

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)	
POLICE OFFICER NEFTALIE GONZALEZ,)	No. 08 PB 2677
STAR No. 12822, DEPARTMENT OF POLICE,)	
CITY OF CHICAGO,)	
)	
RESPONDENT)	(CR No. 298954)

FINDINGS

On April 4, 2008, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Neftalie Gonzalez, Star No. 12822 (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.

The Police Board caused a hearing on these charges against Police Officer Neftalie Gonzalez to be had before Thomas E. Johnson, Hearing Officer of the Police Board, on July 29, August 28, August 29, September 11, and September 18, 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. Thomas E. Johnson, 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's motion to dismiss is denied for the reasons stated on the record by the Hearing Officer and, regarding laches, because any delay in bringing the case did not prejudice the Respondent.

5. The Respondent, Police Officer Neftalie Gonzalez, Star No. 12822, charged herein, is **guilty** of violating, to wit:

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

Count I: From on or about June 26, 2004, through on or about November 7, 2004, or on one or more dates therein, he knowingly for profit manufactured and/or offered for sale and/or sold and/or possessed one or more audio compact discs (CDs) and/or compact disc recordables (CDRs) without the actual name and/or full and correct address of the manufacturer of the sound recording and/or the name of the actual performers on the cover jacket or label, in violation of 720 ILCS 5/16-8.

Count II: From on or about June 26, 2004, through on or about November 7, 2004, or on one or more dates therein, he knowingly performed an act which he knows he is forbidden by law to perform, in that he knowingly for profit manufactured and/or offered for sale and/or sold and/or possessed one or more audio compact discs (CDs) and/or compact disc

recordables (CDRs) without the actual name and/or full and correct address of the manufacturer of the sound recording and/or the name of the actual performers on the cover jacket or label, in violation of 720 ILCS 5/33-3(b).

Count III: From on or about June 26, 2004, through on or about November 7, 2004, or on one or more dates therein, he willfully infringed one or more copyrights in sound recordings for purposes of commercial advantage or private financial gain, in that he reproduced and/or prepared derivative works of and/or distributed and/or sold one or more audio compact discs (CDs) and/or compact disc recordables (CDRs) without authority of the owner(s), in violation of the federal Copyright Act, 17 U.S.C. Sections 101 et seq., including but not limited to Sections 106 and 506(a).

Count IV: From on or about June 26, 2004, through on or about November 7, 2004, or on one or more dates therein, he knowingly performed an act which he knows he is forbidden by law to perform, in that he willfully infringed one or more copyrights in sound recordings for purposes of commercial advantage or private financial gain, in that he reproduced and/or prepared derivative works of and/or distributed and/or sold one or more audio compact discs (CDs) and/or compact disc recordables (CDRs) without authority of the owner(s), in violation of 720 ILCS 5/33-3(b).

6. The Respondent, Police Officer Neftalie Gonzalez, Star No. 12822, 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:

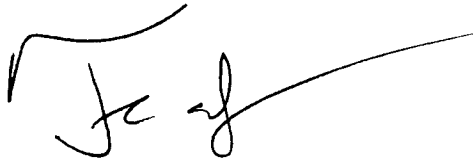
Count I: From on or about June 26, 2004, through on or about November 7, 2004, or on one or more dates therein, he copied and/or sold and/or possessed one or more audio compact discs (CDs) and/or compact disc recordables (CDRs) without the actual name and/or full and correct address of the manufacturer of the sound recording and/or the name of the actual performers on the cover jacket or label, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count II: From on or about June 26, 2004, through on or about November 7, 2004, or on one or more dates therein, he reproduced and/or prepared derivative works of and/or distributed and/or sold one or more audio compact discs (CDs) and/or compact disc recordables (CDRs) without

authority of the owner(s), thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

By reason of the findings of fact and guilt set forth herein, cause exists for the discharge of the Respondent, Police Officer Neftalie Gonzalez, Star No. 12822, from his position as a police officer, and from the services of the City of Chicago.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. E. Johnson', with a long horizontal stroke extending to the right.

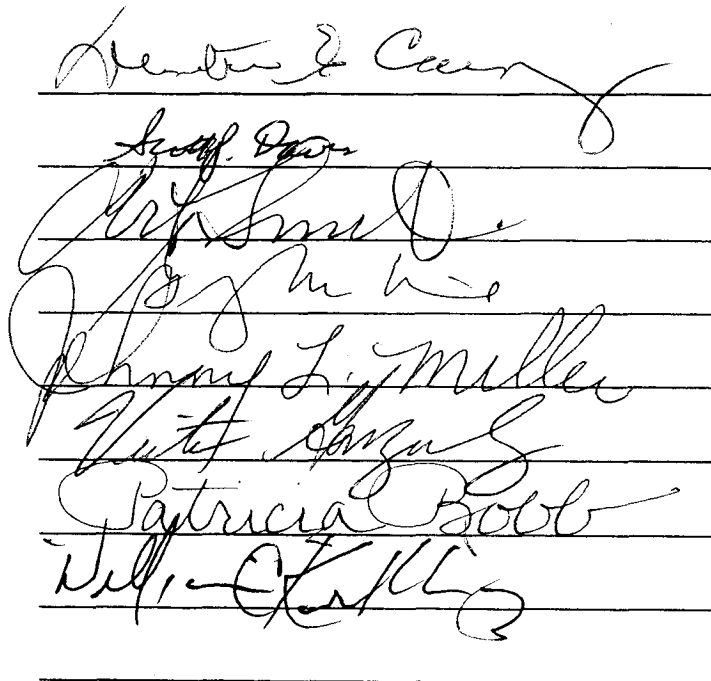
THOMAS E. JOHNSON
Hearing Officer

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, Thomas E. Johnson, 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 Neftalie Gonzalez, Star No. 12822, as a result of having been found **guilty** of charges in Police Board Case No. 08 PB 2677, 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
20th DAY OF NOVEMBER, 2008.


The block contains seven handwritten signatures, each written over a horizontal line. From top to bottom, the signatures are: 1. A signature that appears to be 'Denton & Cooney'. 2. A signature that appears to be 'L. J. Davis'. 3. A signature that appears to be 'R. J. Smith'. 4. A signature that appears to be 'J. M. White'. 5. A signature that appears to be 'Phonny L. Miller'. 6. A signature that appears to be 'V. J. Gonzalez'. 7. A signature that appears to be 'Patricia Bobb'. Below the last signature is another line with a signature that appears to be 'W. J. Clark'.

Attested by:


The block contains a handwritten signature, likely of the Executive Director, written over a horizontal line.

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: 22 Apr 2005
Report Time: 1553 Hrs

Chicago Police Department

Personnel Division



Information Services Division

Date: rehouse

Prepared by: PC0X893

Complimentary Hist

Name	Title	Star	Unit	Detail Unit	Emp Number
GONZALEZ, NEFTALIE	9161		010	376	311070

Achievements

Total No.

HONORABLE MENTION
COMPLIMENTARY LETTER

9

2



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.

CR# 298954

COMP. REG. NO.
CONF NO.
ATTACHMENT NO.

298954

53



Chicago Police Department
CLEAR

INTERNAL AFFAIRS DIVISION
RECORDS SECTION

22 APRIL 2005

TO: COMMANDING OFFICER UNIT 121

FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF:

GONZALEZ	NEFTALIE	12822	010
NAME (LAST, FIRST M.I.)	STAR	UNIT	
M	S		
SEX	RACE	S.S.N.	

REFERENCE: COMPLAINT REGISTER NUMBER 298954

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

SGT.	BIGG	1135	121C
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:

DEANNA C. MAGSBY

NONE

FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

