	<u>MARTIN</u>	<u>3738</u>	<u>21040</u>	<u>121</u>
RANK	NAME	STAR	EMPLOYEE#	UNIT

RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE ABOVE REFERENCE COMPLAINT LOG NUMBER.

THE RECORDS SECTION, INTERNAL AFFAIRS DIVISION, DISCLOSED THE FOLLOWING DISCIPLINARY ACTION ADMINISTERED TO THE SUBJECT ACCUSED FOR THE PAST FIVE(5) YEARS.

VERIFIED/PREPARED BY:

NIYA SCOTT

FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

NONE
SEE ATTACHED

C.R.# 314617
ATTACHMENT 36