

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER AARON PENA,) **No. 08 PB 2683**
STAR No. 11386, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
RESPONDENT) **(C.R. No. 1004918)**

FINDINGS

On May 14, 2008, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Aaron Pena, Star No. 11386, (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.

The Police Board caused a hearing on these charges against Police Officer Aaron Pena, Star No. 11386, to be heard by Jacqueline A. Walker, Hearing Officer of the Police Board, on August 26 and September 12, 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) Respondent, Police Officer **AARON PENA**, Star No. 11386, as charged herein, is **guilty** of violating, to-wit:

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

On or about April 14, 2007, while on duty, and while at a Walgreen’s store located at or near at 1931 West Cermak Road, Chicago, he intentionally took possession of and exited the store with merchandise which was offered for sale at the Walgreen’s store, which he did not pay for, thereby committing the offense of Retail Theft, in violation of 720 ILCS 5/16A-3(a).

5) Respondent, Police Officer **AARON PENA**, Star No.11386, 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:

On or about April 14, 2007, while on duty, and while at Walgreen's store located at or near at 1931 West Cermak Road, Chicago, he intentionally took possession of and exited the store with merchandise which was offered for sale at the Walgreen's store, for which he did not pay.

(6) Respondent, Police Officer **AARON PENA**, Star No.11386, 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 April 14, 2007, after acknowledging and responding to a call of Burglary in Progress at or around 1801 hours, he failed to immediately return to service upon completing the assignment and/or failed to immediately notify the dispatcher when he had completed the assignment and/or failed to immediately notify the dispatcher that he was available for further assignments, in violation of General Order 97-06-01, Section VI.A.1.c.

BY REASON of the findings of fact and of guilt set forth herein, cause exists for the discharge of Respondent, Police Officer Aaron Pena, Star No. 11386, from his position as a police officer with the Department of Police, 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 Aaron Pena, Star No. 11386, as a result of having been found **guilty** of charges in Police Board Case No. 08 PB 2683, 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 16th DAY OF OCTOBER, 2008.

James J. Conroy

Scott Dwyer

Wally [unclear]

[unclear]

[unclear]

Attested by:

Max A. Caproni

Executive Director
Police Board

DECISION

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DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 16th DAY OF OCTOBER, 2008.

Anthony J. Conroy
Scott D. Davis
Wally Stork
Michael J. Smith
John J. Conroy
John J. Conroy
Phillip J. Apollon

Attested by:

Max A. Caproni

Executive Director
Police Board

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DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 16th DAY OF OCTOBER, 2008.

James J. Conroy
Scott Davis
Wally Walker
Patricia Bobb
Patricia Bobb
Patricia Bobb
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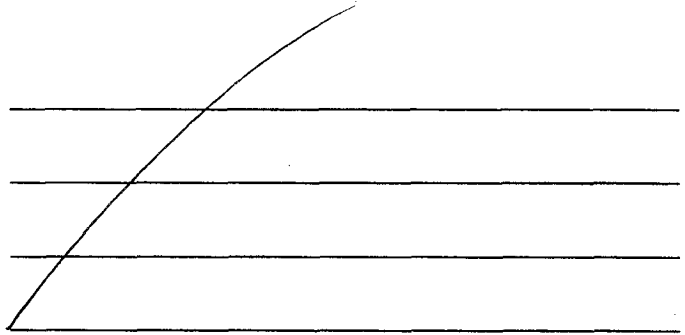
Attested by:

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

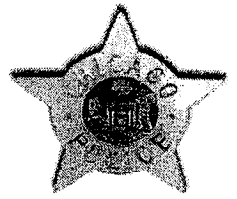
THIS 27th DAY OF October, 2008.



SUPERINTENDENT OF POLICE

Chicago Police Department

Personnel Division



Information Services Division
Data Warehouse
Produced by: PC0E098

Complimentary History

Name	Title	Star	Unit	Detail Unit	Emp Number
PENA, AARON	9161	11386	010	376	16741

Achievements

Total No.

HONORABLE MENTION
COMPLIMENTARY LETTER

19

5

CR# 1004918

Ex. A

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



C.R. # 1004918
ATTACHMENT # 46
2/3

INTERNAL AFFAIRS DIVISION
RECORDS SECTION

30 OCTOBER 2007

TO: COMMANDER OFFICER UNIT 121

FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF:

PENA AARON 11386 376

NAME	(LAST, FIRST)	STAR	UNIT
MALE	HISP	16741	
SEX	RACE	EMPLOYEE#	

REFERENCE: COMPLAINT REGISTER/ LOG NUMBER 1004918

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

SGT. SKALA 1897 121

RANK	NAME	STAR	EMPLOYEE#	UNIT
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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

NONE
SEE ATTACHED

FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

C.R. # 1004918
ATTACHMENT # 46
1/3



Chicago Police Department

Internal Affairs Division



SPAR HISTORY REPORT (Sustained Findings)

Employee#	Name	Star#	Unit	Position	Sex	Race	Birth Date	Date of Appointment
16741	PENA, AARON	11386	010/376	POLICE OFFICER	M	 	09-NOV-1946	14-JUL-1986

History : Total No. SPAR's: 2

Log #	Incident Date	Completed Date	Disciplinary Action	Transgression Type	Suspension Dates
510458	16-SEP-2007	11-OCT-2007	REPRIMAND	019 - INATTENTION TO DUTY	
507805	15-JAN-2007	07-MAR-2007	1 DAY OFF	019 - INATTENTION TO DUTY	06-MAR-2007 to 07-MAR-2007

ISSUED FOR LOG#1004918 ONLY

For Official Police Purposes Only! This information is confidential and should not be disseminated for reasons other than its intended purpose.

CLEAR, Personnel Suite: Automated SPAR Application Print Date and Time: 30-OCT-2007 14:37:14 Printed By : PC0S988

C.R. # 1004918

ATTACHMENT # 46

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