

**BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO**

<b>IN THE MATTER OF CHARGES FILED AGAINST )</b>		
<b>POLICE OFFICER ALEJANDRO DELA CRUZ, )</b>		<b>No. 10 PB 2732</b>
<b>STAR No. 18959, DEPARTMENT OF POLICE, )</b>		
<b>CITY OF CHICAGO, )</b>		
	<b>)</b>	
<b>RESPONDENT</b>	<b>)</b>	<b>(CR No. 1021114)</b>

**FINDINGS AND DECISION**

On October 12, 2010, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Alejandro Dela Cruz, Star No. 18959 (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 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

**Rule 14:** Making a false report, written or oral.

The Police Board caused a hearing on these charges against Police Officer Alejandro Dela Cruz to be had before Thomas E. Johnson, Hearing Officer of the Police Board, on December 13, 14, and 22, 2010.

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. Hearing Officer Johnson made an oral report to and conferred with the Police Board before it rendered its findings and decision.

**POLICE BOARD FINDINGS**

The Police Board of the City of Chicago, as a result of its hearing on 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. Throughout the hearing on the charges the Respondent appeared in person and was represented by legal counsel.

4. The Respondent, Police Officer Alejandro Dela Cruz, Star No. 18959, 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 October 23, 2008, at or near 240 North Ashland Avenue, Chicago, Officer Dela Cruz impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when he attempted to buy a Chicago Police Department blouse, pants, and shirt for non-police personnel/civilian Michael Isaacs (also known as Michael Amico) at Kale's Uniform Store.

The Board credits the unimpeached testimony of Tammy Pierce that on October 20, 2008, Michael Isaacs went to Kale's Uniform Store and attempted to purchase a Chicago police uniform for himself after trying on and being fitted for the uniform. As Mr. Isaacs conceded, Ms. Pierce refused to allow the purchase because he lacked police identification. The Board believes that Mr. Isaacs wanted the uniform badly, as he lied to Ms. Pierce about having police identification and offered her money if she would permit the purchase. It is undisputed that three days later Mr. Isaacs returned to Kale's with Officer Dela Cruz and the officer's brother. The Board credits Ms. Pierce's testimony that Officer Dela Cruz attempted to purchase a uniform for Mr. Isaacs. Officer Dela Cruz and Mr. Isaacs's testimony about why Mr. Isaacs accompanied Officer Dela Cruz not only to Kale's but then to the TriTaylor Uniforms store later in the day is particularly unconvincing. Officer Dela Cruz testified that Mr. Isaacs, his brother, and he were

merely having lunch, though Mr. Isaacs testified this did not regularly happen and, in fact, he was not sure why they were together. The Board believes a routine lunch would not include an extended shopping trip to two uniform stores, unless Mr. Isaacs was intent on purchasing a uniform and Officer Dela Cruz was intent on assisting him with the purchase.

5. The Respondent, Police Officer Alejandro Dela Cruz, Star No. 18959, 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 II: On or about October 23, 2008, at or near 2322 West Roosevelt Road, Chicago, Officer Dela Cruz impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when he purchased a Chicago Police Department blouse and/or extra-large shirt for non-police personnel/civilian Michael Isaacs (also known as Michael Amico) at TriTaylor Uniforms.

Based on Mr. Isaacs's persistent efforts to purchase a Chicago police uniform, see the findings set forth in paragraph 4 above, the Board finds that Officer Dela Cruz's purchase of a police blouse at the TriTaylor Uniforms store was for Mr. Isaacs, and not for Officer Dela Cruz.

The Board does not believe that Mr. Isaacs merely wanted to borrow the blouse for one Halloween party. Indeed, the Board notes that both Mr. Isaacs and Officer Dela Cruz conceded that while at TriTaylor Uniforms Mr. Isaacs tried on or held up a dress blouse to see how it would look. The Board also credits the very convincing testimony of Officer Tommie Harris, an accomplished tailor, as corroborated by Alexander Alcala (the proprietor of TriTaylor Uniforms), that the 42-long blouse purchased by Officer Dela Cruz was not a proper fit for him. Finally, Officer Dela Cruz testified that he was purchasing the police blouse at issue for himself as he needed it for the Fall inspection. This articulated reason for purchasing the blouse is false,

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as Commander Anthony Carothers's testimony and the applicable Department directives (in evidence as Superintendent exhibit nos. 1 and 7) make it clear that a blouse is not required for the Fall inspection.

6. The Respondent, Police Officer Alejandro Dela Cruz, Star No. 18959, 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 III: Between on or about October 23, 2008, and October 31, 2008, at an unknown location, Officer Dela Cruz impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when he allowed Michael Isaacs (also known as Michael Amico) to borrow a Chicago Police Department blouse to wear to a Halloween party in Lake Forest, Illinois.

Officer Dela Cruz conceded he is guilty of this charge during closing argument (tr. p. 416). The Board does not credit Officer Dela Cruz's testimony that he only loaned the police blouse to Mr. Isaacs. Rather, the Board believes that Officer Dela Cruz purchased the police blouse for Mr. Isaacs for the reasons set forth in the findings in paragraphs 4 and 5 above. To the extent, however, that Officer Dela Cruz even loaned the blouse to a civilian, he would be in violation of Department policy and did thereby engage in conduct that impeded the Department's efforts to achieve its policy and goals, and further brought discredit upon the Department.

7. The Respondent, Police Officer Alejandro Dela Cruz, Star No. 18959, charged herein, is **guilty** of violating, to wit:

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

in that:

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Count I: On or about January 12, 2009, Officer Dela Cruz made a false oral report in his statement to the Internal Affairs Division when he stated that he did not buy a Chicago Police Department blouse for non-police personnel/civilian Michael Isaacs (also known as Michael Amico), when Officer Dela Cruz had previously stated to FBI Investigator T.J. Levy on or about November 12, 2008, that Officer Dela Cruz had, in fact, purchased the blouse for Isaacs's Halloween costume.

Officer Dela Cruz told FBI Investigator T.J. Levy that he merely loaned the police blouse he purchased to Mr. Isaacs. In fact, as set forth in the findings in paragraphs 4 and 5 above, the Board finds that Officer Dela Cruz purchased the police blouse for Mr. Isaacs. Thus, the Board finds that Officer Dela Cruz's statement to the Internal Affairs Division was a false report.

8. The Respondent, Police Officer Alejandro Dela Cruz, Star No. 18959, charged herein, is **guilty** of violating, to wit:

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

in that:

Count II: On or about January 12, 2009, Officer Dela Cruz made a false oral report in his statement to the Internal Affairs Division when he stated that on or about October 23, 2008, he purchased the blouse for Fall uniform inspection, when, according to General Order 98-10-01, a reefer, and not a blouse, is required for Fall inspection.

Officer Dela Cruz told the Internal Affairs Division that he purchased the police blouse in October of 2008 for Fall uniform inspection. In fact, the Board finds that this statement was false for all of the reasons set forth in the findings in paragraphs 4 and 5 above. Fall uniform inspection does not require a police blouse but rather a reefer. Officer Dela Cruz's testimony that he wanted to make sure he had all clothing and equipment required for both Spring and Fall inspections is belied by the compelling evidence that Officer Dela Cruz was actually buying the blouse for Mr. Isaacs.

9. The Respondent, Police Officer Alejandro Dela Cruz, Star No. 18959, charged herein, is **guilty** of violating, to wit:

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

in that:

Count III: On or about January 12, 2009, Officer Dela Cruz made a false oral report in his statement to the Internal Affairs Division when he stated that he purchased the blouse for Fall uniform inspection, when Officer Dela Cruz had previously stated to FBI Investigator T.J. Levy on or about November 12, 2008, that Officer Dela Cruz had, in fact, purchased the blouse for a Halloween costume.

Officer Dela Cruz told the Internal Affairs Division that he purchased the police blouse for the Fall inspection, after telling FBI Investigator Levy that he purchased the blouse and loaned it to Mr. Isaacs for Halloween. Based on all the evidence, the Board finds that both of these statements (to the Internal Affairs Division and to Investigator Levy) were false reports, as the evidence, set forth in the findings in paragraphs 4 and 5 above, demonstrates that Officer Dela Cruz purchased the blouse for Mr. Isaacs

10. The Police Board has considered the facts and circumstances of the Respondent's conduct, and the evidence presented in defense and mitigation. The Board finds that the conduct of which the Board has found the Respondent guilty is not sufficiently serious to warrant a penalty of discharge, and finds that a suspension is the appropriate penalty in this case.

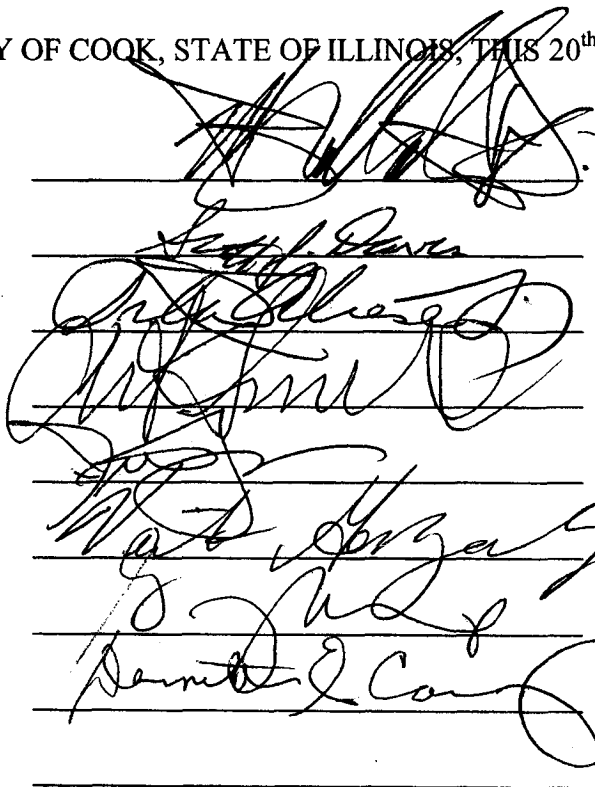
**BY REASON OF THE FINDINGS** set forth herein, cause exists for the suspension of the Respondent, Police Officer Alejandro Dela Cruz, Star No. 18959, from his position as a police officer with the Department of Police, and from the services of the City of Chicago, for a period of six (6) months, from October 14, 2010, to and including April 13, 2011.

### 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 viewed the video-recording of the hearing, 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 Alejandro Dela Cruz**, Star No. 18959, as a result of having been found **guilty** of charges in Police Board Case No. 10 PB 2732, be and hereby is **suspended** from his position as a police officer with the Department of Police, and from the services of the City of Chicago, for a period from October 14, 2010, to and including April 13, 2011 (six months).

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 20<sup>th</sup> DAY OF JANUARY, 2011.

The block contains five handwritten signatures, each written over a horizontal line. The signatures are in cursive and appear to be of various individuals, likely members of the Police Board.

Attested by:

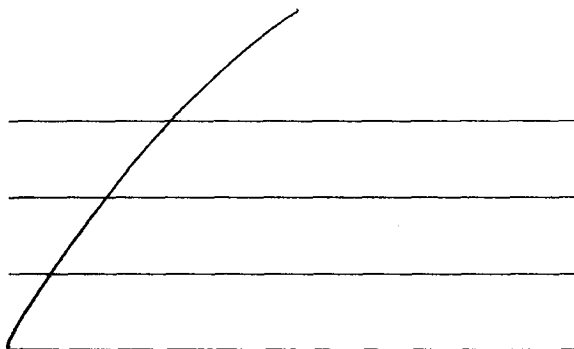
A handwritten signature in cursive, appearing to read "M. A. Cosmini", written over a horizontal line.

Executive Director  
Police Board

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**DISSENT**

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



RECEIVED A COPY OF

THESE FINDINGS AND DECISION

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2011.

\_\_\_\_\_  
SUPERINTENDENT OF POLICE



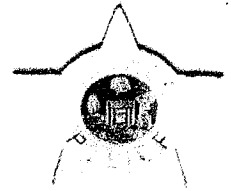
Report Date: 21 Jul 2009  
Report Time: 1349 Hrs

Information Services Division  
Data Warehouse  
Produced by: PC01338

# Chicago Police Department

## Personnel Division

\*Only for active personnel



### Complimentary History

Name	Title	Star	Unit	Detail Unit	Emp Number
DELA CRUZ, ALEJANDRO	9161	18959	002		50860

### Achievements

### Total No.

COMPLIMENTARY LETTER
DEPLOYMENT OPERATIONS CENTER AWARD
HONORABLE MENTION
DEPARTMENT COMMENDATION
<b>TOTAL AWARDS</b>

2  
2  
60  
4  

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68

### HUMAN RESOURCES DIVISION



JUL 21 2009



CHICAGO POLICE DEPARTMENT

CR# 1021114



CL# \_\_\_\_\_

Attachment# \_\_\_\_\_

Page \_\_\_\_\_ of \_\_\_\_\_

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

INTERNAL AFFAIRS DIVISION

WEDNESDAY 22 JULY 2009

RECORDS SECTION

TO: COMMANDING OFFICER OF UNIT 121

FROM: RECORDS SECTION  
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS DISCIPLINARY RECORD OF:

DELA CRUZ ALEJANDRO 18959 002  
NAME (LAST, FIRST, M.I.) STAR UNIT

M HIS 50860  
SEX RACE EMP.#

REFERENCE: COMPLAINT REGISTER NUMBER (S) 102-1114  
THE PREVIOUS DISCIPLINARY RECORD OF THE SUBJECT ACCUSED HAS BEEN REQUESTED IN  
YOUR NAME BY:

P.A. EVELYN WHITE 3101 30874 121  
RANK NAME STAR EMP# UNIT

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

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

VERIFIED/PREPARED BY:

FOR: S.D.E.O. Patricia JOHNSON  
COMMANDING OFFICER  
RECORDS SECTION  
INTERNAL AFFAIRS DIVISION

No CR History  
No SPAR History