

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)	
POLICE OFFICER MICHAEL KOZENKO,)	No. 07 PB 2667
STAR No. 7577, DEPARTMENT OF POLICE,)	
CITY OF CHICAGO,)	
)	
RESPONDENT)	(CR No. 307683)

FINDINGS

On October 30, 2007, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Michael Kozenko, Star No. 7577 (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 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

The Police Board caused a hearing on these charges against Police Officer Michael Kozenko to be had before Michael G. Berland, Hearing Officer of the Police Board, on August 20, 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 Michael Kozenko, Star No. 7577, charged herein, is **guilty** of violating, to wit:

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

On or about August 11, 2005, he went to Gina Pehlke's home and/or made physical contact with her in violation of an Order of Protection, thereby violating 720 ILCS 5/12-30.

5. The Respondent, Police Officer Michael Kozenko, Star No. 7577, 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 August 11, 2005, in the vicinity of 5205 South Nagle Avenue, Chicago, he went to Gina Pehlke's home and/or made physical contact with her in violation of an Order of Protection, thereby impeding the Department's efforts to achieve its policy and goals, and/or bringing discredit upon the Department.

Count II: On or about August 11, 2005, in the vicinity of 5205 South Nagle Avenue, Chicago, he made unwanted physical contact with Gina Pehlke by wrapping his arms around her, thereby impeding the Department's efforts to achieve its policy and goals, and/or bringing discredit upon the Department.

6. The Respondent, Police Officer Michael Kozenko, Star No. 7577, charged herein, is **guilty** of violating, to wit:

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty,

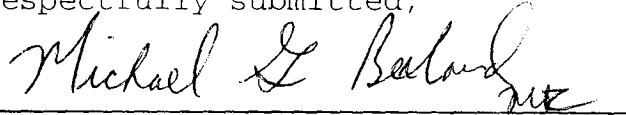
in that:

On or about August 11, 2005, in the vicinity of 5205 South Nagle Avenue, Chicago, he made unwanted physical contact with Gina Pehlke by wrapping his arms around her, thereby engaging in any unjustified verbal or physical altercation.

7. The Respondent's complimentary history includes forty (40) honorable mentions and one (1) complimentary letter. The Respondent's disciplinary history includes one (1) thirty-day suspension for engaging in an unjustified verbal altercation with and physically abusing Gina Pehlke on July 8, 2005, and for being arrested and subsequently pleading guilty to Simple Battery regarding the July 8, 2005, incident.

By reason of the findings of fact and guilt set forth herein, cause exists for the discharge of the Respondent, Police Officer Michael Kozenko, Star No. 7577, from his position as a 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", is written over a horizontal line. The signature is fluid and stylized, with a small mark at the end that appears to be "me".

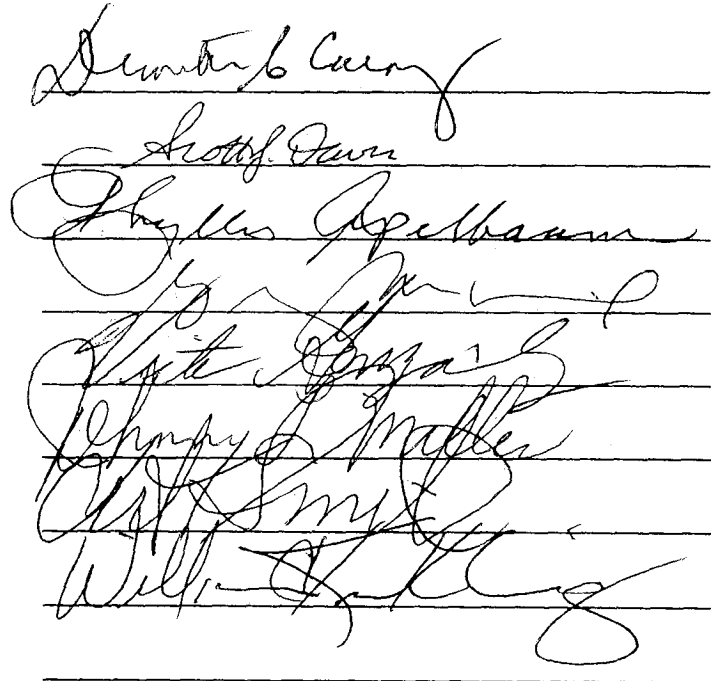
MICHAEL G. BERLAND
Hearing Officer

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 Michael Kozenko, Star No. 7577, as a result of having been found **guilty** of charges in Police Board Case No. 07 PB 2667, 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 25th DAY OF SEPTEMBER, 2008.


The block contains seven handwritten signatures, each written over a horizontal line. From top to bottom, the signatures are: 1. A cursive signature that appears to be 'Dennis B. Curry'. 2. A cursive signature that appears to be 'Scott J. Davis'. 3. A cursive signature that appears to be 'Phyllis Appelbaum'. 4. A cursive signature that appears to be 'John J. ...'. 5. A cursive signature that appears to be 'Vicki ...'. 6. A cursive signature that appears to be 'Cheryl ...'. 7. A cursive signature that appears to be 'William ...'.

Attested by:


The block contains a single handwritten signature, 'Max A. Caproni', written in cursive over a horizontal line.

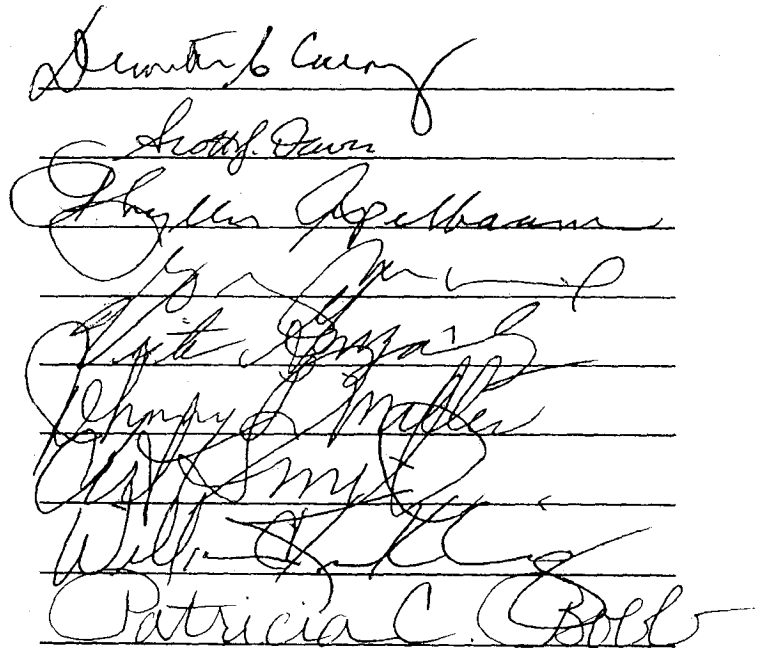
Executive Director
Police Board

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 Michael Kozenko, Star No. 7577, as a result of having been found **guilty** of charges in Police Board Case No. 07 PB 2667, 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.

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Attested by:

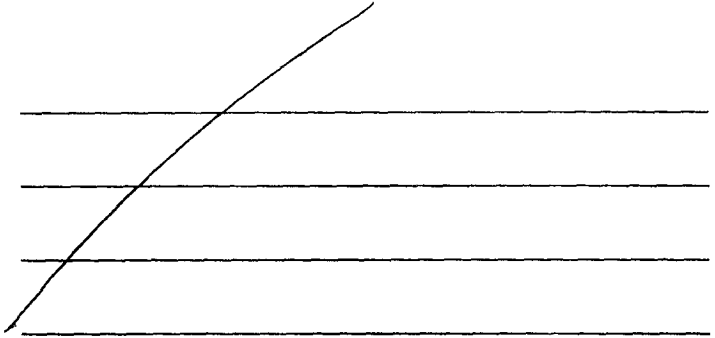

The block contains a handwritten signature in cursive script, which appears to be "Max A. Caproni".

Executive Director
Police Board

DISSENT

The following members of the Police Board hereby dissent
from the decision of the majority of the Board.

1



RECEIVED A COPY OF

THE FOREGOING COMMUNICATION

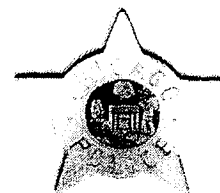
THIS _____ DAY OF _____, 2008.

SUPERINTENDENT OF POLICE

Report Date: 26 Apr 2007
Report Time: 1608 Hrs

Chicago Police Department

Personnel Division



Information Services Division
Data Warehouse
Produced by: PC01338

Complimentary History

Name	Title	Star	Unit	Detail Unit	Emp Number
KOZENKO, MICHAEL A	9161	7577	019	376	51426

Achievements

Total No.

COMPLIMENTARY LETTER
HONORABLE MENTION

1
40

PERSONNEL SERVICES



APR 26 2007



CHICAGO POLICE DEPARTMENT

CR# 307683

Ex. A, 1 OF 3

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



Chicago Police Department

CLEAR

Citizen & Law Enforcement Analysis & Reporting
System

INTERNAL AFFAIRS DIVISION
JANUARY 2007
RECORDS SECTION

26 April 2007

TO: COMMANDING OFFICER UNIT 113/OPS
FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION
SUBJECT: PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF:

KOZENKO, MICHAEL A. 7577 376
NAME (LAST, FIRST M.I.) STAR UNIT

M API 51426
SEX RACE EMPLOYEE #
REFERENCE: COMPLAINT REGISTER # 307683

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

SUPV STOUTENBOROUGH 53338 OPS/113
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. CHRISTINA FABIAN #17699
FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

NONE

Ex. A, 2 OF 3

SUSPENSION NOTIFICATION

CHICAGO POLICE DEPARTMENT

300040

NAME OF MEMBER	STAR NO.	EMPLOYEE NO.	SOCIAL SECURITY NO.	UNIT/ASSIGN.
KOZENKO, Michael	7577	51426	XXX-XX-XXXX	019/376

THIS ACTION RECOMMENDED BY: Office of Professional Standards
 CAUSE OF DISCIPLINARY ACTION

It has been determined that Police Officer Michael KOZENKO, Star Number 7577, assigned to the 019th District, violated Department Rules 1,2,8 & 9, in that on 08 July 2005, while off duty, the said member did, disrespect and maltreat a female acquaintance, who is also a Sworn Department member, by physically abusing her, in that he grabbed her by the collar, shoved her against a wall, and spat at her. Officer KOZENKO did engage in an unjustified verbal altercation with the same female individual by calling her derogatory terms and directing profanities towards her. Furthermore, Officer KOZENKO, on 02 Aug 05, did plead Guilty to Simple Battery and was found Guilty of Simple Battery regarding the incident on 08 July 2005. Officer KOZENKO did bring discredit to the Department when he was arrested for Domestic Battery due to his actions on 08 July 2005 and was subsequently found guilty of Simple Battery.

THEREFORE, THE SUPERINTENDENT OF POLICE, PURSUANT TO THE ADMINISTRATIVE AUTHORITY VESTED IN HIM, HEREBY
 SUSPENDS THE ABOVE NAME MEMBER FOR 30 DAYS.

☐ OPTIONS TO BE GRANTED

☐ THE SUSPENSION WILL COMMENCE AT 0001 HOURS ON _____

AND CEASE AT 2400 HOURS ON _____

BY ORDER OF THE SUPERINTENDENT OF POLICE, MEMBERS ARE
 PROHIBITED FROM EXERCISING THEIR POLICE POWERS TO CARRY
 A WEAPON DURING THE PERIOD OF SUSPENSION.

SUPERINTENDENT OF POLICE



NOTIFICATION SERVED ON MEMBER
 BY (SIGNATURE)

DATE-TIME SERVED

FINANCE DIVISION USE

MEMBER ELECTS TO

☐ FORFEIT ACCUMULATED COMP. TIME (____ DAYS)

☐ WORK REGULAR DAYS OFF WITHOUT EXTRA COMPENSATION (____ DAYS)

☐ FORFEIT FURLOUGH/VACATION TIME (____ DAYS)

☐ BE SUSPENDED FOR ____ DAYS

☐ FORFEIT PERSONAL DAYS (____ DAYS)

CPD-44.102 (Rev. 7/85)

PERSONNEL ORDER NO.

Ex A., 3 OF 3